



# Public Order Act 2023

## 2023 CHAPTER 15

### PART 1 **E+W**

#### PUBLIC ORDER

##### *Offences relating to locking on*

### 1 **Offence of locking on** **E+W**

- (1) A person commits an offence if—
  - (a) they—
    - (i) attach themselves to another person, to an object or to land,
    - (ii) attach a person to another person, to an object or to land, or
    - (iii) attach an object to another object or to land,
  - (b) that act causes, or is capable of causing, serious disruption to—
    - (i) two or more individuals, or
    - (ii) an organisation,in a place other than a dwelling, and
  - (c) they intend that act to have a consequence mentioned in paragraph (b) or are reckless as to whether it will have such a consequence.
- (2) It is a defence for a person charged with an offence under subsection (1) to prove that they had a reasonable excuse for the act mentioned in paragraph (a) of that subsection.
- (3) A person who commits an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding the maximum term for summary offences, to a fine or to both.
- (4) In subsection (3), “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.

*Status: Point in time view as at 02/07/2023. This version of this part contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Public Order Act 2023, Part 1. (See end of Document for details)*

- (5) In this section “dwelling” means—
- (a) a building or structure which is used as a dwelling, or
  - (b) a part of a building or structure, if the part is used as a dwelling,
- and includes any yard, garden, grounds, garage or outhouse belonging to and used with a dwelling.

#### Commencement Information

- I1** S. 1 not in force at Royal Assent, see [s. 35\(5\)](#)  
**I2** S. 1 in force at 3.5.2023 by [S.I. 2023/502](#), [reg. 2\(a\)](#)

## 2 Offence of being equipped for locking on **E+W**

- (1) A person commits an offence if they have an object with them in a place other than a dwelling with the intention that it may be used in the course of or in connection with the commission by any person of an offence under section [1\(1\)](#) (offence of locking on).
- (2) A person who commits an offence under subsection [\(1\)](#) is liable on summary conviction to a fine.
- (3) In this section “dwelling” has the same meaning as in section [1](#).

#### Commencement Information

- I3** S. 2 not in force at Royal Assent, see [s. 35\(5\)](#)  
**I4** S. 2 in force at 3.5.2023 by [S.I. 2023/502](#), [reg. 2\(b\)](#)

### *Offences relating to tunnelling*

## 3 Offence of causing serious disruption by tunnelling **E+W**

- (1) A person commits an offence if—
  - (a) they create, or participate in the creation of, a tunnel,
  - (b) the creation or existence of the tunnel causes, or is capable of causing, serious disruption to—
    - (i) two or more individuals, or
    - (ii) an organisation,
 in a place other than a dwelling, and
  - (c) they intend the creation or existence of the tunnel to have a consequence mentioned in paragraph (b) or are reckless as to whether its creation or existence will have such a consequence.
- (2) It is a defence for a person charged with an offence under subsection [\(1\)](#) to prove that they had a reasonable excuse for creating, or participating in the creation of, the tunnel.
- (3) Without prejudice to the generality of subsection [\(2\)](#), a person is to be treated as having a reasonable excuse for the purposes of that subsection if the creation of the tunnel was authorised by a person with an interest in land which entitled them to authorise its creation.

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- (4) A person who commits an offence under subsection (1) is liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates’ court, to a fine or to both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 3 years, to a fine or to both.
- (5) For the purposes of this section—
  - (a) “tunnel” means an excavation that extends beneath land, whether or not—
    - (i) it is big enough to permit the entry or passage of an individual, or
    - (ii) it leads to a particular destination;
  - (b) an excavation which is created with the intention that it will become or connect with a tunnel is to be treated as a tunnel, whether or not—
    - (i) any tunnel with which it is intended to connect has already been created, or
    - (ii) it is big enough to permit the entry or passage of an individual.
- (6) References in this section to the creation of an excavation include—
  - (a) the extension or enlargement of an excavation, and
  - (b) the alteration of a natural or artificial underground feature.
- (7) This section does not apply in relation to a tunnel if or to the extent that it is in or under a dwelling.
- (8) In this section “dwelling” has the same meaning as in section 1 (offence of locking on).

#### Commencement Information

**I5** S. 3 in force at 2.7.2023 by S.I. 2023/733, reg. 2(a)

## 4 Offence of causing serious disruption by being present in a tunnel **E+W**

- (1) A person commits an offence if—
  - (a) they are present in a relevant tunnel having entered it after the coming into force of this section,
  - (b) their presence in the tunnel causes, or is capable of causing, serious disruption to—
    - (i) two or more individuals, or
    - (ii) an organisation,in a place other than a dwelling, and
  - (c) they intend their presence in the tunnel to have a consequence mentioned in paragraph (b) or are reckless as to whether their presence there will have such a consequence.
- (2) It is a defence for a person charged with an offence under subsection (1) to prove that they had a reasonable excuse for their presence in the tunnel.
- (3) Without prejudice to the generality of subsection (2), a person (“P”) is to be treated as having a reasonable excuse for the purposes of that subsection if P’s presence in the tunnel was authorised by a person with an interest in land which entitled them to authorise P’s presence there.

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- (4) A person who commits an offence under subsection (1) is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates' court, to a fine or to both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 3 years, to a fine or to both.
- (5) For the purposes of this section—
- (a) “tunnel” means an excavation that extends beneath land, whether or not it leads to a particular destination;
  - (b) an excavation which is created with the intention that it will become or connect with a tunnel is to be treated as a tunnel, whether or not any tunnel with which it is intended to connect has already been created.
- (6) In this section “relevant tunnel” means a tunnel that was created for the purposes of, or in connection with, a protest (and it does not matter whether an offence has been committed under [section 3](#) in relation to the creation of the tunnel).
- (7) References in this section to the creation of an excavation include—
- (a) the extension or enlargement of an excavation, and
  - (b) the alteration of a natural or artificial underground feature.
- (8) This section does not apply in relation to a tunnel if or to the extent that it is in or under a dwelling.
- (9) In this section “dwelling” has the same meaning as in [section 1](#) (offence of locking on).

#### Commencement Information

**I6** S. 4 in force at 2.7.2023 by [S.I. 2023/733](#), [reg. 2\(b\)](#)

## 5 Offence of being equipped for tunnelling etc **E+W**

- (1) A person commits an offence if they have an object with them in a place other than a dwelling with the intention that it may be used in the course of or in connection with the commission by any person of an offence under [section 3\(1\)](#) or [4\(1\)](#) (offences relating to tunnelling).
- (2) A person who commits an offence under subsection (1) 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.
- (4) In this section “dwelling” has the same meaning as in [section 1](#) (offence of locking on).

#### Commencement Information

**I7** S. 5 in force at 2.7.2023 by [S.I. 2023/733](#), [reg. 2\(c\)](#)

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## *Offences involving works and infrastructure*

### **6 Obstruction etc of major transport works** **E+W**

- (1) A person commits an offence if the person—
  - (a) obstructs the undertaker or a person acting under the authority of the undertaker—
    - (i) in setting out the lines of any major transport works,
    - (ii) in constructing or maintaining any major transport works, or
    - (iii) in taking any steps that are reasonably necessary for the purposes of facilitating, or in connection with, the construction or maintenance of any major transport works, or
  - (b) interferes with, moves or removes any apparatus which—
    - (i) relates to the construction or maintenance of any major transport works, and
    - (ii) belongs to a person within subsection (5).
- (2) It is a defence for a person charged with an offence under subsection (1) to prove that—
  - (a) they had a reasonable excuse for the act mentioned in paragraph (a) or (b) of that subsection, or
  - (b) the act mentioned in paragraph (a) or (b) of that subsection was done wholly or mainly in contemplation or furtherance of a trade dispute.
- (3) A person who commits an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding the maximum term for summary offences, to a fine or to both.
- (4) In subsection (3) “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.
- (5) The following persons are within this subsection—
  - (a) the undertaker;
  - (b) a person acting under the authority of the undertaker;
  - (c) a statutory undertaker;
  - (d) a person acting under the authority of a statutory undertaker.
- (6) In this section “major transport works” means—
  - (a) works in England and Wales—
    - (i) relating to transport infrastructure, and
    - (ii) the construction of which is authorised directly by an Act of Parliament, or
  - (b) works the construction of which comprises development within subsection (7) that has been granted development consent by an order under section 114 of the Planning Act 2008.
- (7) Development is within this subsection if—
  - (a) it is or forms part of a nationally significant infrastructure project within any of paragraphs (h) to (l) of section 14(1) of the Planning Act 2008,

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- (b) it is or forms part of a project (or proposed project) in the field of transport in relation to which a direction has been given under section 35(1) of that Act (directions in relation to projects of national significance) by the Secretary of State, or
  - (c) it is associated development in relation to development within paragraph (a) or (b).
- (8) In this section “undertaker”—
- (a) in relation to major transport works within subsection (6)(a), means a person who is authorised by or under the Act (whether as a result of being appointed the nominated undertaker for the purposes of the Act or otherwise) to construct or maintain any of the works;
  - (b) in relation to major transport works within subsection (6)(b), means a person who is constructing or maintaining any of the works (whether as a result of being the undertaker for the purposes of the order granting development consent or otherwise).
- (9) In this section—
- “associated development” has the same meaning as in the Planning Act 2008 (see section 115 of that Act);
  - “development” has the same meaning as in the Planning Act 2008 (see section 32 of that Act);
  - “development consent” has the same meaning as in the Planning Act 2008 (see section 31 of that Act);
  - “England” includes the English inshore region within the meaning of the Marine and Coastal Access Act 2009 (see section 322 of that Act);
  - “maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace, and “maintenance” is to be construed accordingly;
  - “nationally significant infrastructure project” has the same meaning as in the Planning Act 2008 (see section 14(1) of that Act);
  - “statutory undertaker” means a person who is, or who is deemed to be, a statutory undertaker for the purposes of any provision of Part 11 of the Town and Country Planning Act 1990;
  - “trade dispute” has the same meaning as in Part 4 of the Trade Union and Labour Relations (Consolidation) Act 1992, except that section 218 of that Act is to be read as if—
    - (a) it made provision corresponding to section 244(4) of that Act, and
    - (b) in subsection (5), the definition of worker included any person falling within paragraph (b) of the definition of worker in section 244(5) of that Act;
  - “Wales” includes the Welsh inshore region within the meaning of the Marine and Coastal Access Act 2009 (see section 322 of that Act).
- (10) In section 14 of the Planning Act 2008 (nationally significant infrastructure projects), after subsection (3) insert—
- “(3A) An order under subsection (3)(a) may also amend section 6(7)(a) of the Public Order Act 2023 (obstruction etc of major transport works).”

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

- C1** S. 6(7)(a): power to amend conferred (2.7.2023) by 2008 c. 29, s. 14(3A) (as inserted by [Public Order Act 2023 \(c. 15\)](#), **ss. 6(10)**, 35(5); S.I. 2023/733, reg. 2(d))

#### Commencement Information

- I8** S. 6 in force at 2.7.2023 by S.I. 2023/733, reg. 2(d)

## 7 Interference with use or operation of key national infrastructure **E+W**

- (1) A person commits an offence if—
  - (a) they do an act which interferes with the use or operation of any key national infrastructure in England and Wales, and
  - (b) they intend that act to interfere with the use or operation of such infrastructure or are reckless as to whether it will do so.
- (2) It is a defence for a person charged with an offence under subsection (1) to prove that—
  - (a) they had a reasonable excuse for the act mentioned in paragraph (a) of that subsection, or
  - (b) the act mentioned in paragraph (a) of that subsection was done wholly or mainly in contemplation or furtherance of a trade dispute.
- (3) A person who commits an offence under subsection (1) is liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates’ court, to a fine or to both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 12 months, to a fine or to both.
- (4) For the purposes of subsection (1) a person’s act interferes with the use or operation of key national infrastructure if it prevents the infrastructure from being used or operated to any extent for any of its intended purposes.
- (5) The cases in which infrastructure is prevented from being used or operated for any of its intended purposes include where its use or operation for any of those purposes is significantly delayed.
- (6) In this section “key national infrastructure” means—
  - (a) road transport infrastructure,
  - (b) rail infrastructure,
  - (c) air transport infrastructure,
  - (d) harbour infrastructure,
  - (e) downstream oil infrastructure,
  - (f) downstream gas infrastructure,
  - (g) onshore oil and gas exploration and production infrastructure,
  - (h) onshore electricity generation infrastructure, or
  - (i) newspaper printing infrastructure.

Section 8 makes further provision about these kinds of infrastructure.

- (7) The Secretary of State may by regulations made by statutory instrument—

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- (a) amend subsection (6) to add a kind of infrastructure or to vary or remove a kind of infrastructure;
  - (b) amend section 8 to add, amend or remove provision about a kind of infrastructure which is in, or is to be added to, subsection (6) or is to be removed from that subsection.
- (8) Regulations under subsection (7)—
- (a) may make different provision for different purposes;
  - (b) may make consequential, supplementary, incidental, transitional, transitory or saving provision.
- (9) A statutory instrument containing regulations under subsection (7) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (10) In this section—
- “England” includes the English inshore region within the meaning of the Marine and Coastal Access Act 2009 (see section 322 of that Act);
  - “trade dispute” has the same meaning as in Part 4 of the Trade Union and Labour Relations (Consolidation) Act 1992, except that section 218 of that Act is to be read as if—
    - (a) it made provision corresponding to section 244(4) of that Act, and
    - (b) in subsection (5), the definition of worker included any person falling within paragraph (b) of the definition of worker in section 244(5) of that Act;
  - “Wales” includes the Welsh inshore region within the meaning of the Marine and Coastal Access Act 2009 (see section 322 of that Act).

#### Commencement Information

**19** S. 7 in force at Royal Assent for specified purposes, see [s. 35\(3\)\(a\)](#)

**110** S. 7 in force at 3.5.2023 in so far as not already in force by [S.I. 2023/502](#), [reg. 2\(c\)](#)

## 8 Key national infrastructure **E+W**

- (1) This section has effect for the purposes of section 7.
- (2) “Road transport infrastructure” means—
  - (a) a special road within the meaning of the Highways Act 1980 (see section 329(1) of that Act), or
  - (b) a road which, under the system for assigning identification numbers to roads administered by the Secretary of State or the Welsh Ministers, has for the time being been assigned a number prefixed by A or B.
- (3) “Rail infrastructure” means infrastructure used for the purposes of railway services within the meaning of Part 1 of the Railways Act 1993 (see section 82 of that Act).
- (4) In the application of section 82 of the Railways Act 1993 for the purposes of subsection (3) “railway” has the wider meaning given in section 81(2) of that Act.
- (5) “Air transport infrastructure” means—



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- (a) an airport within the meaning of the Airports Act 1986 (see section 82(1) of that Act), or
  - (b) any infrastructure which—
    - (i) does not form part of an airport within the meaning of that Act, and
    - (ii) is used for the provision of air traffic services within the meaning of Part 1 of the Transport Act 2000 (see section 98 of that Act).
- (6) “Harbour infrastructure” means a harbour within the meaning of the Harbours Act 1964 (see section 57(1) of that Act) which provides facilities for or in connection with—
- (a) the embarking or disembarking of passengers who are carried in the course of a business, or
  - (b) the loading or unloading of cargo which is carried in the course of a business.
- (7) “Downstream oil infrastructure” means infrastructure used for or in connection with any of the following activities—
- (a) the refinement or other processing of crude oil or oil feedstocks;
  - (b) the storage of crude oil or crude oil-based fuel for onward distribution, other than storage by a person who supplies crude oil-based fuel to the public where the storage is for the purposes of such supply;
  - (c) the loading or unloading of crude oil or crude oil-based fuel for onward distribution, other than unloading to a person who supplies crude oil-based fuel to the public where the unloading is for the purposes of such supply;
  - (d) the carriage, by road, rail, sea or inland waterway, of crude oil or crude oil-based fuel for the purposes of onward distribution;
  - (e) the conveyance of crude oil or crude oil-based fuel by means of a pipe-line within the meaning of the Pipe-lines Act 1962 (see section 65 of that Act).
- (8) “Downstream gas infrastructure” means infrastructure used for or in connection with any of the following activities—
- (a) the processing of gas;
  - (b) the storage of gas for onward conveyance, other than storage by a person who supplies gas to the public otherwise than by means of a pipe-line where the storage is for the purposes of such supply;
  - (c) the import or export of liquid gas;
  - (d) the carriage, by road or rail, of gas for the purposes of onward distribution;
  - (e) the conveyance of gas by means of a pipe-line.
- (9) In subsection (8)—
- “gas” has the same meaning as in section 12 of the Gas Act 1995;
  - “pipe-line” has the same meaning as in the Pipe-lines Act 1962 (see section 65 of that Act).
- (10) “Onshore oil and gas exploration and production infrastructure” means onshore infrastructure used for or in connection with—
- (a) searching or boring for petroleum, or
  - (b) getting petroleum.
- (11) In subsection (10)—
- “onshore infrastructure” means infrastructure situated on land (excluding land covered by the sea or any tidal waters);

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“petroleum” has the same meaning as in Part 1 of the Petroleum Act 1998 (see section 1 of that Act).

- (12) “Onshore electricity generation infrastructure” means onshore infrastructure—
- (a) used for or in connection with the generation of electricity for the purpose of giving a supply to any premises or enabling a supply to be so given, and
  - (b) which has a total installed capacity equal to or greater than 100 megawatts.

- (13) In subsection (12)—

“onshore infrastructure” means infrastructure situated on land (excluding land covered by the sea or any tidal waters);

“supply”, in relation to electricity, has the same meaning as in Part 1 of the Electricity Act 1989 (see section 4(4) of that Act).

- (14) “Newspaper printing infrastructure” means infrastructure the primary purpose of which is the printing of one or more national or local newspapers.

- (15) In subsection (14)—

“local newspaper” means a newspaper which is published at least fortnightly and is in circulation in a part of England and Wales;

“national newspaper” means a newspaper which is published at least fortnightly and is in circulation in England, in Wales or in both;

“newspaper” includes a periodical or magazine.

#### Commencement Information

**I11** S. 8 not in force at Royal Assent, see [s. 35\(5\)](#)

**I12** S. 8 in force at 3.5.2023 by [S.I. 2023/502](#), [reg. 2\(d\)](#)

PROSPECTIVE

### *Interference with access to or provision of abortion services*

#### **9 Offence of interference with access to or provision of abortion services** **E+W**

- (1) It is an offence for a person who is within a safe access zone to do an act with the intent of, or reckless as to whether it has the effect of—
- (a) influencing any person’s decision to access, provide or facilitate the provision of abortion services at an abortion clinic,
  - (b) obstructing or impeding any person accessing, providing, or facilitating the provision of abortion services at an abortion clinic, or
  - (c) causing harassment, alarm or distress to any person in connection with a decision to access, provide, or facilitate the provision of abortion services at an abortion clinic,

where the person mentioned in paragraph (a), (b) or (c) is within the safe access zone for the abortion clinic.

- (2) A “safe access zone” means an area which is within a boundary which is 150 metres from any part of an abortion clinic or any access point to any building or site that contains an abortion clinic and is—

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- (a) on or adjacent to a public highway or public right of way,
  - (b) in an open space to which the public has access,
  - (c) within the curtilage of an abortion clinic, or building or site which contains an abortion clinic, or
  - (d) in any location that is visible from a public highway, public right of way, open space to which the public have access, or the curtilage of an abortion clinic.
- (3) No offence is committed under [subsection \(1\)](#) by—
- (a) a person inside a dwelling where the person affected is also in that or another dwelling, or
  - (b) a person inside a building or site used as a place of worship where the person affected is also in that building or site.
- (4) A person guilty of an offence under [subsection \(1\)](#) is liable on summary conviction to a fine.
- (5) Nothing in this section applies to—
- (a) anything done in the course of providing, or facilitating the provision of, abortion services in an abortion clinic,
  - (b) anything done in the course of providing medical care within a regulated healthcare facility,
  - (c) any person or persons accompanying, with consent, a person or persons accessing, providing or facilitating the provision of, or attempting to access, provide or facilitate the provision of, abortion services, or
  - (d) the operation of a camera if its coverage of persons accessing or attempting to access an abortion clinic is incidental.
- (6) In this section—
- “abortion clinic” means—
- (a) a place approved for the purposes of section 1 of the Abortion Act 1967 by the Secretary of State under subsection (3) of that section, or
  - (b) a hospital identified in a notification to the Chief Medical Officer under section 2(1) of the Abortion Act 1967 in the current or previous calendar year, and published identifying it as such, where “current” or “previous” are references to the time at which an alleged offence under subsection (1) of this section takes place;
- “abortion services” means any treatment for the termination of pregnancy;
- “dwelling” has the same meaning as in [section 1](#) of this Act (offence of locking on).

#### Commencement Information

**I13** S. 9 not in force at Royal Assent, see [s. 35\(5\)](#)

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### *Powers to stop and search*

VALID FROM 20/12/2023

#### **10 Powers to stop and search on suspicion E+W**

In section 1(8) of the Police and Criminal Evidence Act 1984 (offences in relation to which stop and search power applies)—

- (a) omit the “and” at the end of paragraph (d), and
- (b) after paragraph (e) insert—
  - “(f) an offence under section 137 of the Highways Act 1980 (wilful obstruction) involving activity which causes or is capable of causing serious disruption to two or more individuals or to an organisation;
  - (g) an offence under section 78 of the Police, Crime, Sentencing and Courts Act 2022 (intentionally or recklessly causing public nuisance);
  - (h) an offence under section 1 of the Public Order Act 2023 (offence of locking on);
  - (i) an offence under [section 3](#) of that Act (offence of causing serious disruption by tunnelling);
  - (j) an offence under [section 4](#) of that Act (offence of causing serious disruption by being present in a tunnel);
  - (k) an offence under section 6 of that Act (obstruction etc of major transport works); and
  - (l) an offence under section 7 of that Act (interference with use or operation of key national infrastructure).”

#### **Commencement Information**

**I14** S. 10 not in force at Royal Assent, see [s. 35\(5\)](#)

VALID FROM 20/12/2023

#### **11 Powers to stop and search without suspicion E+W**

- (1) This section applies if a police officer of or above the rank of inspector reasonably believes—
  - (a) that any of the following offences may be committed in any locality within the officer’s police area—
    - (i) an offence under section 137 of the Highways Act 1980 (wilful obstruction) involving activity which causes or is capable of causing serious disruption to two or more individuals or to an organisation;
    - (ii) an offence under section 78 of the Police, Crime, Sentencing and Courts Act 2022 (intentionally or recklessly causing public nuisance);
    - (iii) an offence under section 1 (offence of locking on);

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- (iv) an offence under section 3 (offence of causing serious disruption by tunnelling);
    - (v) an offence under section 4 (offence of causing serious disruption by being present in a tunnel);
    - (vi) an offence under section 6 (obstruction etc of major transport works);
    - (vii) an offence under section 7 (interference with use or operation of key national infrastructure), or
  - (b) that persons are carrying prohibited objects in any locality within the officer's police area.
- (2) In this section “prohibited object” means an object which—
- (a) is made or adapted for use in the course of or in connection with an offence within subsection (1)(a), or
  - (b) is intended by the person having it with them for such use by them or by some other person,
- and for the purposes of this section a person carries a prohibited object if they have it in their possession.
- (3) If the further condition in subsection (4) is met, the police officer may give an authorisation that the powers conferred by this section are to be exercisable—
- (a) anywhere within a specified locality within the officer's police area, and
  - (b) for a specified period not exceeding 24 hours.
- (4) The further condition is that the police officer reasonably believes that—
- (a) the authorisation is necessary to prevent the commission of offences within subsection (1)(a) or the carrying of prohibited objects (as the case may be),
  - (b) the specified locality is no greater than is necessary to prevent such activity, and
  - (c) the specified period is no longer than is necessary to prevent such activity.
- (5) If it appears to a police officer of or above the rank of superintendent that it is necessary to do so to prevent the commission of offences within subsection (1)(a) or the carrying of prohibited objects, the officer may direct that the authorisation is to continue in force for a further period not exceeding 24 hours.
- (6) This section confers on any constable in uniform power—
- (a) to stop any person and search them or anything carried by them for a prohibited object;
  - (b) to stop any vehicle and search the vehicle, its driver and any passenger for a prohibited object.
- (7) A constable may, in the exercise of the powers conferred by subsection (6), stop any person or vehicle and make any search the constable thinks fit whether or not the constable has any grounds for suspecting that the person or vehicle is carrying a prohibited object.
- (8) If in the course of a search under this section a constable discovers an object which the constable has reasonable grounds for suspecting to be a prohibited object, the constable may seize it.
- (9) This section and sections 12 (further provisions about authorisations and directions under this section), 13 (further provisions about searches under this section) and 14

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(offence relating to this section) apply (with the necessary modifications) to ships, aircraft and hovercraft as they apply to vehicles.

- (10) In this section and the sections mentioned in subsection (9)—  
     “specified” means specified in an authorisation under this section;  
     “vehicle” includes a caravan as defined in section 29(1) of the Caravan Sites and Control of Development Act 1960.
- (11) The powers conferred by this section and the sections mentioned in subsection (9) do not affect any power conferred otherwise than by this section or those sections.

#### Commencement Information

**I15** S. 11 not in force at Royal Assent, see [s. 35\(5\)](#)

VALID FROM 20/12/2023

## 12 Further provisions about authorisations and directions under section 11 **E**

**+W**

- (1) If an inspector gives an authorisation under section 11, the inspector must, as soon as it is practicable to do so, cause an officer of or above the rank of superintendent to be informed.
- (2) An authorisation under section 11 must—
- be given in writing signed by the officer giving it,
  - specify the grounds on which it is given, and
  - specify the locality in which and the period during which the powers conferred by that section are exercisable.
- (3) A direction under section 11(5) must—
- be given in writing, or
  - where it is not practicable to comply with paragraph (a), be recorded in writing as soon as it is practicable to do so.
- (4) References (however expressed) in section 11 or this section to a police officer of or above a particular rank include references to a member of the British Transport Police Force of or above that rank.
- (5) In the application of section 11 to a member of the British Transport Police Force by virtue of subsection (4), references to a locality within the officer’s police area are to be read as references to a place in England and Wales of a kind mentioned in section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003.

#### Commencement Information

**I16** S. 12 not in force at Royal Assent, see [s. 35\(5\)](#)

**Status:** Point in time view as at 02/07/2023. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Public Order Act 2023, Part 1. (See end of Document for details)

### 13 Further provisions about searches under section 11 **E+W**

- (1) A person who is searched by a constable under section 11 is entitled to obtain a written statement that the person was searched under the powers conferred by that section.
- (2) Subsection (1) applies only if the person applies for the statement within the period of 12 months beginning with the day on which the person was searched.
- (3) Where a vehicle is stopped by a constable under section 11, the driver is entitled to obtain a written statement that the vehicle was stopped under the powers conferred by that section.
- (4) Subsection (3) applies only if the driver applies for the statement within the period of 12 months beginning with the day on which the vehicle was stopped.
- (5) Any object seized by a constable under section 11 may be retained in accordance with regulations made by the Secretary of State.
- (6) The Secretary of State may make regulations regulating the retention and safe keeping, and the disposal or destruction in circumstances prescribed in the regulations, of such an object.
- (7) Regulations under this section are to be made by statutory instrument.
- (8) Regulations under this section—
  - (a) may make different provision for different purposes;
  - (b) may make consequential, supplementary, incidental, transitional, transitory or saving provision.
- (9) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

#### Commencement Information

**117** S. 13 in force at Royal Assent for specified purposes, see **s. 35(3)(a)**

VALID FROM 20/12/2023

### 14 Offence relating to section 11 **E+W**

- (1) A person commits an offence if the person intentionally obstructs a constable in the exercise of the constable's powers under section 11.
- (2) A person who commits an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding 51 weeks, to a fine not exceeding level 3 on the standard scale or to both.
- (3) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales), the reference in subsection (2) to 51 weeks is to be read as a reference to 1 month.

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*Changes to legislation: There are currently no known outstanding effects for the Public Order Act 2023, Part 1. (See end of Document for details)*

#### Commencement Information

**I18** S. 14 not in force at Royal Assent, see [s. 35\(5\)](#)

### *Processions, assemblies and one-person protests*

## **15 Processions, assemblies and one-person protests: delegation of functions** **E+W**

In section 15 of the Public Order Act 1986 (processions, assemblies and one-person protests: delegation of functions), for subsection (2) substitute—

“(2) Subsection (1) has effect—

- (a) in the City of London as if “an assistant chief constable” read “an assistant commissioner of police or a commander”, and
- (b) in the metropolitan police district as if “an assistant chief constable” read “an assistant commissioner of police, a deputy assistant commissioner of police or a commander”.”

#### Commencement Information

**I19** S. 15 not in force at Royal Assent, see [s. 35\(5\)](#)

**I20** S. 15 in force at 3.5.2023 by [S.I. 2023/502](#), [reg. 2\(e\)](#)

## **16 Assemblies and one-person protests: British Transport Police and MoD Police** **E+W**

(1) The Public Order Act 1986 is amended as follows.

(2) In section 14 (imposing conditions on public assemblies)—

- (a) in subsection (2), after paragraph (b) (and on a new line) insert “This is subject to subsections [\(2ZA\)](#) and [\(2ZB\)](#).”,
- (b) after subsection (2) insert—

“(2ZA) The reference in subsection (2)(a) to a police officer includes—

- (a) a constable of the British Transport Police Force, in relation to a place within section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003;
- (b) a member of the Ministry of Defence Police, in relation to a place to which section 2(2) of the Ministry of Defence Police Act 1987 applies.

(2ZB) The reference in subsection (2)(b) to a chief officer of police includes—

- (a) the chief constable of the British Transport Police Force, in relation to a place within section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003;
- (b) the chief constable of the Ministry of Defence Police, in relation to a place to which section 2(2) of the Ministry of Defence Police Act 1987 applies.”, and
- (c) in subsection (3)—



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- (i) omit “by a chief officer of police”, and
- (ii) after “(2)(b)” insert “or (2ZB)”.

(3) In section 14ZA (imposing conditions on one-person protests)—

- (a) in subsection (5), after paragraph (b) (and on a new line) insert “This is subject to subsections (5A) and (5B).”,
- (b) after subsection (5) insert—

“(5A) The reference in subsection (5)(a) to a police officer includes—

- (a) a constable of the British Transport Police Force, in relation to a one-person protest—
  - (i) being held at a place within section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003, or
  - (ii) intended to be held at a place within subparagraph (i) in a case where a person is in that place with a view to carrying on such a protest;
- (b) a member of the Ministry of Defence Police, in relation to a one-person protest—
  - (i) being held at a place to which section 2(2) of the Ministry of Defence Police Act 1987 applies, or
  - (ii) intended to be held at a place within subparagraph (i) in a case where a person is in that place with a view to carrying on such a protest.

(5B) The reference in subsection (5)(b) to a chief officer of police includes—

- (a) the chief constable of the British Transport Police Force, in relation to a one-person protest intended to be held at a place within section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003, other than a one-person protest within subsection (5A)(a)(ii);
  - (b) the chief constable of the Ministry of Defence Police, in relation to a one-person protest intended to be held at a place to which section 2(2) of the Ministry of Defence Police Act 1987 applies, other than a one-person protest within subsection (5A)(b)(ii).”, and
- (c) in subsection (9)—
- (i) omit “by a chief officer of police”, and
  - (ii) after “(5)(b)” insert “or (5B)”.

(4) In section 14A (prohibiting trespassory assemblies)—

- (a) after subsection (4) insert—

“(4A) Subsection (4D) applies if at any time the chief constable of the British Transport Police Force reasonably believes that—

- (a) an assembly is intended to be held at a place—
  - (i) within section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003, and
  - (ii) on land to which the public has no right of access or only a limited right of access, and
- (b) the conditions in subsections (4B) and (4C) are met.

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- (4B) The condition in this subsection is that the assembly is likely—
- (a) to be held without the permission of the occupier of the land, or
  - (b) to conduct itself in such a way as to exceed—
    - (i) the limits of any permission of the occupier, or
    - (ii) the limits of the public’s right of access.
- (4C) The condition in this subsection is that the assembly may result—
- (a) in serious disruption to the provision of railway services (within the meaning of Part 3 of the Railways and Transport Safety Act 2003),
  - (b) in serious disruption to the life of the community, or
  - (c) where the land, or a building or monument on it, is of historical, architectural, archaeological or scientific importance, in significant damage to the land, building or monument.
- (4D) Where this subsection applies, the chief constable of the British Transport Police Force may with the consent of the relevant national authority make an order prohibiting for a specified period the holding of all trespassory assemblies in a specified area.
- (4E) An area specified in an order under subsection (4D) must comprise only—
- (a) the place mentioned in subsection (4A)(a), or
  - (b) that place together with any place—
    - (i) within section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003, or
    - (ii) where an assembly could affect a railway within the meaning of Part 3 of that Act or anything occurring on or in relation to such a railway.
- (4F) In subsection (4D) “the relevant national authority” means—
- (a) in relation to an area in England and Wales, the Secretary of State;
  - (b) in relation to an area in Scotland, the Scottish Ministers.
- (4G) Subsection (4J) applies if at any time the chief constable of the Ministry of Defence Police reasonably believes that—
- (a) an assembly is intended to be held at a place—
    - (i) to which section 2(2) of the Ministry of Defence Police Act 1987 applies, and
    - (ii) on land to which the public has no right of access or only a limited right of access, and
  - (b) the conditions in subsections (4H) and (4I) are met.
- (4H) The condition in this subsection is that the assembly is likely—
- (a) to be held without the permission of the occupier of the land, or
  - (b) to conduct itself in such a way as to exceed—
    - (i) the limits of any permission of the occupier, or

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(ii) the limits of the public’s right of access.

(4I) The condition in this subsection is that the assembly may result—

- (a) in serious disruption to the use for a defence purpose of—
  - (i) a place within section 2(2)(a) to (c) of the Ministry of Defence Police Act 1987,
  - (ii) a place within section 4(1) of the Atomic Weapons Establishment Act 1991, or
  - (iii) in relation to a time after the coming into force of section 5 of the Defence Reform Act 2014, a place within subsection (1) of that section,
- (b) in serious disruption to the life of the community, or
- (c) where the land, or a building or monument on it, is of historical, architectural, archaeological or scientific importance, in significant damage to the land, building or monument.

(4J) Where this subsection applies, the chief constable of the Ministry of Defence Police may with the consent of the Secretary of State make an order prohibiting for a specified period the holding of all trespassory assemblies in a specified area.

(4K) An area specified in an order under subsection (4J) which is not made in reliance on subsection (4I)(a) must comprise only one or more places to which section 2(2) of the Ministry of Defence Police Act 1987 applies.”

- (b) in subsection (7), for “or subsection (4)” substitute “, subsection (4), subsection (4D) or subsection (4J)”, and
- (c) in subsection (9), in the definition of “occupier”, for “and (4)” substitute “, (4), (4B) and (4H)”.

(5) In section 15 (delegation), after subsection (2) insert—

“(3) The chief constable of the British Transport Police Force may delegate, to such extent and subject to such conditions as the chief constable may specify, any of the chief constable’s functions under sections 14 to 14A to an assistant chief constable of that Force; and references in those sections to the person delegating shall be construed accordingly.

(4) The chief constable of the Ministry of Defence Police may delegate, to such extent and subject to such conditions as the chief constable may specify, any of the chief constable’s functions under sections 14 to 14A to a deputy chief constable or assistant chief constable of that force; and references in those sections to the person delegating shall be construed accordingly.”

#### Commencement Information

**I21** S. 16 in force at 2.7.2023, see **s. 35(4)**

*Status: Point in time view as at 02/07/2023. This version of this part contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Public Order Act 2023, Part 1. (See end of Document for details)*

*Exercise of police powers in relation to journalists etc*

**17 Exercise of police powers in relation to journalists etc** **E+W**

- (1) A constable may not exercise a police power for the sole purpose of preventing a person from observing or reporting on a protest.
- (2) A constable may not exercise a police power for the sole purpose of preventing a person from observing or reporting on the exercise of a police power in relation to—
  - (a) a protest-related offence,
  - (b) a protest-related breach of an injunction, or
  - (c) activities related to a protest.
- (3) This section does not affect the exercise by a constable of a police power for any purpose for which it may be exercised apart from this section.

(4) In this section—

“injunction” means an injunction granted by the High Court, the county court or a youth court;

“police power” means a power which is conferred on a constable by or by virtue of an enactment or by a rule of law;

“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.

**Commencement Information**

**I22** S. 17 in force at 2.7.2023 by S.I. 2023/733, reg. 2(e)

PROSPECTIVE

*Proceedings by the Secretary of State*

**18 Power of Secretary of State to bring proceedings** **E+W**

- (1) Subsection (4) applies where—
  - (a) the Secretary of State reasonably believes that one or more persons are carrying out, or are likely to carry out, activities related to a protest, and
  - (b) the condition in subsection (2) or (3) is met.
- (2) The condition in this subsection is that the Secretary of State reasonably believes that the activities are causing, or are likely to cause, serious disruption to—
  - (a) the use or operation of any key national infrastructure in England and Wales, or
  - (b) access to any essential goods, or to any essential service, in England and Wales.

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- (3) The condition in this subsection is that the Secretary of State reasonably believes that the activities are having, or are likely to have, a serious adverse effect on public safety in England and Wales.
- (4) Where this subsection applies and the Secretary of State considers that it is expedient in the public interest to do so, the Secretary of State may bring civil proceedings relating to the activities in the name of the Secretary of State.
- (5) Before bringing proceedings under subsection (4) in relation to any activities the Secretary of State must consult such persons (if any) as the Secretary of State considers appropriate, having regard to any persons who may also bring civil proceedings in relation to those activities.
- (6) The bringing of proceedings by the Secretary of State under subsection (4) in relation to any activities does not affect the ability of any other person to bring civil proceedings in relation to those activities.
- (7) The reference in subsection (1)(a) to “activities” does not include a reference to activities carried out or likely to be carried out wholly or mainly in contemplation or furtherance of a trade dispute.
- (8) In this section—
  - “key national infrastructure” has the same meaning as in section 7 (key national infrastructure);
  - “trade dispute” has the same meaning as in Part 4 of the Trade Union and Labour Relations (Consolidation) Act 1992, except that section 218 of that Act is to be read as if—
    - (a) it made provision corresponding to section 244(4) of that Act, and
    - (b) in subsection (5), the definition of worker included any person falling within paragraph (b) of the definition of worker in section 244(5) of that Act.

#### Commencement Information

**I23** S. 18 not in force at Royal Assent, see [s. 35\(5\)](#)

## 19 **Injunctions in Secretary of State proceedings: power of arrest and remand** E

+W

- (1) [This section](#) applies to proceedings brought by the Secretary of State under [section 18](#) (power of Secretary of State to bring proceedings).
- (2) If the court grants an injunction which prohibits conduct which—
  - (a) is capable of causing nuisance or annoyance to a person, or
  - (b) is capable of having a serious adverse effect on public safety,it may, if subsection (3) applies, attach a power of arrest to any provision of the injunction.
- (3) [This subsection](#) applies if the Secretary of State applies to the court to attach the power of arrest and the court thinks that—
  - (a) the conduct mentioned in subsection (2) consists of or includes the use or threatened use of violence, or

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- (b) there is a significant risk of harm to—
  - (i) in the case of conduct mentioned in subsection (2)(a), the person mentioned in that provision, and
  - (ii) in the case of conduct mentioned in subsection (2)(b), the public or a section of the public.
- (4) Where a power of arrest is attached to any provision of an injunction under subsection (2), a constable may arrest without warrant a person whom the constable has reasonable cause for suspecting to be in breach of that provision.
- (5) After making an arrest under subsection (4) the constable must as soon as is reasonably practicable inform the Secretary of State.
- (6) Where a person is arrested under subsection (4)—
  - (a) the person must appear before the court within the period of 24 hours beginning at the time of arrest, and
  - (b) if the matter is not then disposed of forthwith, the court may remand the person.
- (7) For the purposes of subsection (6), when calculating the period of 24 hours referred to in paragraph (a) of that subsection, no account is to be taken of Christmas Day, Good Friday or any Sunday.
- (8) [The Schedule](#) applies in relation to the power to remand under subsection (6).
- (9) If the court has reason to consider that a medical report will be required, the power to remand a person under subsection (6) may be exercised for the purpose of enabling a medical examination and report to be made.
- (10) If such a power is so exercised the adjournment is not to be in force—
  - (a) for more than three weeks at a time in a case where the court remands the accused person in custody, or
  - (b) for more than four weeks at a time in any other case.
- (11) If there is reason to suspect that a person who has been arrested under subsection (4) is suffering from mental disorder within the meaning of the Mental Health Act 1983 the court is to have the same power to make an order under section 35 of that Act (remand for report on accused's mental condition) as the Crown Court has under that section in the case of an accused person within the meaning of that section.
- (12) In [this section](#)—
  - “harm” includes serious ill-treatment or abuse (whether physical or not);
  - “the court” means the High Court or the county court and includes—
    - (a) in relation to the High Court, a judge of that court, and
    - (b) in relation to the county court, a judge of that court.

#### Commencement Information

**I24** S. 19 not in force at Royal Assent, see [s. 35\(5\)](#)

**Status:**

Point in time view as at 02/07/2023. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:**

There are currently no known outstanding effects for the Public Order Act 2023, Part 1.