



Public Order Act 2023

2023 CHAPTER 15

PART 2

SERIOUS DISRUPTION PREVENTION ORDERS

General

30 Guidance

- (1) The Secretary of State may issue guidance to—
 - (a) chief officers of police,
 - (b) the chief constable of the British Transport Police Force,
 - (c) the chief constable of the Civil Nuclear Constabulary, and
 - (d) the chief constable of the Ministry of Defence Police,in relation to serious disruption prevention orders.
- (2) The guidance may in particular include—
 - (a) guidance about the exercise by chief officers of police and the chief constables mentioned in subsection (1) of their functions under this Part,
 - (b) guidance about identifying persons in respect of whom it may be appropriate for applications for serious disruption prevention orders to be made, and
 - (c) guidance about providing assistance to prosecutors in connection with applications for serious disruption prevention orders.
- (3) The Secretary of State may revise any guidance issued under this section.
- (4) The Secretary of State must arrange for any guidance issued under this section to be published.
- (5) A chief officer of police or a chief constable mentioned in subsection (1) must have regard to any guidance issued under this section.

Status: This is the original version (as it was originally enacted).

31 Guidance: Parliamentary procedure

- (1) Before issuing guidance under section 30, the Secretary of State must lay a draft of the guidance before Parliament.
- (2) If, within the 40-day period, either House of Parliament resolves not to approve the draft guidance, the guidance may not be issued.
- (3) If no such resolution is made within that period, the Secretary of State may issue the guidance.
- (4) In this section “the 40-day period”, in relation to draft guidance, means the period of 40 days beginning with the day on which the draft is laid before Parliament (or, if it is not laid before each House on the same day, the later of the days on which it is laid).
- (5) In calculating the 40-day period, no account is to be taken of any period during which—
 - (a) Parliament is dissolved or prorogued, or
 - (b) both Houses are adjourned for more than 4 days.

32 Interpretation of Part

In this Part—

“home address”, in relation to a person (“P”), means—

- (a) the address of P’s sole or main residence, or
- (b) if P has no such residence, the address or location of a place where P can regularly be found and, if there is more than one such place, such one of those places as P may select;

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

“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.

33 Consequential amendments

- (1) In section 3(2) of the Prosecution of Offences Act 1985 (functions of the Director of Public Prosecutions), before paragraph (g) insert—
 - “(fi) to have the conduct of applications for orders under section 20(1)(b) of the Public Order Act 2023 (serious disruption prevention orders on conviction);”.
- (2) In section 379(1) of the Sentencing Code (other behaviour orders etc), after the entry for the Elections Act 2022 insert—

“Public Order Act 2023

section 20

serious disruption prevention order

protest-related offence within the meaning of Part 2 of that Act.”
