



Public Order Act 2023

2023 CHAPTER 15

PART 1

PUBLIC ORDER

Proceedings by the Secretary of State

PROSPECTIVE

18 Power of Secretary of State to bring proceedings

- (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.
- (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

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Public Order Act 2023, Section 18. (See end of Document for details)

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

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

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