



Public Order Act 2023

2023 CHAPTER 15

PART 2

SERIOUS DISRUPTION PREVENTION ORDERS

Variation, renewal or discharge of serious disruption prevention orders

28 Variation, renewal or discharge of serious disruption prevention order

- (1) Where a serious disruption prevention order has been made in respect of a person (“P”), a person within subsection (2) may apply to the appropriate court for an order varying, renewing or discharging the order.
- (2) Those persons are—
 - (a) P;
 - (b) the chief officer of police for the police area in which P lives;
 - (c) a chief officer of police who believes that P is in, or is intending to come to, the chief officer’s police area;
 - (d) if the application for the order was made by a chief officer of police other than one within paragraph (b) or (c), the chief officer by whom the application was made;
 - (e) the chief officer of police for a police area in which P committed an offence on the basis of which the order was made;
 - (f) where the order was made following an application by a constable within subsection (3), that constable.
- (3) Those constables are—
 - (a) the chief constable of the British Transport Police Force;
 - (b) the chief constable of the Civil Nuclear Constabulary;
 - (c) the chief constable of the Ministry of Defence Police.
- (4) An application under this section must be made—
 - (a) where the appropriate court is a magistrates’ court, by complaint;

Status: This is the original version (as it was originally enacted).

- (b) in any other case, in accordance with rules of court.
- (5) Before making a decision on an application under this section, the court must hear—
- (a) the person making the application, and
 - (b) any other person within subsection (2) who wishes to be heard.
- (6) Subject to subsections (7) to (9), on an application under this section the court may make such order varying, renewing or discharging the serious disruption prevention order as it thinks appropriate.
- (7) The court may—
- (a) vary a serious disruption prevention order so as to—
 - (i) extend the period for which the order has effect,
 - (ii) extend the period for which a requirement or prohibition imposed by the order has effect, or
 - (iii) impose an additional prohibition or requirement on P, or
 - (b) renew a serious disruption prevention order,
- only if it considers that to do so is necessary for a purpose mentioned in subsection (8).
- (8) The purposes are—
- (a) to prevent P from committing a protest-related offence or a protest-related breach of an injunction,
 - (b) to prevent P from carrying out activities related to a protest that result in, or are likely to result in, serious disruption to two or more individuals, or to an organisation, in England and Wales,
 - (c) to prevent P from causing or contributing to—
 - (i) the commission by any other person of a protest-related offence or a protest-related breach of an injunction, or
 - (ii) the carrying out by any other person of activities related to a protest that result in, or are likely to result in, serious disruption to two or more individuals, or to an organisation, in England and Wales, or
 - (d) to protect two or more individuals, or an organisation, in England and Wales from the risk of serious disruption arising from—
 - (i) a protest-related offence,
 - (ii) a protest-related breach of an injunction, or
 - (iii) activities related to a protest.
- (9) The court may not renew a serious disruption prevention order more than once.
- (10) Sections 22 to 26 (other than section 24(2) and (3)) have effect in relation to—
- (a) the variation of a serious disruption prevention order so as to—
 - (i) extend the period for which the order has effect,
 - (ii) extend the period for which a requirement or prohibition imposed by the order has effect, or
 - (iii) impose an additional prohibition or requirement on P, or
 - (b) the renewal of a serious disruption prevention order,
- as they have effect in relation to the making of such an order.
- (11) On making an order under this section varying or renewing a serious disruption prevention order, the court must in ordinary language explain to P the effects of the serious disruption prevention order (as varied or renewed).

- (12) Section 127 of the Magistrates’ Courts Act 1980 does not apply to a complaint under this section.
- (13) In this section “the appropriate court” means—
- (a) where the Crown Court or the Court of Appeal made the order, the Crown Court;
 - (b) where a magistrates’ court made the order and the application is made by P or a constable within subsection (3)—
 - (i) that magistrates’ court, or
 - (ii) a magistrates’ court for the area in which P lives;
 - (c) where a magistrates’ court made the order and the application is made by a chief officer of police—
 - (i) that magistrates’ court,
 - (ii) a magistrates’ court for the area in which P lives, or
 - (iii) a magistrates’ court acting for a local justice area that includes any part of the chief officer’s police area.