



Public Order Act 2023

2023 CHAPTER 15

PART 1

PUBLIC ORDER

Offences relating to tunnelling

3 Offence of causing serious disruption by tunnelling

- (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.
- (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.

Changes to legislation: There are currently no known outstanding effects for the Public Order Act 2023, Section 3. (See end of Document for details)

- (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

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

Changes to legislation:

There are currently no known outstanding effects for the Public Order Act 2023, Section 3.