



Public Order Act 2023

2023 CHAPTER 15

PART 1 **E+W**

PUBLIC ORDER

Offences relating to tunnelling

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.
- (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;

Changes to legislation: There are currently no known outstanding effects for the Public Order Act 2023, Section 4. (See end of Document for details)

- (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

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

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