



Public Order Act 2023

2023 CHAPTER 15

PART 1

PUBLIC ORDER

Offences relating to tunnelling

5 Offence of being equipped for tunnelling etc

- (1) A person commits an offence if they have an object with them in a place other than a dwelling with the intention that it may be used in the course of or in connection with the commission by any person of an offence under [section 3\(1\)](#) or [4\(1\)](#) (offences relating to tunnelling).
- (2) A person who commits an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding the maximum term for summary offences, to a fine or to both.
- (3) In subsection (2), “the maximum term for summary offences” means—
 - (a) if the offence is committed before the time when section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales) comes into force, six months;
 - (b) if the offence is committed after that time, 51 weeks.
- (4) In this section “dwelling” has the same meaning as in section 1 (offence of locking on).

Commencement Information

- II** [S. 5](#) in force at 2.7.2023 by [S.I. 2023/733](#), [reg. 2\(c\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Public Order Act 2023, Section 5.