

Public Order Act 2023

2023 CHAPTER 15

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An Act to make provision for new offences relating to public order; to make provision about stop and search powers; to make provision about the exercise of police functions relating to public order; to make provision about proceedings by the Secretary of State relating to protest-related activities; to make provision about serious disruption prevention orders; and for connected purposes.

[2nd May 2023]

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—


Extent

Preamble: England, Wales (an amendment made by this Act has the same extent as the provision amended)

PART 1

PUBLIC ORDER

Offences relating to locking on

 Law In Force

1 Offence of locking on

(1) A person commits an offence if—

(a) they—

- (i) attach themselves to another person, to an object or to land,
- (ii) attach a person to another person, to an object or to land, or
- (iii) attach an object to another object or to land,

(b) that act 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 that act to have a consequence mentioned in paragraph (b) or are reckless as to whether it 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 the act mentioned in paragraph (a) of that subsection.

(3) 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.

(4) In subsection (3), "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.

(5) In this section "dwelling" means—

- (a) a building or structure which is used as a dwelling, or
- (b) a part of a building or structure, if the part is used as a dwelling,


and includes any yard, garden, grounds, garage or outhouse belonging to and used with a dwelling.

Commencement

Pt 1 s. 1(1)-(5)(b): May 3, 2023 (2023 c. 15 Pt 3 s. 35(5); SI 2023/502 reg. 2(a))

Extent

Pt 1 s. 1(1)-(5)(b): England, Wales (an amendment made by this Act has the same extent as the provision amended)

 Law In Force

2 Offence of being equipped for locking on

(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 1(1) (offence of locking on).

(2) A person who commits an offence under subsection (1) is liable on summary conviction to a fine.

(3) In this section "dwelling" has the same meaning as in section 1.

Commencement

Pt 1 s. 2(1)-(3): May 3, 2023 (2023 c. 15 Pt 3 s. 35(5); SI 2023/502 reg. 2(b))

Extent

Pt 1 s. 2(1)-(3): England, Wales (an amendment made by this Act has the same extent as the provision amended)

Offences relating to tunnelling

✓ Law In Force

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,
 - (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.
- (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

Pt 1 s. 3(1)-(8): July 2, 2023 (2023 c. 15 Pt 3 s. 35(5); SI 2023/733 reg. 2(a))

Extent

Pt 1 s. 3(1)-(8): England, Wales (an amendment made by this Act has the same extent as the provision amended)

✔ Law In Force

4 Offence of causing serious disruption by being present in a tunnel

- (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;
 - (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

Pt 1 s. 4(1)-(9): July 2, 2023 (2023 c. 15 Pt 3 s. 35(5); SI 2023/733 reg. 2(b))

Extent

Pt 1 s. 4(1)-(9): England, Wales (an amendment made by this Act has the same extent as the provision amended)

✔ Law In Force

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

Pt 1 s. 5(1)-(4): July 2, 2023 (2023 c. 15 Pt 3 s. 35(5); SI 2023/733 reg. 2(c))

Extent

Pt 1 s. 5(1)-(4): England, Wales (an amendment made by this Act has the same extent as the provision amended)

Offences involving works and infrastructure

✔ Law In Force

6 Obstruction etc of major transport works

(1) A person commits an offence if the person—

- (a) obstructs the undertaker or a person acting under the authority of the undertaker—
 - (i) in setting out the lines of any major transport works,

- (ii) in constructing or maintaining any major transport works, or
 - (iii) in taking any steps that are reasonably necessary for the purposes of facilitating, or in connection with, the construction or maintenance of any major transport works, or
 - (b) interferes with, moves or removes any apparatus which—
 - (i) relates to the construction or maintenance of any major transport works, and
 - (ii) belongs to a person within subsection (5).
- (2) It is a defence for a person charged with an offence under subsection (1) to prove that—
- (a) they had a reasonable excuse for the act mentioned in paragraph (a) or (b) of that subsection, or
 - (b) the act mentioned in paragraph (a) or (b) of that subsection was done wholly or mainly in contemplation or furtherance of a trade dispute.
- (3) 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.
- (4) In subsection (3) "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.
- (5) The following persons are within this subsection—
- (a) the undertaker;
 - (b) a person acting under the authority of the undertaker;
 - (c) a statutory undertaker;
 - (d) a person acting under the authority of a statutory undertaker.
- (6) In this section "major transport works" means—
- (a) works in England and Wales—
 - (i) relating to transport infrastructure, and
 - (ii) the construction of which is authorised directly by an Act of Parliament, or
 - (b) works the construction of which comprises development within subsection (7) that has been granted development consent by an order under section 114 of the Planning Act 2008.
- (7) Development is within this subsection if—
- (a) it is or forms part of a nationally significant infrastructure project within any of paragraphs (h) to (l) of section 14(1) of the Planning Act 2008,
 - (b) it is or forms part of a project (or proposed project) in the field of transport in relation to which a direction has been given under section 35(1) of that Act (directions in relation to projects of national significance) by the Secretary of State, or
 - (c) it is associated development in relation to development within paragraph (a) or (b).
- (8) In this section "undertaker" —
- (a) in relation to major transport works within subsection (6)(a), means a person who is authorised by or under the Act (whether as a result of being appointed the nominated undertaker for the purposes of the Act or otherwise) to construct or maintain any of the works;

(b) in relation to major transport works within subsection (6)(b), means a person who is constructing or maintaining any of the works (whether as a result of being the undertaker for the purposes of the order granting development consent or otherwise).

(9) In this section—

"associated development" has the same meaning as in the Planning Act 2008 (see section 115 of that Act);

"development" has the same meaning as in the Planning Act 2008 (see section 32 of that Act);

"development consent" has the same meaning as in the Planning Act 2008 (see section 31 of that Act);

"England" includes the English inshore region within the meaning of the Marine and Coastal Access Act 2009 (see section 322 of that Act);

"maintain" includes inspect, repair, adjust, alter, remove, reconstruct and replace, and "maintenance" is to be construed accordingly;

"nationally significant infrastructure project" has the same meaning as in the Planning Act 2008 (see section 14(1) of that Act);

"statutory undertaker" means a person who is, or who is deemed to be, a statutory undertaker for the purposes of any provision of Part 11 of the Town and Country Planning Act 1990;

"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;

"Wales" includes the Welsh inshore region within the meaning of the Marine and Coastal Access Act 2009 (see section 322 of that Act).

(10) In section 14 of the Planning Act 2008 (nationally significant infrastructure projects), after subsection (3) insert—


"(3A) An order under subsection (3)(a) may also amend section 6(7)(a) of the Public Order Act 2023 (obstruction etc of major transport works)."

Commencement

Pt 1 s. 6(1)-(10): July 2, 2023 (2023 c. 15 Pt 3 s. 35(5); SI 2023/733 reg. 2(d))

Extent

Pt 1 s. 6(1)-(10): England, Wales (an amendment made by this Act has the same extent as the provision amended)

 Law In Force

7 Interference with use or operation of key national infrastructure

(1) A person commits an offence if—

(a) they do an act which interferes with the use or operation of any key national infrastructure in England and Wales, and

- (b) they intend that act to interfere with the use or operation of such infrastructure or are reckless as to whether it will do so.
- (2) It is a defence for a person charged with an offence under subsection (1) to prove that—
- (a) they had a reasonable excuse for the act mentioned in paragraph (a) of that subsection, or
 - (b) the act mentioned in paragraph (a) of that subsection was done wholly or mainly in contemplation or furtherance of a trade dispute.
- (3) 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 12 months, to a fine or to both.
- (4) For the purposes of subsection (1) a person's act interferes with the use or operation of key national infrastructure if it prevents the infrastructure from being used or operated to any extent for any of its intended purposes.
- (5) The cases in which infrastructure is prevented from being used or operated for any of its intended purposes include where its use or operation for any of those purposes is significantly delayed.
- (6) In this section "key national infrastructure" means—
- (a) road transport infrastructure,
 - (b) rail infrastructure,
 - (c) air transport infrastructure,
 - (d) harbour infrastructure,
 - (e) downstream oil infrastructure,
 - (f) downstream gas infrastructure,
 - (g) onshore oil and gas exploration and production infrastructure,
 - (h) onshore electricity generation infrastructure, or
 - (i) newspaper printing infrastructure.
- Section 8 makes further provision about these kinds of infrastructure.
- (7) The Secretary of State may by regulations made by statutory instrument—
- (a) amend subsection (6) to add a kind of infrastructure or to vary or remove a kind of infrastructure;
 - (b) amend section 8 to add, amend or remove provision about a kind of infrastructure which is in, or is to be added to, subsection (6) or is to be removed from that subsection.
- (8) Regulations under subsection (7)—
- (a) may make different provision for different purposes;
 - (b) may make consequential, supplementary, incidental, transitional, transitory or saving provision.
- (9) A statutory instrument containing regulations under subsection (7) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (10) In this section—
- "England" includes the English inshore region within the meaning of the Marine and Coastal Access Act 2009 (see section 322 of that Act);

"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;

"Wales" includes the Welsh inshore region within the meaning of the Marine and Coastal Access Act 2009 (see section 322 of that Act).

Commencement

Pt 1 s. 7(1)-(10) definition of "Wales": May 2, 2023 for the purposes of making regulations; May 3, 2023 otherwise (2023 c. 15 Pt 3 s. 35(3)(a); SI 2023/502 reg. 2(c))

Extent

Pt 1 s. 7(1)-(10) definition of "Wales": England, Wales (an amendment made by this Act has the same extent as the provision amended)

✓ Law In Force

8 Key national infrastructure

(1) This section has effect for the purposes of section 7.

(2) "Road transport infrastructure" means—

- (a) a special road within the meaning of the Highways Act 1980 (see section 329(1) of that Act), or
- (b) a road which, under the system for assigning identification numbers to roads administered by the Secretary of State or the Welsh Ministers, has for the time being been assigned a number prefixed by A or B.

(3) "Rail infrastructure" means infrastructure used for the purposes of railway services within the meaning of Part 1 of the Railways Act 1993 (see section 82 of that Act).

(4) In the application of section 82 of the Railways Act 1993 for the purposes of subsection (3) "railway" has the wider meaning given in section 81(2) of that Act.

(5) "Air transport infrastructure" means—

- (a) an airport within the meaning of the Airports Act 1986 (see section 82(1) of that Act), or
- (b) any infrastructure which—
 - (i) does not form part of an airport within the meaning of that Act, and
 - (ii) is used for the provision of air traffic services within the meaning of Part 1 of the Transport Act 2000 (see section 98 of that Act).

(6) "Harbour infrastructure" means a harbour within the meaning of the Harbours Act 1964 (see section 57(1) of that Act) which provides facilities for or in connection with—

- (a) the embarking or disembarking of passengers who are carried in the course of a business, or
- (b) the loading or unloading of cargo which is carried in the course of a business.

(7) "Downstream oil infrastructure" means infrastructure used for or in connection with any of the following activities—

- (a) the refinement or other processing of crude oil or oil feedstocks;
- (b) the storage of crude oil or crude oil-based fuel for onward distribution, other than storage by a person who supplies crude oil-based fuel to the public where the storage is for the purposes of such supply;
- (c) the loading or unloading of crude oil or crude oil-based fuel for onward distribution, other than unloading to a person who supplies crude oil-based fuel to the public where the unloading is for the purposes of such supply;
- (d) the carriage, by road, rail, sea or inland waterway, of crude oil or crude oil-based fuel for the purposes of onward distribution;
- (e) the conveyance of crude oil or crude oil-based fuel by means of a pipe-line within the meaning of the Pipe-lines Act 1962 (see section 65 of that Act).

(8) "Downstream gas infrastructure" means infrastructure used for or in connection with any of the following activities—

- (a) the processing of gas;
- (b) the storage of gas for onward conveyance, other than storage by a person who supplies gas to the public otherwise than by means of a pipe-line where the storage is for the purposes of such supply;
- (c) the import or export of liquid gas;
- (d) the carriage, by road or rail, of gas for the purposes of onward distribution;
- (e) the conveyance of gas by means of a pipe-line.

(9) In subsection (8)—

"gas" has the same meaning as in section 12 of the Gas Act 1995;

"pipe-line" has the same meaning as in the Pipe-lines Act 1962 (see section 65 of that Act).

(10) "Onshore oil and gas exploration and production infrastructure" means onshore infrastructure used for or in connection with—

- (a) searching or boring for petroleum, or
- (b) getting petroleum.

(11) In subsection (10)—

"onshore infrastructure" means infrastructure situated on land (excluding land covered by the sea or any tidal waters);

"petroleum" has the same meaning as in Part 1 of the Petroleum Act 1998 (see section 1 of that Act).

(12) "Onshore electricity generation infrastructure" means onshore infrastructure—

- (a) used for or in connection with the generation of electricity for the purpose of giving a supply to any premises or enabling a supply to be so given, and
- (b) which has a total installed capacity equal to or greater than 100 megawatts.

(13) In subsection (12)—

"onshore infrastructure" means infrastructure situated on land (excluding land covered by the sea or any tidal waters);

"supply", in relation to electricity, has the same meaning as in Part 1 of the Electricity Act 1989 (see section 4(4) of that Act).

(14) "Newspaper printing infrastructure" means infrastructure the primary purpose of which is the printing of one or more national or local newspapers.

(15) In subsection (14)—

"local newspaper" means a newspaper which is published at least fortnightly and is in circulation in a part of England and Wales;

"national newspaper" means a newspaper which is published at least fortnightly and is in circulation in England, in Wales or in both;

"newspaper" includes a periodical or magazine.

Commencement

Pt 1 s. 8(1)-(15) definition of "newspaper": May 3, 2023 (2023 c. 15 Pt 3 s. 35(5); SI 2023/502 reg. 2(d))

Extent

Pt 1 s. 8(1)-(15) definition of "newspaper": England, Wales (an amendment made by this Act has the same extent as the provision amended)

Interference with access to or provision of abortion services

✓ Law In Force

9 Offence of interference with access to or provision of abortion services

(1) It is an offence for a person who is within a safe access zone to do an act with the intent of, or reckless as to whether it has the effect of—

(a) influencing any person's decision to access, provide or facilitate the provision of abortion services at an abortion clinic,

(b) obstructing or impeding any person accessing, providing, or facilitating the provision of abortion services at an abortion clinic, or

(c) causing harassment, alarm or distress to any person in connection with a decision to access, provide, or facilitate the provision of abortion services at an abortion clinic,

where the person mentioned in paragraph (a), (b) or (c) is within the safe access zone for the abortion clinic.

(2) A "safe access zone" means an area which is within a boundary which is 150 metres from any part of an abortion clinic or any access point to any building or site that contains an abortion clinic and is—

(a) on or adjacent to a public highway or public right of way,

(b) in an open space to which the public has access,

(c) within the curtilage of an abortion clinic, or building or site which contains an abortion clinic, or

(d) in any location that is visible from a public highway, public right of way, open space to which the public have access, or the curtilage of an abortion clinic.

(3) No offence is committed under subsection (1) by—