



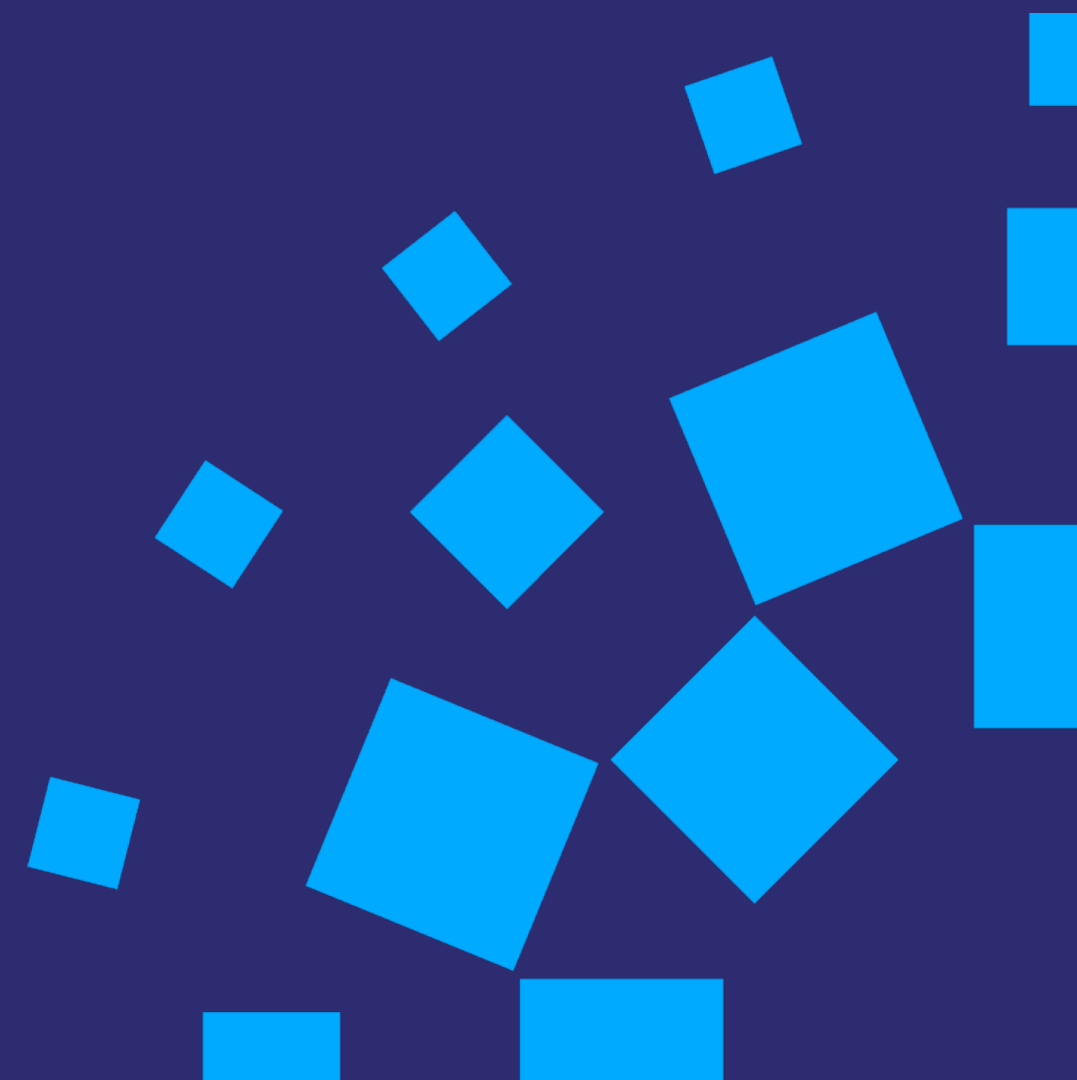
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# Public Order Act 2023

Supplementary content

December 2023



## Public Order Act 2023

- On 3 May 2023, sections of the Public Order Act (POA) 2023 commenced, which further supports policing by providing clarity on thresholds to be considered when facing serious disruption, along with new offences. This legislation does not replace the recently amended POA 1986.
- While the great majority of protest activity in the UK is peaceful and requires no police engagement, protest activity can cause **significant disruption to the lives of others**. Careful consideration is required to balance the rights of those involved with the rights of the wider community.
- This content is intended to provide **an update on the legal position**. It should be read in conjunction with the recently published **Public order public safety (POPS) authorised professional practice** and **National protest operational advice**, and should be applied in accordance with POPS training.
- All decisions regarding police use of powers remain with the individual officer. This guidance is intended to support commanders when making independent operational decisions. All decisions must be made on a case-by-case basis and must be balanced and proportionate to the circumstances. Operational advice about the **approach to protest** and the importance of **balancing rights to secure public confidence** can be found in the **National protest operational advice** and other guidance documents.

## Important information

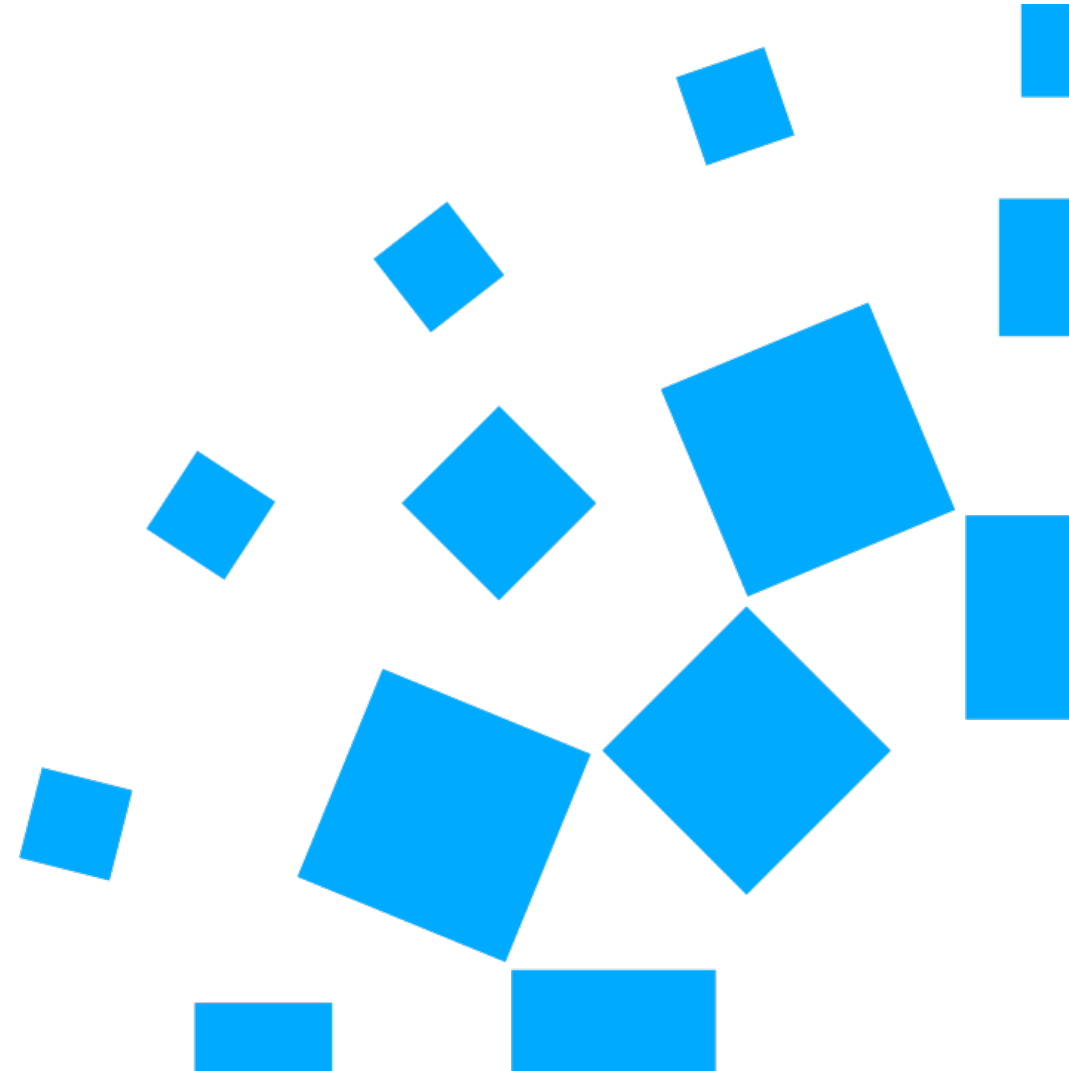
- The POA 2023 does **not** replace the **POA 1986** or the **Police, Crime, Sentencing and Courts (PCSC) Act 2022**. However, it does provide further meanings and offences when policing certain protest activities.
- The meaning of ‘serious disruption to the life of the community’ within the POA 1986 and ‘serious disruption’ within the POA 2023 are different. However, they are aligned by the use of ‘more than minor’ as a threshold.
- This document applies only to the POA 2023 meaning of serious disruption. Separate guidance for the POA 1986 is available.



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# Proportionality



# Fundamental duties of police

- **Section 3** of the **Human Rights Act 1998**

‘So far as is possible to do so, primary legislation and subordinate legislation must be read and given effect in a way which is compatible with convention rights.’

- **Section 6** of the **Human Rights Act 1998**

The police have a duty to act in a way that is compatible with the human rights of every person involved, even if it is not possible in the circumstances to uphold those rights to the fullest extent.

Engagement with your force legal advisor should be considered when developing strategies in line with the POA 1986, PCSC Act 2022 and POA 2023.

## Striking a fair balance

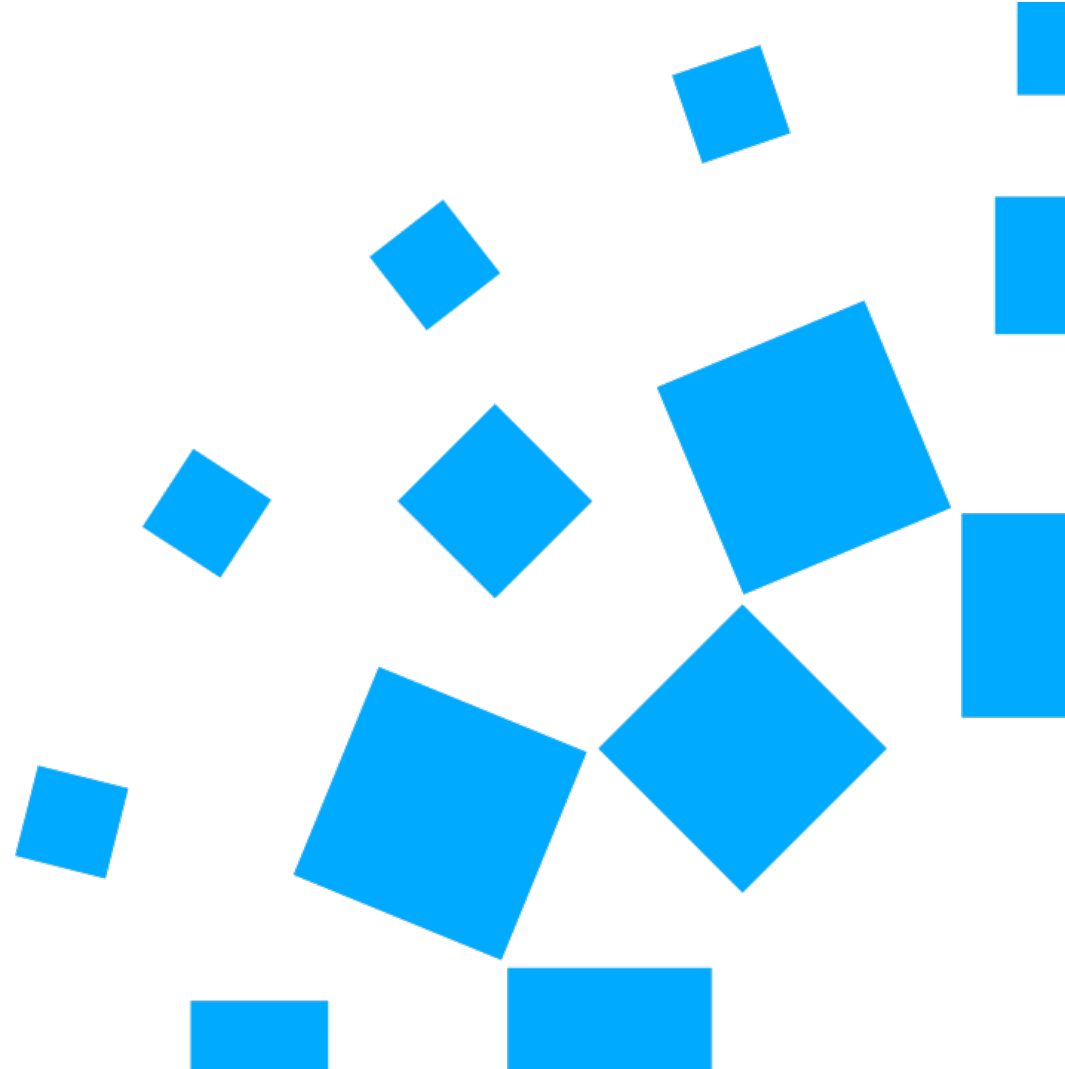
- The courts have settled on an approach to assessing the lawfulness, particularly the proportionality, of the state's interference in citizens' European Convention on Human Rights (ECHR) rights where the action is said to be justified under Articles 9(2), 10(2) or 11(2) of the Convention.
- Police officers should be aware that this is likely to be the basis for a court's determination of whether their decisions were in accordance with the ECHR. If a police officer follows the same process and records their reasons for taking action by reference to the same criteria, this will give the best prospect of the action being lawful.

## Structured approach

- a) Is the individual exercising one or more of one of their rights under Articles 9, 10 or 11?
- b) If so, is there an interference by the police with that right?
- c) If there is an interference, is it prescribed by law?
- d) Is the interference in pursuit of a legitimate aim as set out in paragraph 2 of Article 9, 10 or 11?
- e) If so, is the interference ‘necessary in a democratic society’ to achieve that legitimate aim?
  - i. Is the aim sufficiently important to justify interference with a fundamental right?
  - ii. Is there a rational connection between the means chosen and the aim in view?
  - iii. Are there less restrictive alternative means available to achieve that aim?
  - iv. Is there a fair balance between the rights of the individual and the general interest of the community, including the rights of others?

See appendix A of the **National protest operational advice** for further guidance on using the structured approach to support decision making.

# Public Order Act 2023





## Commenced 3 May 2023

- **Section 1** (offence of locking on)
- **Section 2** (offence of being equipped for locking on)
- **Section 7** (interference with use or operation of key national infrastructure)
- **Section 8** (key national infrastructure)
- **Section 15** (processions, assemblies and one-person protests: delegation of functions)
- **Section 34** (meaning of serious disruption)

## Commenced 2 July 2023

- **Section 3** (offence of causing serious disruption by tunnelling)
- **Section 4** (offence of causing serious disruption by being present in a tunnel)
- **Section 5** (offence of being equipped for tunnelling etc)
- **Section 6** (obstruction etc of major transport works)
- **Section 16** (assemblies and one-person protests: British Transport Police and MoD Police)
- **Section 17** (exercise of police powers in relation to journalists etc)

## Commencing 20 December 2023

- **Section 10** (powers to stop and search on suspicion)
- **Section 11** (powers to stop and search without suspicion)
- **Section 12** (further provisions about authorisations and directions under section 11)
- **Section 13** (further provisions about searches under section 11)
- **Section 14** (offence relating to section 11)

## Section 1 – Offence of locking on (slide 1 of 2)

- 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.

## Section 1 – Offence of locking on (slide 2 of 2)

- 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 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.

## Section 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.

\* This offence does not require serious disruption, as defined by the POA 2023, to occur – see the slide titled **Section 34 – Meaning of serious disruption** (slide 2 of 3).

## Section 3 – Offence of causing serious disruption by tunnelling (slide 1 of 4)

- 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.

## Section 3 – Offence of causing serious disruption by tunnelling (slide 2 of 4)

- 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;\*

\* This definition of ‘tunnel’ is different than section 4 of this Act.



## Section 3 – Offence of causing serious disruption by tunnelling (slide 3 of 4)

- 5) 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).

## Section 3 – Offence of causing serious disruption by tunnelling (slide 4 of 4)

### Definition recap

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.\*

This section does **not** apply in relation to a tunnel if or to the extent that it is in or under a dwelling.

\* This definition of ‘dwelling’ is different than section 1 of this Act.

## **Section 4 – Offence of causing serious disruption by being present in a tunnel (slide 1 of 3)**

- 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 [2 July 2023],
  - 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.

\* Serious disruption is defined by the POA 2023 – see **Section 34 – Meaning of serious disruption** (slide 2 of 3).

## **Section 4 – Offence of causing serious disruption by being present in a tunnel (slide 2 of 3)**

- 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.

## Section 4 – Offence of causing serious disruption by being present in a tunnel (slide 3 of 3)

- 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.\*\*

\* This definition of ‘tunnel’ is different than section 4 of this Act.

\*\* This definition of ‘dwelling’ is the same as sections 1 and 3 of this Act.

## Section 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).

POA 2023 stop and  
search powers have  
**not** commenced.

## Section 6 – Obstruction etc of major transport works (slide 1 of 3)

- 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).\*

\* An undertaker, a statutory undertaker or a person acting under the authority of either.

An undertaker is a person authorised to construct or maintain any of the major transport works.

## Section 6 – Obstruction etc of major transport works (slide 2 of 3)

- 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.



## Section 6 – Obstruction etc of major transport works (slide 3 of 3)

- 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.
- 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 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.

## Section 7 – Interference with use or operation of key national infrastructure (slide 1 of 3)

- 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.

## **Section 7 – Interference with use of operation of key national infrastructure (slide 2 of 3)**

- 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.

## Section 7 – Interference with use of operation of key national infrastructure (slide 3 of 3)

- 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.

The Secretary of State may, by regulations made by statutory instrument, amend subsection (6) to add a kind of infrastructure or to vary or remove a kind of infrastructure.

## Section 8 – Key national infrastructure

Section 8 develops the meaning of ‘key national infrastructure’ in relation to offences, and should be read with section 7 of the POA 2023. An example of ‘road transport infrastructure’ has been provided below.

- 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.

The section 8 legislation should be used if considering powers in relation to:

- downstream oil and gas
- onshore
- newspapers
- harbour and airport infrastructure

## **Section 9 – Offence of interference with access to or provision of abortion services**

- Expected to commence early 2024

## **Section 10 – Powers to stop and search on suspicion**

**Section 1(8)** of the Police and Criminal Evidence Act 1984 (offences in relation to which stop and search power applies) has been amended to include the following offences—

- **section 137** of the Highways Act 1980 (wilful obstruction) involving activity which causes or is capable of causing serious disruption to two or more individuals or to an organisation;
- **section 78** of the PCSC Act 2022 (intentionally or recklessly causing public nuisance);
- **section 1** of the POA 2023 (locking on);
- **section 3** of the POA 2023 (causing serious disruption by tunnelling);
- **section 4** of the POA 2023 (causing serious disruption by being present in a tunnel);
- **section 6** of the POA 2023 (obstruction etc of major transport works);
- **section 7** of the POA 2023 (interference with use or operation of key national infrastructure).

## Section 11 – Powers to stop and search without suspicion (slide 1 of 5)

- 1) This section applies if a police officer of or above the rank of **inspector** reasonably believes—
  - a) that any of the following offences may be committed in any locality within the officer's police area—
    - **section 137** of the Highways Act 1980 (wilful obstruction) involving activity which causes or is capable of causing serious disruption to two or more individuals or to an organisation;
    - **section 78** of the PCSC Act 2022 (intentionally or recklessly causing public nuisance);
    - **section 1** of the POA 2023 (locking on);
    - **section 3** of the POA 2023 (causing serious disruption by tunnelling);
    - **section 4** of the POA 2023 (causing serious disruption by being present in a tunnel);
    - **section 6** of the POA 2023 (obstruction etc of major transport works);
    - **section 7** of the POA 2023 (interference with use or operation of key national infrastructure), or
  - b) that persons are carrying prohibited objects in any locality within the officer's police area.



## Section 11 – Powers to stop and search without suspicion (slide 2 of 5)

- 2) In this section “prohibited object” means an object which—
- a) is made or adapted for use in the course of or in connection with an offence within subsection 11 (1)(a), or
  - b) is intended by the person having it with them for such use by them or by some other person,
- and for the purposes of this section a person carries a prohibited object if they have it in their possession.

Comprehensive evidence of the circumstances, location, event, method of carriage, and absence of supporting ancillary evidence of lawful possession should be recorded by the seizing officer.

## **Section 11 – Powers to stop and search without suspicion** (slide 3 of 5)

- 3) If the further condition in subsection (4) is met, the police officer may give an authorisation that the powers conferred by this section are to be exercisable—
  - a) anywhere within a specified locality within the officer’s police area, and
  - b) for a specified period not exceeding 24 hours.
- 4) The further condition is that the police officer reasonably believes that—
  - a) the authorisation is necessary to prevent the commission of offences within subsection (1)(a) or the carrying of prohibited objects (as the case may be),
  - b) the specified locality is no greater than is necessary to prevent such activity, and
  - c) the specified period is no longer than is necessary to prevent such activity.

## **Section 11 – Powers to stop and search without suspicion** (slide 4 of 5)

- 5) If it appears to a police officer of or above the rank of superintendent that it is necessary to do so to prevent the commission of offences within subsection (1)(a) or the carrying of prohibited objects, the officer may direct that the authorisation is to continue in force for a further period not exceeding **24 hours**.
- 6) This section confers on any constable **in uniform** power—
  - a) to stop any person and search them or anything carried by them for a prohibited object;
  - b) to stop any vehicle and search the vehicle, its driver and any passenger for a prohibited object.
- 7) A constable may, in the exercise of the powers conferred by subsection (6), stop any person or vehicle and make any search the constable thinks fit whether or not the constable has any grounds for suspecting that the person or vehicle is carrying a prohibited object.
- 8) If in the course of a search under this section a constable discovers an object which the constable has reasonable grounds for suspecting to be a prohibited object, **the constable may seize it**.

## **Section 11 – Powers to stop and search without suspicion** (slide 5 of 5)

- 9) This section and sections 12, 13 and 14 apply (with the necessary modifications) to ships, aircraft and hovercraft as they apply to vehicles.
- 10) In this section and the sections mentioned in subsection (9)—
  - “specified” means specified in an authorisation under this section;
  - “vehicle” includes a caravan (section 29(1) of the Caravan Sites and Control of Development Act 1960).

## **Section 12 – Further provision about authorisations and directions under section 11 (slide 1 of 2)**

- 1) If an inspector gives an authorisation under section 11, the inspector must, as soon as it is practicable to do so, cause an officer of or above the rank of superintendent to be informed.
- 2) An authorisation under section 11 must—
  - a) be given in writing signed by the officer giving it,
  - b) specify the grounds on which it is given, and
  - c) specify the locality in which and the period during which the powers conferred by that section are exercisable.
- 3) A direction under section 11(5) must—
  - a) be given in writing, or
  - b) where it is not practicable to comply, be recorded in writing as soon as it is practicable to do so.

## **Section 12 – Further provision about authorisations and directions under section 11 (slide 2 of 2)**

- 4) References (however expressed) in section 11 or this section to a police officer of or above a particular rank include references to a member of the British Transport Police Force of or above that rank.
- 5) In the application of section 11 to a member of the British Transport Police, references to a locality within the officer's police area are to be read as references to a place in England and Wales of a kind mentioned in section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003.

## **Section 13 – Further provision about searches under section 11**

- 1) A person who is searched by a constable under section 11 is entitled to obtain a written statement that the person was searched under the powers conferred by that section.
- 2) Subsection (1) applies only if the person applies for the statement within the period of 12 months beginning with the day on which the person was searched.
- 3) Where a vehicle is stopped by a constable under section 11, the driver is entitled to obtain a written statement that the vehicle was stopped under the powers conferred by that section.
- 4) Subsection (3) applies only if the driver applies for the statement within the period of 12 months beginning with the day on which the vehicle was stopped.
- 5) Any object seized by a constable under section 11 may be retained in accordance with regulations made by the Secretary of State.
- 6) The Secretary of State may make regulations regulating the retention and safe keeping, and the disposal or destruction in circumstances prescribed in the regulations, of such an object.

## **Section 14 – Offence relating to section 11**

- 1) A person commits an offence if the person intentionally obstructs a constable in the exercise of the constable's powers under section 11.
- 2) A person who commits an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding 51 weeks, to a fine not exceeding level 3 on the standard scale or to both.
- 3) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales), the reference in subsection (2) to 51 weeks is to be read as a reference to 1 month.



## **Section 15 – Processions, assemblies and one-person protests: delegation of functions**

In **section 15 of the Public Order Act 1986** (processions, assemblies and one-person protests: delegation of functions), for subsection (2) substitute—

- 2) Subsection (1) has effect—
  - a) in the City of London as if “an assistant chief constable” read “an assistant commissioner of police or a commander”, and
  - b) in the Metropolitan Police district as if “an assistant chief constable” read “an assistant commissioner of police, a deputy assistant commissioner of police or a commander”.

## **Section 16 – Assemblies and one-person protests: British Transport Police and Ministry of Defence Police**

- 1) The Public Order Act 1986 is amended as follows.
- 2) In section 14 (imposing conditions on public assemblies)—
  - b) after subsection (2) insert—

(2ZA) The reference in subsection (2)(a) to a police officer includes—

    - a) a constable of the British Transport Police Force, in relation to a place within section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003;
    - b) a member of the Ministry of Defence Police, in relation to a place to which section 2(2) of the Ministry of Defence Police Act 1987 applies.

## Section 17 – Exercise of police powers in relation to journalist etc (slide 1 of 2)

- 1) A constable may not exercise a police power for the sole purpose of preventing a person from observing or reporting on a protest.
- 2) A constable may not exercise a police power for the sole purpose of preventing a person from observing or reporting on the exercise of a police power in relation to—
  - a) a protest-related offence,
  - b) a protest-related breach of an injunction, or
  - c) activities related to a protest.
- 3) This section does not affect the exercise by a constable of a police power for any purpose for which it may be exercised apart from this section.

The 'Journalists' section of the National protest operational advice should be reviewed in relation to this offence.

Journalists, or those observing or reporting, cannot be limited to 'traditionally' registered journalists.

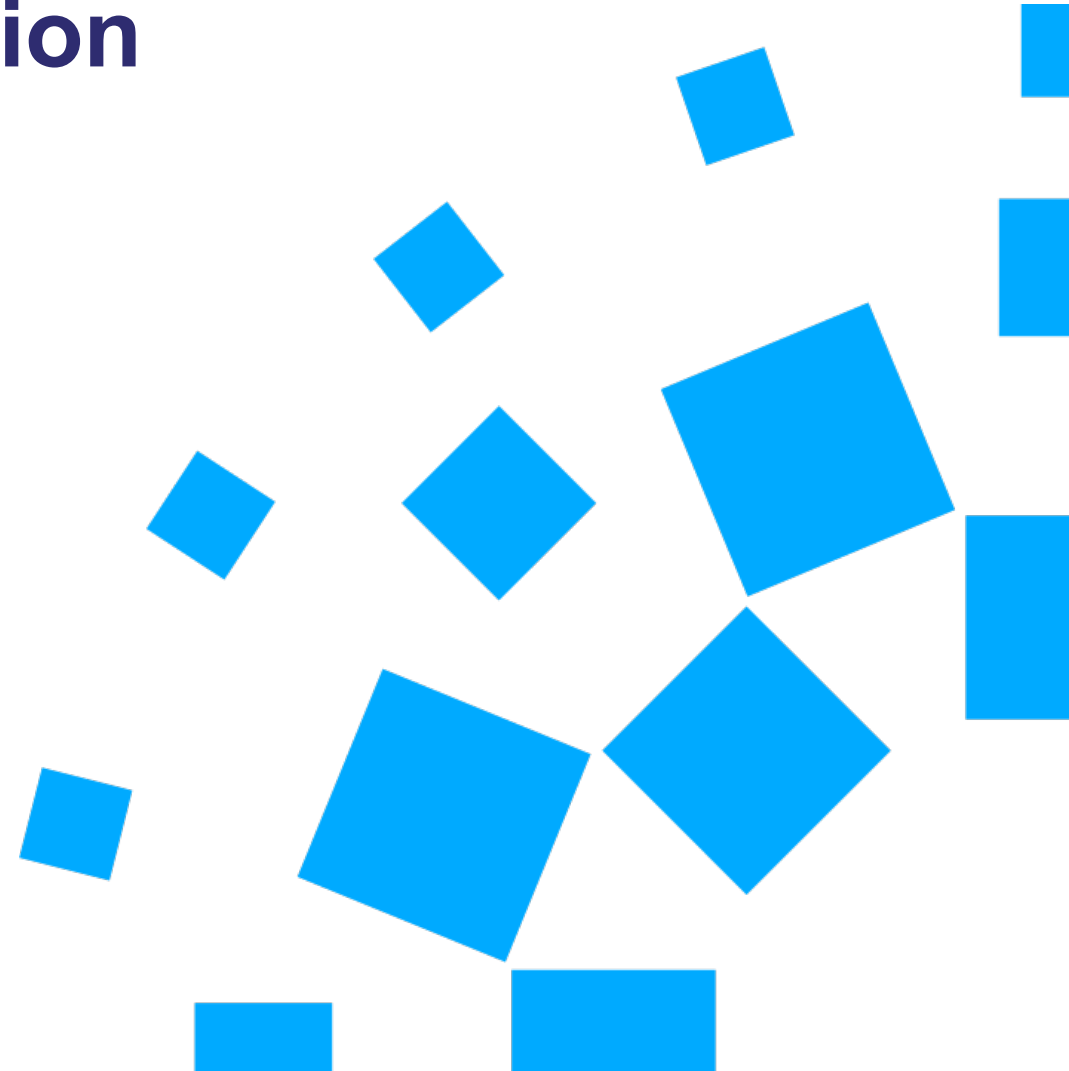
## Section 17 – Exercise of police powers in relation to journalist etc (slide 2 of 2)

4) In this section—

- “injunction” means an injunction granted by the High Court, the county court or a youth court;
- “police power” means a power which is conferred on a constable by or by virtue of an enactment or by a rule of law;
- “protest-related breach”, in relation to an injunction, means a breach which is directly related to a protest;
- “protest-related offence” means an offence which is directly related to a protest.



# Meaning of serious disruption



## Section 34 – Meaning of serious disruption (slide 1 of 3)

- 1) For the purposes of this Act, the cases in which individuals or an organisation may suffer serious disruption include, in particular, where the individuals or the organisation—
  - a) are by way of physical obstruction prevented, or hindered to **more than a minor** degree, from carrying out—
    - i. their day-to-day activities (including in particular the making of a journey),
    - ii. construction or maintenance works, or
    - iii. activities related to such works,
  - b) are prevented from making or receiving, or suffer a delay that is **more than minor** to the making or receiving of, a delivery of a time-sensitive product, or
  - c) are prevented from accessing, or suffer a disruption that is **more than minor** to the accessing of, any essential goods or any essential service.

## Section 34 – Meaning of serious disruption (slide 2 of 3)

- There is no statutory definition of ‘more than minor’ in the POA 2023.
- In each case, when considering if serious disruption is caused, the threshold of ‘more than minor’ appears to allow only two categories of disruption:
  - minor, therefore not ‘serious disruption’
  - more than minor, therefore ‘serious disruption’
- However, the statute does not dictate that all cases of disruption that is more than minor are automatically serious disruption, rather that it ‘**may**’ be so.
- The senior officer must consider that there is, or may be, serious disruption, due to a disruption that is more than minor – see the **slides on proportionality**.

## Section 34 – Meaning of serious disruption (slide 3 of 3)

- 2) In this section—
- a) “time-sensitive product” means a product whose value or use to its consumers may be significantly reduced by a delay in the supply of the product to them;
  - b) a reference to accessing essential goods or essential services includes in particular a reference to accessing—
    - i. the supply of money, food, water, energy or fuel,
    - ii. a system of communication,
    - iii. a place of worship,
    - iv. a transport facility,
    - v. an educational institution, or
    - vi. a service relating to health.



## Part 2 – Serious disruption prevention orders

- Expected to commence early 2024

# Hyperlinks

## Legislation

- [Human Rights Act 1998](#)
- [Public Order Act 2023](#)
- [Police, Crime, Sentencing and Courts Act 2022](#)
- [Public Order Act 1986](#)
  - [Section 12, 'Imposing conditions on public processions'](#)
  - [Section 14, 'Imposing conditions on public assemblies'](#)

## Reference

- [Article 8 ECHR](#)
- [Article 9 ECHR](#)
- [Article 10 ECHR](#)
- [Article 11 ECHR](#)
- [Public Order Bill factsheet](#)
- [College of Policing – Supplementary content PCSC Act 2022](#)
- [College of Policing – Public Order Act 1986 Regulations 2023](#)