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Committee Stage: Friday 10 June 2022

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## Public Order Bill (Amendment Paper)

This document lists all amendments tabled to the Public Order Bill. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

★ New Amendments.

☆ Amendments which will comply with the required notice period at their next appearance.

New Amendments: 29 to 52 and NC8 to NC13

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Wendy Chamberlain

29

★ Clause 1, page 1, line 10, leave out “or is capable of causing”

**Member's explanatory statement**

This would limit the offence to an act that causes serious disruption.

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Sarah Jones

46

★ Clause 1, page 1, line 10, leave out from “disruption” to the end of line 12

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Wendy Chamberlain

30

★ Clause 1, page 1, line 15, leave out “or are reckless as to whether it will have such a consequence”

**Member's explanatory statement**

This would limit the new offence to ensure that there must be intent to cause serious disruption.

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**Wendy Chamberlain**

31

- ★ Clause 1, page 1, line 21, after “fine” insert “not exceeding level 2 on the standard scale”

**Member's explanatory statement**

A person convicted of an offence of “locking on” may be subjected to a fine. Under this clause there is no limit on the fine that may be imposed. This amendment would place a maximum limit on the fine.

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**Anne McLaughlin**

1

Page 1, line 4, leave out Clause 1

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**Sarah Jones**

47

- ★ Clause 2, page 2, line 13, leave out “may” and insert “will”

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**Wendy Chamberlain**

32

- ★ Clause 2, page 2, line 14, leave out “or in connection with”

**Member's explanatory statement**

This is to probe what actions may also be criminalised “in connection with” an offence.

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**Sarah Jones**

48

- ★ Clause 2, page 2, line 14, leave out “in connection with the commission by any person of”

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**Wendy Chamberlain**

33

- ★ Clause 2, page 2, line 14, leave out “any person” and insert “them”

**Member's explanatory statement**

Currently the offence of “being equipped for locking on” does not require the object to be used by the person with the item specifically, but by “any person”. This amendment is intended to limit the offending behaviour to a person who commits the offence of locking on.

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**Wendy Chamberlain**

34

- ★ Clause 2, page 2, line 17, after “fine” insert “not exceeding level 1 on the standard scale”

**Member's explanatory statement**

A person convicted of an offence of “being equipped for locking on” may be subjected to a fine. In the Bill there is currently no limit on the fine that may be imposed. This amendment would place a maximum limit on the fine.

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**Anne McLaughlin** 2

Page 2, line 11, leave out Clause 2

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**Wendy Chamberlain** 35

★ Clause 3, page 2, line 26, leave out sub-paragraph (iii)

**Member's explanatory statement**

This amendment seeks to limit the range of acts potentially criminalised by this provision.

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**Wendy Chamberlain** 36

★ Clause 3, page 2, line 29, leave out paragraph (b)

**Member's explanatory statement**

This amendment seeks to limit the range of acts potentially criminalised by this provision.

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**Wendy Chamberlain** 37

★ Clause 3, page 3, line 3, after “fine” insert “not exceeding level 2 on the standard scale”

**Member's explanatory statement**

A person convicted of an offence of obstructing major transport works may be subjected to a fine. Under this clause there is currently no limit on the fine that may be imposed. This amendment would place a maximum limit on the fine.

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**Anne McLaughlin** 3

Page 2, line 20, leave out Clause 3

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**Sarah Jones** 49

★ Clause 4, page 4, line 30, leave out “interferes with” and insert “prevents”

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**Sarah Jones** 50

★ Clause 4, page 4, line 32, leave out “interfere with” and insert “prevent”

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Sarah Jones

51

★ Clause 4, page 5, line 3, leave out subsection (4)

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Sarah Jones

52

★ Clause 4, page 5 line 18, after “newspaper printing infrastructure.” insert—  
“(j) emergency services.”

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Anne McLaughlin

4

Page 4, line 28, leave out Clause 4

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Anne McLaughlin

5

Page 6, line 6, leave out Clause 5

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Kit Malthouse

Gov 25

Clause 6, page 8, line 23, at end insert—

- “(ha) an offence under section (*Offence of causing serious disruption by tunnelling*) of that Act (offence of causing serious disruption by tunnelling);
- (hb) an offence under section (*Offence of causing serious disruption by being present in a tunnel*) of that Act (offence of causing serious disruption by being present in a tunnel);”

**Member's explanatory statement**

This amendment applies the stop and search powers in section 1 of the Police and Criminal Evidence Act 1984 to an offence relating to tunnelling under the new clause inserted by NC5 or NC6

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Anne McLaughlin

6

Sarah Jones  
Yvette Cooper

Page 8, line 10, leave out Clause 6

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Kit Malthouse

Gov 26

Clause 7, page 8, line 40, at end insert—

- “(iia) an offence under section (*Offence of causing serious disruption by tunnelling*) (offence of causing serious disruption by tunnelling);

- (iiib) an offence under section (*Offence of causing serious disruption by being present in a tunnel*) (offence of causing serious disruption by being present in a tunnel);"

**Member's explanatory statement**

This amendment applies the stop and search powers in clause 7 of the Bill to an offence relating to tunnelling under the new clause inserted by NC5 or NC6

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**Anne McLaughlin** 7  
Sarah Jones  
Yvette Cooper

Page 8, line 28, leave out Clause 7

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**Anne McLaughlin** 8  
Sarah Jones  
Yvette Cooper

Page 10, line 15, leave out Clause 8

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**Anne McLaughlin** 9  
Sarah Jones  
Yvette Cooper

Page 10, line 36, leave out Clause 9

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**Anne McLaughlin** 10  
Sarah Jones  
Yvette Cooper

Page 11, line 21, leave out Clause 10

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**Anne McLaughlin** 11

Page 11, line 32, leave out Clause 11

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**Wendy Chamberlain**

38

- ★ Clause 12, page 12, line 16, leave out “on the balance of probabilities” and insert “beyond reasonable doubt”

**Member's explanatory statement**

This amendment would raise the burden of proof for imposing a serious disruption prevention order to the criminal standard.

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**Wendy Chamberlain**

39

- ★ Clause 12, page 12, line 21, leave out “on the balance of probabilities” and insert “beyond reasonable doubt”

**Member's explanatory statement**

This amendment would raise the burden of proof for imposing a serious disruption prevention order to the criminal standard.

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**Anne McLaughlin**

12

Sarah Jones  
Yvette Cooper

Page 12, line 7, leave out Clause 12

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**Anne McLaughlin**

13

Sarah Jones  
Yvette Cooper

Page 14, line 15, leave out Clause 13

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**Anne McLaughlin**

14

Sarah Jones  
Yvette Cooper

Page 16, line 11, leave out Clause 14

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**Anne McLaughlin**

15

Sarah Jones  
Yvette Cooper

Page 17, line 12, leave out Clause 15

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**Anne McLaughlin**

16

Sarah Jones  
Yvette Cooper

Page 18, line 12, leave out Clause 16

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**Anne McLaughlin**

17

Sarah Jones  
Yvette Cooper

Page 19, line 20, leave out Clause 17

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**Anne McLaughlin**

18

Sarah Jones  
Yvette Cooper

Page 20, line 9, leave out Clause 18

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**Anne McLaughlin**

19

Sarah Jones  
Yvette Cooper

Page 21, line 1, leave out Clause 19

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**Wendy Chamberlain**

40

★ Clause 20, page 21, line 19, after “fine” insert “not exceeding level 2 on the standard scale”

**Member's explanatory statement**

A person convicted of an offence related to a serious disruption prevention order may be subjected to a fine. Under this clause there is currently no limit on the fine that may be imposed. This amendment would place a maximum limit on the fine.

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**Anne McLaughlin**

20

Sarah Jones  
Yvette Cooper

Page 21, line 8, leave out Clause 20

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**Wendy Chamberlain**

41

- ★ Clause 21, page 21, line 29, leave out “, renewing”

**Member's explanatory statement**

This amendment would prevent an existing serious disruption prevention order from being renewed.

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**Wendy Chamberlain**

42

- ★ Clause 21, page 22, line 15, leave out “, renewing”

**Member's explanatory statement**

This amendment would prevent an existing serious disruption prevention order from being renewed.

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**Wendy Chamberlain**

43

- ★ Clause 21, page 22, line 23, leave out paragraph (b)

**Member's explanatory statement**

This amendment would prevent an existing serious disruption prevention order from being renewed.

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**Wendy Chamberlain**

44

- ★ Clause 21, page 23, line 6, leave out paragraph (b)

**Member's explanatory statement**

This amendment would prevent an existing serious disruption prevention order from being renewed.

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**Wendy Chamberlain**

45

- ★ Clause 21, page 23, line 14, leave out “or renewing”

**Member's explanatory statement**

This amendment would prevent an existing serious disruption prevention order from being renewed.

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**Anne McLaughlin**

21

Sarah Jones  
Yvette Cooper

Page 21, line 26, leave out Clause 21



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**Kit Malthouse**

**Gov 22**

Clause 28, page 26, line 32, at end insert—

“(3A) Section (*Assemblies and one-person protests: British Transport Police and MoD Police*) comes into force at the end of the period of two months beginning with the day on which this Act is passed.”

**Member's explanatory statement**

This amendment provides for the new clause inserted by NC4 to come into force two months after Royal Assent.

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**Wendy Chamberlain**

**27**

☆ Clause 28, page 26, line 32, at end insert—

“(3A) Except as provided by subsection (3), sections 1 to 5 and 11 to 22 of this Act may not come into force before the Secretary of State has laid before Parliament and published a report containing—

- (a) an assessment of the current capability of police services in England and Wales in relation to the provisions of this Act,
- (b) an assessment of the numbers of police officers who will need to be trained in relation to the provisions of this Act, the number of officers who will be needed to deliver the training and the amount of time that that training will take for each officer,
- (c) details of how police units will be deployed in relation to the provisions of this Act, including the number of police officers who may be redeployed from other duties, and
- (d) an assessment by the Home Office of the likely impact of the provisions of this Act on the number of police officers who will be moved from their usual duties to public order operations in other places.”

**Member's explanatory statement**

This amendment would mean that sections 1 to 5 and 11 to 22 of this Act could not come into force until the Government has laid before Parliament a report assessing the current capability of police services to operate the provisions in those sections and the impact on police deployment.

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**Kit Malthouse**

**Gov 23**

Clause 28, page 26, line 33, leave out “subsection (3)” and insert “subsections (3) and (3A)”

**Member's explanatory statement**

This amendment is consequential on Amendment 22

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Wendy Chamberlain

28

☆ Clause 28, page 26, line 35, at end insert—

“, which for sections 1 to 5 and 11 to 22 may not be before the date of publication of the report set out in subsection (3A)”

**Member's explanatory statement**

See Explanatory Statement for Amendment 27.

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Kit Malthouse

Gov NC4

To move the following Clause—

**“Assemblies and one-person protests: British Transport Police and MoD Police**

- (1) The Public Order Act 1986 is amended as follows.
- (2) In section 14 (imposing conditions on public assemblies)—
  - (a) in subsection (2), after paragraph (b) (and on a new line) insert “This is subject to subsections (2ZA) and (2ZB).”,
  - (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 in England and Wales;
      - (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.
    - (2ZB) The reference in subsection (2)(b) to a chief officer of police includes—
      - (a) the chief 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 in England and Wales;
      - (b) the chief constable 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.”, and
    - (c) in subsection (3)—
      - (i) omit “by a chief officer of police”, and
      - (ii) after “(2)(b)” insert “or (2ZB)”.
- (3) In section 14ZA (imposing conditions on one-person protests)—
  - (a) in subsection (5), after paragraph (b) (and on a new line) insert “This is subject to subsections (5A) and (5B).”,
  - (b) after subsection (5) insert—
    - “(5A) The reference in subsection (5)(a) to a police officer includes—

- (a) a constable of the British Transport Police Force, in relation to a one-person protest—
    - (i) being held at a place within section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003, or
    - (ii) intended to be held at a place within sub-paragraph (i) in a case where a person is in that place with a view to carrying on such a protest;
  - (b) a member of the Ministry of Defence Police, in relation to a one-person protest—
    - (i) being held at a place to which section 2(2) of the Ministry of Defence Police Act 1987 applies, or
    - (ii) intended to be held at a place within sub-paragraph (i) in a case where a person is in that place with a view to carrying on such a protest.
- (5B) The reference in subsection (5)(b) to a chief officer of police includes—
- (a) the chief constable of the British Transport Police Force, in relation to a one-person protest intended to be held at a place within section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003, other than a one-person protest within subsection (5A)(a)(ii);
  - (b) the chief constable of the Ministry of Defence Police, in relation to a one-person protest intended to be held at a place to which section 2(2) of the Ministry of Defence Police Act 1987 applies, other than a one-person protest within subsection (5A)(b)(ii).”, and
- (c) in subsection (9)—
- (i) omit “by a chief officer of police”, and
  - (ii) after “(5)(b) insert “or (5B)”.
- (4) In section 14A (prohibiting trespassory assemblies)—
- (a) after subsection (4) insert—

“(4A) Subsection (4D) applies if at any time the chief constable of the British Transport Police Force reasonably believes that—

    - (a) an assembly is intended to be held at a place—
      - (i) within section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003 in England and Wales, and
      - (ii) on land to which the public has no right of access or only a limited right of access, and
    - (b) the conditions in subsections (4B) and (4C) are met.
- (4B) The condition in this subsection is that the assembly is likely—
  - (a) to be held without the permission of the occupier of the land, or
  - (b) to conduct itself in such a way as to exceed—
    - (i) the limits of any permission of the occupier, or
    - (ii) the limits of the public’s right of access.

- (4C) The condition in this subsection is that the assembly may result—
- (a) in serious disruption to the provision of railway services (within the meaning of Part 3 of the Railways and Transport Safety Act 2003) in England and Wales,
  - (b) in serious disruption to the life of the community, or
  - (c) where the land, or a building or monument on it, is of historical, architectural, archaeological or scientific importance, in significant damage to the land, building or monument.
- (4D) Where this subsection applies, the chief constable of the British Transport Police Force may with the consent of the Secretary of State make an order prohibiting for a specified period the holding of all trespassory assemblies in a specified area.
- (4E) An area specified in an order under subsection (4D) must comprise only—
- (a) the place mentioned in subsection (4A)(a), or
  - (b) that place together with any place in England and Wales—
    - (i) within section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003, or
    - (ii) where an assembly could affect a railway within the meaning of Part 3 of that Act or anything occurring on or in relation to such a railway.
- (4F) Subsection (4I) applies if at any time the chief constable of the Ministry of Defence Police reasonably believes that—
- (a) an assembly is intended to be held at a place—
    - (i) to which section 2(2) of the Ministry of Defence Police Act 1987 applies, and
    - (ii) on land to which the public has no right of access or only a limited right of access, and
  - (b) the conditions in subsections (4G) and (4H) are met.
- (4G) The condition in this subsection is that the assembly is likely—
- (a) to be held without the permission of the occupier of the land, or
  - (b) to conduct itself in such a way as to exceed—
    - (i) the limits of any permission of the occupier, or
    - (ii) the limits of the public's right of access.
- (4H) The condition in this subsection is that the assembly may result—
- (a) in serious disruption to the use for a defence purpose of—
    - (i) a place within section 2(2)(a) to (c) of the Ministry of Defence Police Act 1987,
    - (ii) a place within section 4(1) of the Atomic Weapons Establishment Act 1991, or

- (iii) in relation to a time after the coming into force of section 5 of the Defence Reform Act 2014, a place within subsection (1) of that section,
  - (b) in serious disruption to the life of the community, or
  - (c) where the land, or a building or monument on it, is of historical, architectural, archaeological or scientific importance, in significant damage to the land, building or monument.
- (4I) Where this subsection applies, the chief constable of the Ministry of Defence Police may with the consent of the Secretary of State make an order prohibiting for a specified period the holding of all trespassory assemblies in a specified area.
- (4J) An area specified in an order under subsection (4I) which is not made in reliance on subsection (4H)(a) must comprise only one or more places to which section 2(2) of the Ministry of Defence Police Act 1987 applies.”,
  - (b) in subsection (7), for “or subsection (4)” substitute “, subsection (4), subsection (4D) or subsection (4I)”, and
  - (c) in subsection (9), in the definition of “occupier”, for “and (4)” substitute “, (4), (4B) and (4G)”.
- (5) In section 15 (delegation), after subsection (2) insert—
  - “(3) The chief constable of the British Transport Police Force may delegate, to such extent and subject to such conditions as the chief constable may specify, any of the chief constable’s functions under sections 14 to 14A to an assistant chief constable of that Force; and references in those sections to the person delegating shall be construed accordingly.
  - (4) The chief constable of the Ministry of Defence Police may delegate, to such extent and subject to such conditions as the chief constable may specify, any of the chief constable’s functions under sections 14 to 14A to a deputy chief constable or assistant chief constable of that force; and references in those sections to the person delegating shall be construed accordingly.””

#### **Member's explanatory statement**

This new clause makes provision for members of the British Transport Police Force and the Ministry of Defence Police to exercise certain powers in Part 2 of the Public Order Act 1986 in relation to assemblies and one-person protests.

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**Kit Malthouse**

**Gov NC5**

To move the following Clause—

#### **“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.
- (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)."

#### **Member's explanatory statement**

This new clause creates a new offence of creating a tunnel, where this causes serious disruption and the person in question intends to cause serious disruption or is reckless as to whether their actions will do so.

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Kit Malthouse

Gov NC6

To move the following Clause—

**“Offence of causing serious disruption by being present in a tunnel**

- (1) A person commits an offence if—
  - (a) they are present in a 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) The reference in subsection (5)(b) to the creation of an excavation includes—
  - (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).”

**Member's explanatory statement**

This new clause creates a new offence of being present in a tunnel, where this causes serious disruption and the person in question intends to cause serious disruption or is reckless as to whether their actions will do so.

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**Kit Malthouse**

**Gov NC7**

To move the following Clause—

**“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 (*Offence of causing serious disruption by tunnelling*)(1) or (*Offence of causing serious disruption by being present in a tunnel*)(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).”

**Member's explanatory statement**

This new clause creates a new offence committed by a person who has 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 relating to tunnelling under the new clause inserted by NC5 or NC6

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**Dr Rupa Huq**

**NC1**

Sir Bernard Jenkin  
 Dame Diana Johnson  
 Wera Hobhouse  
 Simon Fell  
 Caroline Nokes

Mr Virendra Sharma  
 Mick Whitley  
 Sarah Champion  
 Sarah Olney  
 Mr Andrew Mitchell  
 Huw Merriman  
 Hywel Williams  
 Jonathan Edwards  
 Giles Watling

Clive Betts  
 Bell Ribeiro-Addy  
 Claire Hanna  
 Stella Creasy  
 Stephen Farry  
 Dr Dan Poulter  
 Liz Saville Roberts  
 Daisy Cooper

Sir Peter Bottomley  
 Tim Loughton  
 Caroline Lucas  
 Tony Lloyd  
 Nigel Mills  
 Angela Richardson  
 Ben Lake  
 Christine Jardine



To move the following Clause—

**“Offence of interference with access to or provision of abortion services**

- (1) A person who is within a buffer zone and who interferes with any person’s decision to access, provide, or facilitate the provision of abortion services in that buffer zone is guilty of an offence.
- (2) A “buffer zone” means an area with 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.
- (3) For the purposes of subsection (1), “interferes with” means—
  - (a) seeks to influence; or
  - (b) persistently, continuously or repeatedly occupies; or
  - (c) impedes or threatens; or
  - (d) intimidates or harasses; or
  - (e) advises or persuades, attempts to advise or persuade, or otherwise expresses opinion; or
  - (f) informs or attempts to inform about abortion services by any means, including, without limitation, graphic, physical, verbal or written means; or
  - (g) sketches, photographs, records, stores, broadcasts, or transmits images, audio, likenesses or personal data of any person without express consent.
- (4) A person guilty of an offence under subsection (1) is liable—
  - (a) in the first instance—
    - (i) on summary conviction, to imprisonment for a term not exceeding 6 months, or
    - (ii) to a fine not exceeding level 5 on the standard scale, or
    - (iii) to both; and
  - (b) on further instances—
    - (i) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or to a fine, or to both; or
    - (ii) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine, or to both.
- (5) Nothing in this section applies to—
  - (a) anything done in the course of providing, or facilitating the provision of, abortion services in an abortion clinic,
  - (b) the operation of a camera if its coverage of persons accessing or attempting to access an abortion clinic is incidental and the camera or footage is not used for the any of the purposes listed in subsection (3), and
  - (c) a police officer acting properly in the course of their duties.”

**Member's explanatory statement**

This new clause would introduce areas around abortion clinics and hospitals (buffer zones) where interference with, and intimidation or harassment of, women accessing or people providing abortion services would be an offence.

Stella Creasy

NC2

To move the following Clause—

**“Hostility towards sex or gender**

(1) After Section 5 of the Public Order Act 1986 insert—

**“5A Offences aggravated by sex or gender**

- (1) An offence under section 5 of this Act is aggravated by sex or gender where the offence is—
  - (a) aggravated by hostility toward the sex or gender of the victim,
  - (b) of a sexual nature, or
  - (c) both of a sexual nature and aggravated by hostility toward the sex or gender of the victim.
- (2) A person guilty of an aggravated offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months, or a fine not exceeding level 5 on the standard scale, or both.
- (3) It is not a defence under this section that a person did not believe that there was any person within hearing or sight who was likely to be caused harassment, alarm or distress if a reasonable person in possession of the same information would think that there was a person within hearing or sight who was likely to be caused harassment, alarm or distress.
- (4) An offence is “aggravated by hostility towards the sex or gender of the victim” for the purposes of this section if—
  - (a) at the time of committing the offence, or immediately before or after doing so, the offender demonstrates towards the victim of the offence hostility based on the victim’s sex or gender (or presumed sex or gender); or
  - (b) the offence is motivated (wholly or partly) by hostility towards members of a group based on their sex or gender.
- (5) In this part, gender has the same meaning as in the Gender Recognition Act 2004.”

(2) Part 3A of the Public Order Act 1986 (Hatred against persons on religious grounds or grounds of sexual orientation) is amended as follows—

- (a) In the heading for Part 3A at the end insert “or grounds of sex or gender”.
- (b) In the italic cross-heading before section 29A at the end insert “and “hatred on the grounds of sex or gender”.
- (c) After section 29AB insert—

**“29AC Meaning of “hatred on the grounds of sex or gender**

In this Part “hatred on the grounds of sex or gender” means hatred against a group of persons defined by reference to their sex or gender.”

- (d) In the italic cross-heading before section 29B at the end insert “or hatred on the grounds of sex or gender”.

- (e) In section 29B(1) at the end insert "or hatred on the grounds of sex or gender".
- (f) In section 29C(1) (publishing or distributing written material) at the end insert "or hatred on the grounds of sex or gender".
- (g) In section 29D(1) (public performance of play) at the end insert "or hatred on the grounds of sex or gender".
- (h) In section 29E(1) (distributing, showing or playing a recording) at the end insert "or hatred on the grounds of sex or gender".
- (i) In section 29F(1) (broadcasting or including programme in programme service) at the end insert "or hatred on the grounds of sex or gender".
- (j) In section 29G(1) (possession of inflammatory material) at the end insert "or hatred on the grounds of sex or gender"."

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Paul Maynard

NC3

To move the following Clause—

**"Offences impeding emergency workers**

- (1) This section applies where—
  - (a) the court is considering for the purposes of sentencing the seriousness of an offence under sections 1 (*Offence of locking on*) or 3 (*Obstruction etc of major transport works*) of this Act, and
  - (b) the commission of the offence had the effect of impeding an emergency worker in exercising their functions, subject to the exception in subsection (2).
- (2) The exception is that the emergency worker was exercising their functions in connection with the offence for which the person is being sentenced or in connection with any action which the court considers to be related to that offence.
- (3) The court—
  - (a) must treat the fact mentioned in subsection(1)(b) as an aggravating factor (that is to say, a factor that increases the seriousness of the offence), and
  - (b) must state in open court that the offence is so aggravated.
- (4) In this section, "emergency worker" means—
  - (a) a constable;
  - (b) a person (other than a constable) who has the powers of a constable or is otherwise employed for police purposes or is engaged to provide services for police purposes;
  - (c) a National Crime Agency officer;
  - (d) a prison officer;
  - (e) a person (other than a prison officer) employed or engaged to carry out functions in a custodial institution of a corresponding kind to those carried out by a prison officer;
  - (f) a prisoner custody officer, so far as relating to the exercise of escort functions;
  - (g) a custody officer, so far as relating to the exercise of escort functions;

- (h) a person employed for the purposes of providing, or engaged to provide, fire services or fire and rescue services;
  - (i) a person employed for the purposes of providing, or engaged to provide, search services or rescue services (or both);
  - (j) a person employed for the purposes of providing, or engaged to provide—
    - (i) NHS health services, or
    - (ii) services in the support of the provision of NHS health services, and whose general activities in doing so involve face to face interaction with individuals receiving the services or with other members of the public.
- (5) It is immaterial for the purposes of subsection (4) whether the employment or engagement is paid or unpaid.
- (6) In this section—
- “custodial institution” means any of the following—
- (a) a prison;
  - (b) a young offender institution, secure training centre, secure college or remand centre;
  - (c) services custody premises, as defined by section 300(7) of the Armed Forces Act 2006;
- “custody officer” has the meaning given by section 12(3) of the Criminal Justice and Public Order Act 1994;
- “escort functions”—
- (a) in the case of a prisoner custody officer, means the functions specified in section 80(1) of the Criminal Justice Act 1991;
  - (b) in the case of a custody officer, means the functions specified in paragraph 1 of Schedule 1 to the Criminal Justice and Public Order Act 1994;
- “NHS health services” means any kind of health services provided as part of the health service continued under section 1(1) of the National Health Service Act 2006 and under section 1(1) of the National Health Service (Wales) Act 2006;
- “prisoner custody officer” has the meaning given by section 89(1) of the Criminal Justice Act 1991.”

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Marsha De Cordova

NC8

★ To move the following Clause—

**“Publication of data about use of stop and search powers**

- (1) The Secretary of State must publish data about the use of the stop and search powers under sections 6 and 7 within three years of—
- (a) if sections 6 and 7 come into force on the same date, the date on which they come into force, or
  - (b) if sections 6 and 7 come into force on different dates, the later of those two dates.

- (2) The data published under this section must include—
- (a) the total number of uses of stop and search powers by each police force in England and Wales, including whether the powers were used on suspicion or without suspicion,
  - (b) disaggregated data by age, disability, ethnicity/race, sex/gender and sexual orientation of the people who have been stopped and searched, and
  - (c) data relating to the outcomes of the use of stop and search powers.”

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Marsha De Cordova

NC9

★ To move the following Clause—

**“Review of the use of stop and search powers**

- (1) The Secretary of State must appoint an independent reviewer to assess and report annually on the use of the stop and search powers under sections 6 and 7.
- (2) In carrying out their review, the person appointed under subsection (1) must—
  - (a) consider the impact of the use of stop and search powers on groups with protected characteristics under the Equality Act 2010, and
  - (b) consult such civil society organisations as appear to the person appointed under subsection (1) to be relevant.
- (3) The person appointed under subsection (1) must ensure that a report on the outcome of the review is sent to the Secretary of State as soon as reasonably practicable after the completion of the review.
- (4) On receiving a report under this section, the Secretary of State must lay before Parliament—
  - (a) a copy of the report, and
  - (b) the Government’s response to the findings.
- (5) The first report under this section must be completed no later than one year after the date provided for under section [publication of data about use of stop and search powers](1).”

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Sarah Jones

NC10

★ To move the following Clause—

**“Guidance on locking on**

The Secretary of State must by regulations issue guidance to police forces about the protest technique of locking on, which includes—

- (a) examples of best practice, and
- (b) detailed guidance on addressing new and developing forms of locking on.”

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Sarah Jones

NC11

★ To move the following Clause—

**“Consolidated protest guidance**

- (1) Within three months of Royal Assent to this Act, the Secretary of State must by regulations issue guidance which consolidates into a single source—
  - (a) the College of Policing’s authorised professional practice for public order guidance,
  - (b) the National Police Chiefs’ Council’s operational advice for protest policing, and
  - (c) the National Police Chiefs’ Council’s protest aide memoire.
- (2) The Secretary of State must regularly review the guidance and, if appropriate, must by regulations issue revised consolidated guidance.
- (3) The consolidated guidance must include specific updated guidance about the protest technique of locking on.”

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Sarah Jones

NC12

★ To move the following Clause—

**“National monitoring tool**

- (1) The Secretary of State must develop a consistent national monitoring tool, accessible by all police forces, to monitor the use of or requests for specialist protest officers across England and Wales.
- (2) Data collected under this section may be used to evaluate capacity and demand for specialist protest officers across England and Wales.
- (3) The monitoring tool must be accessible on a national, regional and local basis.
- (4) The monitoring tool must include—
  - (a) examples of best practice from policing protests across the United Kingdom, and
  - (b) data on how many trained officers have been required for any protests during the period in which monitoring took place.”

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Sarah Jones

NC13

★ To move the following Clause—

**“Injunction to prevent serious disruption to effective movement of essential goods or services**

- (1) Upon an application by a person under subsection (4), an injunction may be ordered by a Judge of the High Court against ‘persons unknown’ in order to prevent a

serious disruption to the effective movement of any essential goods or any essential services occasioned by a public procession or public assembly.

- (2) The “persons unknown” may be—
  - (a) anonymous persons taking part in a public procession or public assembly who are identifiable at the time of the proceedings; and/or
  - (b) persons not presently taking part in a public procession or public assembly protest but who will in future join such a public procession or public assembly.
- (3) The conditions under which such an injunction may be granted are as follows—
  - (a) there must be a real and imminent risk of a tort being committed which would result in a serious disruption to the effective movement of any essential goods or any essential services;
  - (b) a method of service must be set out in the order which may reasonably be expected to bring the proceedings to the attention of the ‘persons unknown’;
  - (c) the “persons unknown” must be defined in the order by reference to their conduct which is alleged to be unlawful;
  - (d) the acts prohibited by the order must correspond with the threatened tort;
  - (e) the order may only prohibit lawful conduct if there is no other proportionate means of protecting the effective movement of essential goods or essential services;
  - (f) the terms of the order must set out what act or acts the persons potentially affected by the order must not do;
  - (g) the terms of the order must set out a defined geographical area to which the order relates; and
  - (h) the terms of the order must set out a temporal period to which the order relates, following which the order will lapse unless a further order is made upon a further application by the applicant.
- (4) An applicant for an injunction to prevent serious disruption to effective movement of essential goods or services may be—
  - (a) a local authority with responsibility for all or part of the geographical area to which the proposed order relates;
  - (b) a chief constable with responsibility for all or part of the geographical area to which the proposed order relates; or
  - (c) a person resident in, or carrying on a business within, the geographical area to which the proposed order relates.
- (5) “Serious disruption to effective movement of essential goods or services” includes a prolonged disruption to—
  - (a) the effective movement of the supply of money, food, water, energy or fuel;
  - (b) a system of communication;
  - (c) access to a place of worship;
  - (d) access to a transport facility;
  - (e) access to an educational institution; or
  - (f) access to a service relating to health.”

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**Kit Malthouse**

**Gov 24**

Title, line 2, leave out "delegation" and insert "exercise"

**Member's explanatory statement**

This amendment is consequential on NC4

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## Order of the House

[23 May 2022]

That the following provisions shall apply to the Public Order Bill:

**Committal**

1. The Bill shall be committed to a Public Bill Committee.

**Proceedings in Public Bill Committee**

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 21 June 2022.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

**Consideration and Third Reading**

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

**Other proceedings**

7. Any other proceedings on the Bill may be programmed.
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## Order of the Committee

[9 June 2022]

That—



1. the Committee shall (in addition to its first meeting at 11.30 am on Thursday 9 June) meet—
  - (a) at 2.00 pm on Thursday 9 June;
  - (b) at 9.25 am and 2.00 pm on Tuesday 14 June;
  - (c) at 11.30 am and 2.00 pm on Thursday 16 June;
  - (d) at 9.25 am and 2.00 pm on Tuesday 21 June;

2. the Committee shall hear oral evidence in accordance with the following Table:

| Date            | Time                         | Witness   |
|-----------------|------------------------------|---|
| Thursday 9 June | Until no later than 12.15 pm | The National Police Chiefs' Council   |
| Thursday 9 June | Until no later than 1.00 pm  | High Speed 2 (HS2) Limited; National Highways   |
| Thursday 9 June | Until no later than 2.45 pm  | United Kingdom Petroleum Industry Association;  |
| Thursday 9 June | Until no later than 3.05 pm  | Adam Wagner, Doughty Street Chambers  |
| Thursday 9 June | Until no later than 3.25 pm  | News UK   |
| Thursday 9 June | Until no later than 4.10 pm  | Sir Peter Martin Fahy QPM, retired police officer; Matt Parr CB, HM Inspector of Constabulary and HM Inspector of Fire and Rescue Services; Chief Superintendent Phil Dolby, West Midlands Police |
| Thursday 9 June | Until no later than 4.55 pm  | Amnesty International; Justice; Liberty   |

3. the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Tuesday 21 June.