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accessible version of the Bill



Report Stage: Tuesday 18 October 2022

Public Order Bill, As Amended

(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 Any withdrawn amendments are listed at the end of the document.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.

This document should be read alongside the Chair's provisional Selection and Grouping, which sets out the order in which the amendments will be debated.

Secretary Suella Braverman

Gov NC7

To move the following Clause—

“Power of Secretary of State to bring proceedings

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(1) Subsection (4) applies where—

(a) the Secretary of State reasonably believes that one or more persons are carrying out, or are likely to carry out, activities related to a protest, and

(b) the condition in subsection (2) or (3) is met.

(2) The condition in this subsection is that the Secretary of State reasonably believes that the activities are causing, or are likely to cause, serious disruption to—

(a) the use or operation of any key national infrastructure in England and Wales, or

(b) access to any essential goods, or to any essential service, in England and Wales.

(3) The condition in this subsection is that the Secretary of State reasonably believes that the activities are having, or are likely to have, a serious adverse effect on public safety in England and Wales.

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- (4) Where this subsection applies and the Secretary of State considers that it is expedient in the public interest to do so, the Secretary of State may bring civil proceedings relating to the activities in the name of the Secretary of State.
- (5) Before bringing proceedings under subsection (4) in relation to any activities the Secretary of State must consult such persons (if any) as the Secretary of State considers appropriate, having regard to any persons who may also bring civil proceedings in relation to those activities.
- (6) The bringing of proceedings by the Secretary of State under subsection (4) in relation to any activities does not affect the ability of any other person to bring civil proceedings in relation to those activities.
- (7) The reference in subsection (1)(a) to "activities" does not include a reference to activities carried out or likely to be carried out wholly or mainly in

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contemplation or furtherance of a trade dispute.

(8) In this section—

“key national infrastructure” has the same meaning as in section 7 (key national infrastructure);

“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.”

Member's explanatory statement

This new clause provides a power for the Secretary of State to bring civil proceedings (including applying for injunctions) in the name of the Secretary of State. The power would apply in cases where protest-related activity causes or

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is likely to cause serious disruption to key national infrastructure or access to essential goods or services or where the activity is having or is likely to have a serious adverse effect on public safety.

Secretary Suella Braverman

Gov NC8

To move the following Clause—

“Injunctions in Secretary of State proceedings: power of arrest and remand

- (1) This section applies to proceedings brought by the Secretary of State under section (Power of Secretary of State to bring proceedings) (power of Secretary of State to bring proceedings).
- (2) If the court grants an injunction which prohibits conduct which—
 - (a) is capable of causing nuisance or annoyance to a person, or
 - (b) is capable of having a serious adverse effect on public safety, it may, if

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subsection (3) applies, attach a power of arrest to any provision of the injunction.

(3) This subsection applies if the Secretary of State applies to the court to attach the power of arrest and the court thinks that—

(a) the conduct mentioned in subsection (2) consists of or includes the use or threatened use of violence, or

(b) there is a significant risk of harm to—

(i) in the case of conduct mentioned in subsection (2)(a), the person mentioned in that provision, and

(ii) in the case of conduct mentioned in subsection (2)(b), the public or a section of the public.

(4) Where a power of arrest is attached to any provision of an injunction under subsection (2), a constable may arrest without warrant a person whom the constable has reasonable cause for suspecting to be in breach of that provision.

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- (5) After making an arrest under subsection (4) the constable must as soon as is reasonably practicable inform the Secretary of State.
- (6) Where a person is arrested under subsection (4)—
 - (a) the person must appear before the court within the period of 24 hours beginning at the time of arrest, and
 - (b) if the matter is not then disposed of forthwith, the court may remand the person.
- (7) For the purposes of subsection (6), when calculating the period of 24 hours referred to in paragraph (a) of that subsection, no account is to be taken of Christmas Day, Good Friday or any Sunday.
- (8) Schedule (Injunctions in Secretary of State proceedings: powers to remand) applies in relation to the power to remand under subsection (6).
- (9) If the court has reason to consider that a medical report will be required, the

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power to remand a person under subsection (6) may be exercised for the purpose of enabling a medical examination and report to be made.

(10) If such a power is so exercised the adjournment is not to be in force—

(a) for more than three weeks at a time in a case where the court remands the accused person in custody, or

(b) for more than four weeks at a time in any other case.

(11) If there is reason to suspect that a person who has been arrested under subsection (4) is suffering from mental disorder within the meaning of the Mental Health Act 1983 the court is to have the same power to make an order under section 35 of that Act (remand for report on accused's mental condition) as the Crown Court has under that section in the case of an accused person within the meaning of that section.

(12) In this section—

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“harm” includes serious ill-treatment or abuse (whether physical or not);

“the court” means the High Court or the county court and includes—

(a) in relation to the High Court, a judge of that court, and

(b) in relation to the county court, a judge of that court.”

Member's explanatory statement

This new clause contains provision for the court to attach powers of arrest to an injunction granted in proceedings brought in the name of the Secretary of State in accordance with NC7. This new clause also contains related provisions in connection with the remand of arrested persons.

Sarah Jones

NC1

To move the following Clause—

“Guidance on locking on

The Secretary of State must by regulations issue guidance to police forces about the

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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.”

Sarah Jones

NC2

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.

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- (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.”

Sarah Jones

NC3

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.

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- (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.”

Sarah Jones

NC4

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

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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 process 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

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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(s) 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

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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) A “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;

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- (b) a system of communication;
- (c) access to a place of worship;
- (d) access to a transport facility;
- (e) access to an educational institution;
and
- (f) access to a service relating to health.”

Sarah Jones

NC5

To move the following Clause—

“Definition of “serious disruption”

- (1) For the purposes of this Act, “serious disruption” means—
 - (a) significant delay to the delivery of a time-sensitive product to consumers of that product, or
 - (b) prolonged disruption of access to any essential goods or any essential service, including, in particular, access to—
 - (i) the supply of money, food, water, energy or fuel,

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- (ii) a system of communication,
 - (iii) a place of worship,
 - (iv) a place of worship,
 - (v) an educational institution, or
 - (vi) a service relating to health.
- (2) In subsection (1)(a) 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.”

Paul Maynard

NC6

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

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- (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;

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- (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,

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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;

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(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

NC9

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 9 and 10 within three years of—
 - (a) if sections 9 and 10 come into force on the same date, the date on which they come into force, or
 - (b) if sections 9 and 10 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,

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- (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.”

Marsha De Cordova

NC10

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 9 and 10.
- (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

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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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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 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
 - (d) in any location that is visible from a public highway, public right of way, open space to which the public have

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access, or the curtilage of an abortion clinic.

- (3) For the purposes of subsection (1), “interferes with” means—
- (a) seeks to influence,
 - (b) persistently, continuously or repeatedly occupies,
 - (c) impedes or threatens,
 - (d) intimidates or harasses,
 - (e) advises or persuades, attempts to advise or persuade, or otherwise expresses opinion,
 - (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.

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(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,

(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,

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- (b) anything done in the course of providing medical care within a GP practice, hospital or other healthcare facility,
- (c) 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 any of the purposes listed in subsection (3), and
- (d) 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.

Liz Saville Roberts

NC12

To move the following Clause—

"Justice impact assessments for Wales

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- (1) Within six months of the passage of this Act, the Secretary of State must issue a justice impact assessment for any provision of this Act, or any regulations which have been made under this Act, which impact on matters which are devolved to Senedd Cymru.
- (2) Within one month of the date on which they are made, the Secretary of State must issue a justice impact assessment for any regulations made under this Act which are not included in the assessment required under subsection (1) which impact on matters which are devolved to Senedd Cymru.
- (3) The Secretary of State and the Welsh Ministers must jointly prepare and publish guidance on the implementation of the provisions on which justice impact assessments have been issued under subsections (1) and (2)."

Member's explanatory statement

This new clause would require the Secretary of State to issue assessments of the Bill's impact on devolved matters in Wales, and would require

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the Secretary of State and the Welsh Government to produce guidance on the implementation of parts of the Bill which have an impact on those devolved matters.

Stella Creasy

NC13

To move the following Clause—

“Intentional harassment, alarm or distress on account of sex

(1) A person (P) commits an offence under this section if—

(a) P commits an offence under section 4A of the Public Order Act 1986 (intentional harassment, alarm or distress), and

(b) P carried out the conduct referred to in section 4A(1) of that Act because of the relevant person’s sex In this subsection “the relevant person” means the person to whom P intended to cause, harassment, alarm or distress.

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- (2) For the purposes of subsection (1)(b) it does not matter whether or not P carried out the conduct referred to in section 4A(1) of the Public Order Act 1986 for the purposes of sexual gratification.
- (3) For the purposes of subsection (1)(b) it does not matter whether or not P also carried out the conduct referred to in section 4A(1) of the Public Order Act 1986 because of any other factor not mentioned in subsection (1)(b).
- (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 2 years, to a fine, or to both.
- (5) If, on the trial on indictment of a person charged with an offence under

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subsection (1), the jury find the person not guilty of the offence charged, they may find the person guilty of the basic offence mentioned in that provision.

(6) References in this section to P carrying out conduct because of another person's (B's) sex include references to P doing so because of B's presumed sex."

Stella Creasy

NC14

To move the following Clause—

"Harassment, alarm or distress on account of sex

(1) A person (P) commits an offence under this section if—

(a) P commits an offence under section 5 of the Public Order Act 1986 (harassment, alarm or distress), and

(b) P carried out the conduct referred to in section 5(1) of that Act because of the relevant person's sex. In this subsection "the relevant person"

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means the person to whom P intended to cause, or caused, harassment, alarm or distress.

- (2) For the purposes of subsection (1) it does not matter whether or not P carried out the conduct referred to in section 5(1) of the Public Order Act 1986 for the purposes of sexual gratification.
- (3) For the purposes of subsection (1) it does not matter whether or not P also carried out the conduct referred to in section 5(1) of the Public Order Act 1986 because of any other factor not mentioned in subsection (1).
- (4) A person who commits an offence under subsection (1) is liable—
 - (a) on summary conviction to a fine not exceeding level 5 on the standard scale;
 - (b) on conviction on indictment to imprisonment to a term not exceeding 6 months, or to a fine not exceeding level 5 on the standard scale, or to both.

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- (5) If, on the trial on indictment of a person charged with an offence under subsection (1), the jury find the person not guilty of the offence charged, they may find the person guilty of the basic offence mentioned in that provision.
- (6) References in this section to P carrying out conduct because of another person's (B's) sex include references to P doing so because of B's presumed sex.
- (7) It is not a defence under this section for P to claim that they could not reasonably have foreseen that their behaviour may constitute an offence."

Bell Ribeiro-Addy

NC15

To move the following Clause—

"Public inquiry into the impact of policing of public order on Black, Asian and minority ethnic people

Within six months of the date of Royal Assent to this Act, the Secretary of State must set up an

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inquiry under the Inquiries Act 2005 into the impact of the policing of public order on Black, Asian and minority ethnic people.”

Bell Ribeiro-Addy

NC16

To move the following Clause—

“Equality Impact Analyses of provisions of this Act

- (1) The Secretary of State must review the equality impact of the provisions of this Act.
- (2) A report of the review under this section must be laid before Parliament within 12 months of the date of Royal Assent to this Act.
- (3) A review under this section must consider the impact of the provisions of this Act on—
 - (a) households at different levels of income,

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- (b) people with protected characteristics (within the meaning of the Equality Act 2010),
 - (c) the Government's compliance with the public sector equality duty under section 149 of the Equality Act 2010, and
 - (d) equality in the different nations of the United Kingdom and different regions of England.
- (4) A review under this section must include a separate analysis of each section of the Act, and must also consider the cumulative impact of the Act as a whole."

Bell Ribeiro-Addy

NC17

To move the following Clause—

"Public inquiry into the policing of protests

Within six months of the date of Royal Assent to this Act, the Secretary of State must set up an

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inquiry under the Inquiries Act 2005 into the policing of public order and protests, including investigation of the use of—

- (a) force,
- (b) kettling,
- (c) police horses,
- (d) policing powers contained in the Police, Crime, Sentencing and Courts Act 2022, and policing powers contained in this Act.”

Anne McLaughlin **3**

Page 2, line 4, leave out Clause 1

Joanna Cherry **28**

Clause 1, page 2, line 6, after “they” insert “, without reasonable excuse, and using a device or substance that impedes detachment”

Member's explanatory statement

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This amendment, together with Amendment 30, would give effect to a recommendation of the Joint Committee on Human Rights by taking the burden of proving “reasonable excuse” away from the Defendant and make it an element of the offence. It would also narrow the meaning of “attach” to focus on the use of devices or substances that make removing the protester difficult.

Joanna Cherry

29

Clause 1, page 2, line 13, leave out paragraph (1)(b) and insert “that act causes, or is likely to cause, serious disruption to the life of the community, and”

Member's explanatory statement

This amendment would give effect to a recommendation of the Joint Committee on Human Rights by replacing the current threshold of serious disruption with a higher threshold based on serious disruption to the life of the community (defined in Amendment 32).

Joanna Cherry

30

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Clause 1, page 3, line 3, leave out subsection (2)

Joanna Cherry

31

Clause 1, page 3, line 10, leave out “the maximum term for summary offences” and insert “three months”

Member's explanatory statement

This amendment would give effect to a recommendation of the Joint Committee on Human Rights by reducing the maximum penalty for the offence of locking on.

Joanna Cherry

32

Clause 1, page 3, line 13, leave out subsections (4) and (5) and insert—

“(4) For the purposes of subsection (1)(a), in determining whether a person has a reasonable excuse, particular regard must be had to the importance of the right of peaceful protest in a democracy

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by virtue of Article 10 and Article 11 of the European Convention on Human Rights.

(5) For the purposes of subsection 1(b), “serious disruption to the life of the community” means a prolonged disruption of access to any essential goods or any essential service, including, in particular, access to—

(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.”

Member's explanatory statement

This amendment would give effect to a recommendation of the Joint Committee on Human Rights by inserting an express requirement to have particular regard to the right to peaceful protest when considering whether an individual has a “reasonable excuse”

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for their actions when locking on. It also provides detail on the meaning of serious disruption to the life of the community.

Anne McLaughlin **4**

Page 4, line 8, leave out Clause 2

Joanna Cherry **33**

Clause 2, page 4, line 10, leave out “may be used in the course of or in connection with” and insert “will be used in”.

Member's explanatory statement

This amendment would give effect to a recommendation of the Joint Committee on Human Rights by narrowing the scope of this offence.

Anne McLaughlin **5**

Page 5, line 2, leave out Clause 3

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Anne McLaughlin **6**

Page 8, line 1, leave out Clause 4

Anne McLaughlin **7**

Page 10, line 17, leave out Clause 5

Anne McLaughlin **8**

Page 12, line 2, leave out Clause 6

Joanna Cherry **34**

Clause 6, page 12, line 3, leave out subsection (1)
and insert—

“(1) A person commits an offence if—

(a) the person obstructs the undertaker
or a person acting under the
authority of the undertaker—

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- (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 the construction or maintenance of any major transport works, or
- (b) the person 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), and
- (c) that act causes, or is likely to cause, significant disruption to setting out the lines of, the construction of or the maintenance of the major transport works affected, and
- (d) the person intends their act—

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- (i) to obstruct the undertaker or person acting under the authority of the undertaker as mentioned in paragraph (a) or to interfere with or remove the apparatus as mentioned in paragraph (b), and
- (ii) to have a consequence mentioned in paragraph (c) or are reckless as to whether it will have such a consequence.”

Member's explanatory statement

This amendment would give effect to a recommendation of the Joint Committee on Human Rights by narrowing the scope of this offence to ensure it criminalises only conduct that would cause or be likely to cause serious disruption to major transport works. It would also introduce a requirement of intention or recklessness.

Joanna Cherry

35

Clause 6, page 13, line 3, leave out “It is a defence for a person charged with an offence

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under subsection (1) to prove that” and insert “A person does not commit an offence under subsection (1) if”

Member's explanatory statement

This amendment would give effect to a recommendation of the Joint Committee on Human Rights by taking the burden of proving “reasonable excuse” or that the act was part of a trade dispute away from the Defendant and making it an element of the offence.

Joanna Cherry

36

Clause 6, page 13, line 10, at end insert—

“(2A) For the purposes of subsection (2)(a), in determining whether a person has a reasonable excuse, particular regard must be had to the importance of the right of peaceful protest by virtue of Article 10 and Article 11 of the European Convention on Human Rights.”

Member's explanatory statement

This amendment would give effect to a recommendation of the Joint Committee on

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Human Rights by inserting an explicit requirement to have particular regard to the right to peaceful protest when considering whether an individual has a “reasonable excuse” for their actions.

Anne McLaughlin **9**

Page 19, line 1, leave out Clause 7

Joanna Cherry **37**

Clause 7, page 19, line 12, leave out “It is a defence for a person charged with an offence under subsection (1) to prove that” and insert “A person does not commit an offence under subsection (1) if”

Member's explanatory statement

This amendment would give effect to a recommendation of the Joint Committee on Human Rights by taking the burden of proving “reasonable excuse” or that the act was part of a trade dispute away from the Defendant and making it an element of the offence.

All line references relate to the large font accessible version of the Bill

Joanna Cherry

38

Clause 7, page 19, line 20, at end insert—

“(2A) For the purposes of subsection (2)(a), in determining whether a person has a reasonable excuse, particular regard must be had to the importance of the right of peaceful protest by virtue of Article 10 and Article 11 of the European Convention on Human Rights.”

Member's explanatory statement

This amendment would give effect to a recommendation of the Joint Committee on Human Rights by inserting an explicit requirement to have particular regard to the right to peaceful protest when considering whether an individual has a “reasonable excuse” for their actions.

Joanna Cherry

39

Clause 7, page 20, line 13, leave out “to any extent” and insert “to a significant extent”

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Member's explanatory statement

This amendment would give effect to a recommendation of the Joint Committee on Human Rights by narrowing the scope of the offence to prevent it sweeping up minor interference.

Joanna Cherry

40

Clause 7, page 20, line 20, after “means” insert “an essential element of”

Member's explanatory statement

This amendment would give effect to a recommendation of the Joint Committee on Human Rights by narrowing the meaning of “key national infrastructure” to exclude inessential elements of infrastructure.

Alicia Kearns

51

Clause 7, page 21, line 8, at end insert—

“(j) farms and food production infrastructure.”

Anne McLaughlin

10

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Page 23, line 10, leave out Clause 8

Joanna Cherry

41

Clause 8, page 23, line 22, leave out "or B"

Member's explanatory statement

This amendment would give effect to a recommendation of the Joint Committee on Human Rights to narrow the scope of the offence by narrowing the meaning of "road transport infrastructure" so as to focus on major roads.

Joanna Cherry

42

Clause 8, page 24, line 4, after "Act)" insert ", but excludes infrastructure that is not essential for the purposes of transporting goods or passengers by railway"

Member's explanatory statement

This amendment would give effect to a recommendation of the Joint Committee on

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Human Rights to narrow the scope of the offence by narrowing the meaning of “rail infrastructure” so as to ensure the offence does not extend to interference with inessential elements.

Joanna Cherry

43

Clause 8, page 24, line 19, after “Act)” insert—

“(c) but excludes infrastructure that is not essential for the purposes of transporting goods or passengers by air”

Member's explanatory statement

This amendment would give effect to a recommendation of the Joint Committee on Human Rights to narrow the scope of the offence by narrowing the meaning of “air transport infrastructure” so as to ensure the offence does not extend to interference with inessential elements.

Joanna Cherry

44

All line references relate to the large font accessible version of the Bill

Clause 8, page 24, line 23, leave out “or in connection with”

Member's explanatory statement

This amendment, together with Amendments 45 to 48, would give effect to a recommendation of the Joint Committee on Human Rights to narrow the scope of the offence, and reduce uncertainty, by narrowing what amounts to key national infrastructure.

Joanna Cherry

45

Clause 8, page 25, line 7, leave out “or in connection with”

Member's explanatory statement

See the explanatory statement for Amendment 44.

Joanna Cherry

46

Clause 8, page 26, line 10, leave out “or in connection with”

Member's explanatory statement

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See the explanatory statement for Amendment 44.

Joanna Cherry **47**

Clause 8, page 27, line 10, leave out “or in connection with”

Member's explanatory statement

See the explanatory statement for Amendment 44.

Joanna Cherry **48**

Clause 8, page 28, line 4, leave out “or in connection with”

Member's explanatory statement

See the explanatory statement for Amendment 44.

Joanna Cherry **49**

All line references relate to the large font accessible version of the Bill

Clause 8, page 29, line 11, leave out ““newspaper” includes a periodical or magazine.”

Member's explanatory statement

This amendment would give effect to a recommendation of the Joint Committee on Human Rights to narrow the scope of the offence by narrowing the meaning of “newspaper” so as to prevent it extending to any periodical or magazine.

Alicia Kearns

52

Clause 8, page 29, line 11, at end insert—

“(16) “Farms and food production infrastructure” means—

- (a) any infrastructure, used for the commercial growing of crops and horticultural produce or rearing of livestock for human consumption or as an ingredient in items for human consumption; or
- (b) any premises on which items for human consumption are processed, produced, or manufactured for commercial purposes; or

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(c) any abattoir.”

Anne McLaughlin **11**

Page 29, line 13, leave out Clause 9

Anne McLaughlin **12**

Page 31, line 8, leave out Clause 10

Anne McLaughlin **13**

Page 36, line 12, leave out Clause 11

Anne McLaughlin **14**

Page 38, line 3, leave out Clause 12

Anne McLaughlin **15**

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Page 40, line 1, leave out Clause 13

Anne McLaughlin **16**

Page 40, line 20, leave out Clause 14

Anne McLaughlin **17**

Page 41, line 15, leave out Clause 15

Sir Charles Walker **1**

Page 53, line 19, leave out Clause 16

Sir Charles Walker **2**

Page 60, line 14, leave out Clause 17

Anne McLaughlin **20**

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Page 66, line 11, leave out Clause 18

Anne McLaughlin **21**

Page 69, line 15, leave out Clause 19

Anne McLaughlin **22**

Page 72, line 15, leave out Clause 20

Anne McLaughlin **23**

Page 76, line 4, leave out Clause 21

Anne McLaughlin **24**

Page 78, line 10, leave out Clause 22

Anne McLaughlin **25**

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Page 80, line 13, leave out Clause 23

Anne McLaughlin **26**

Page 81, line 2, leave out Clause 24

Anne McLaughlin **27**

Page 82, line 11, leave out Clause 25

Sir Charles Walker **53**

Page 89, line 4, leave out Clause 26

Sir Charles Walker **54**

Page 91, line 17, leave out Clause 27

Sir Charles Walker **55**

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Page 93, line 10, leave out Clause 28

Sir Charles Walker **56**

Page 94, line 9, leave out Clause 29

Sir Charles Walker **57**

Page 94, line 21, leave out Clause 30

Sir Charles Walker **58**

Page 96, line 1, leave out Clause 31

Secretary Suella Braverman **Gov NS1**

To move the following Schedule—

“SCHEDULE

INJUNCTIONS IN SECRETARY OF STATE
PROCEEDINGS: POWERS TO REMAND

All line references relate to the large font accessible version of the Bill

Introductory

1 (1) This Schedule applies where the court has power to remand a person under subsection (6) of section (Injunctions in Secretary of State proceedings: power of arrest and remand) (injunctions in Secretary of State proceedings: power of arrest and remand).

(2) In this Schedule “the court” has the same meaning as in that section. Remand in custody or on bail

2 (1) The court may—

(a) remand the person in custody, that is, commit the person to custody to be brought before the court at the end of the period of remand or at such earlier time as the court may require, or

(b) remand the person on bail, in accordance with the following provisions.

(2) The court may remand the person on bail—

(a) by taking from the person a recognizance, with or without

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sureties, conditioned as provided in paragraph 3, or

(b) by fixing the amount of the recognizances with a view to their being taken subsequently, and in the meantime committing the person to custody as mentioned in sub-paragraph (1)(a).

(3) Where a person is brought before the court after remand, the court may further remand the person.

3 (1) Where a person is remanded on bail, the court may direct that the person's recognizance be conditioned for the person's appearance—

(a) before that court at the end of the period of remand, or

(b) at every time and place to which during the course of the proceedings the hearing may from time to time be adjourned.

(2) Where a recognizance is conditioned for a person's appearance as mentioned in sub-paragraph (1)(b), the fixing of any

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time for the person next to appear is deemed to be a remand.

(3) Nothing in this paragraph affects the power of the court at any subsequent hearing to remand the person afresh.

4 (1) The court must not remand a person for a period exceeding eight clear days except that—

(a) if the court remands the person on bail, it may remand the person for a longer period if the person and the other party consent, and

(b) if the court adjourns a case under section (Injunctions in Secretary of State proceedings: power of arrest and remand)(9) (remand for medical examination and report) the court may remand the person for the period of adjournment.

(2) Where the court has the power to remand a person in custody it may, if the remand is for a period not exceeding three clear days, commit the person to the custody of a constable.

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Further remand

- 5 (1) If the court is satisfied that a person who has been remanded is unable by reason of illness or accident to appear or be brought before the court at the expiration of the period for which the person was remanded, the court may, in the person's absence, remand the person for a further time.
- (2) The power mentioned in sub-paragraph (1) may, in the case of a person who was remanded on bail, be exercised by enlarging the person's recognizance and those of any sureties for the person to a later time.
- (3) Where a person remanded on bail is bound to appear before the court at any time and the court has no power to remand the person under sub-paragraph (1), the court may in the person's absence enlarge the person's recognizance and those of any sureties for the person to a later time.
- (4) The enlargement of the person's recognizance is to be deemed to be a further remand.

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(5) Paragraph 4(1) (limit of remand) does not apply to the exercise of the powers conferred by this paragraph.

Postponement and taking recognizance

6 Where under paragraph 2(2)(b) the court fixes the amount in which the principal and their sureties, if any, are to be bound, the recognizance may afterwards be taken by such person as may be prescribed by rules of court, with the same consequences as if it had been entered into before the court.

Requirements imposed on remand on bail

7 The court may when remanding a person on bail under this Schedule require the person to comply, before release on bail or later, with such requirements as appear to the court to be necessary to secure that the person does not interfere with witnesses or otherwise obstruct the course of justice."

Member's explanatory statement

This new Schedule contains provisions relating to the remand of persons arrested for breaching a provision of an injunction granted in

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proceedings brought by the Secretary of State in accordance with NC7.

Secretary Suella Braverman

Gov 50

Title, line 4, after “order;” insert “to make provision about proceedings by the Secretary of State relating to protest-related activities;”

Member's explanatory statement

This amendment is consequential on NC7 and NC8.

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

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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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