

PUBLIC ORDER BILL

EXPLANATORY NOTES ON LORDS AMENDMENTS

What these notes do

- 1 These Explanatory Notes relate to the Lords Amendments to the Public Order Bill as brought from the House of Lords on 22 February 2023 (Bill 253).
- 2 These Explanatory Notes have been prepared by the Home Office in order to assist the reader of the Bill, and to help inform debate on the Lords amendments. They do not form part of the Bill and have not been endorsed by Parliament.
- 3 These Explanatory Notes, like the Lords amendments themselves, refer to HL Bill 61, the Bill as first printed for the Lords.
- 4 These Explanatory Notes need to be read in conjunction with the Lords amendments and the text of the Bill. They are not, and are not meant to be, a comprehensive description of the Lords amendments.
- 5 Lords Amendment 1 was tabled by Lord Coaker, Lord Paddick, Baroness Chakarabarti and Baroness Jones and was opposed by the Government.
- 6 Lords Amendments 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 19, 21, 23, 27, 28, 31, 32, 33, 22, 24, 25, 26, 29, 30, 34, 35, 36 and 37 were tabled in the name of the Minister.
- 7 Lords Amendment 5 was tabled by Baroness Sugg, Lord Ponsonby of Shulbrede, Lord Hogan-Howe and Baroness Barker.
- 8 Lords Amendment 6 was tabled by Lord Coaker, Lord Paddick, Baroness Chakrabarti and the Lord Bishop of Manchester and was opposed by the Government.
- 9 Lords Amendment 17 was tabled by Baroness Chakrabarti, Baroness Boycott, Lord Paddick and Lord Hope of Craighead and was opposed by the Government.
- 10 Lords Amendment 18 was tabled by Lord Anderson of Ipswich, Lord Hope of Craighead and Lord Thomas of Cwmgiedd and was opposed by the Government.
- 11 Lords Amendment 20 was tabled by Lord Ponsonby of Shulbrede, Lord Paddick, Lord Anderson of Ipswich, Lord Hope of Craighead and Baroness Chakrabarti and was opposed by the Government.
- 12 In the following Commentary, an asterisk (*) appears in the heading of any paragraph that deals with a non-Government amendment.

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Commentary on Lords amendments

Lords Amendments: Before Clause 1 / New Clause: Meaning of Serious Disruption

Lords Amendment 1*

- 13 This amendment defines "serious disruption" for the purposes of the Bill. "Serious disruption" is the threshold and trigger for several offences and powers in the Bill.
- 14 Subsection (1) defines "serious disruption" to mean disruption causing significant harm to persons, organisations or the life of the community. This includes where the delivery of a time-sensitive product to consumers of that product is delayed to a significant degree. It also includes where access to any essential goods or any essential service is disrupted for a prolonged period. A non-exhaustive list of essential goods and services is provided, these are: money; food; water; energy; fuel; a system of communication; a place of worship; a transport facility; an educational institution; a service relating to health.
- 15 Subsection (2) defines "time sensitive product" to mean a product whose value or use may significantly reduce for the consumer as a result of a delay to its delivery to them.

Lords Amendments: Clause 4: Offence of causing serious disruption by being present in a tunnel

Lords Amendments 2, 3, 4

- 16 These amendments are clarificatory and establish that the offence of causing serious disruption by being present in a tunnel as provided for in clause 4 may be committed only in relation to a tunnel that was created for the purposes of, or in connection with, a protest.

Lords Amendments: Clause 9: Offence of interference with access to or provision of abortion services

Lords Amendment 5*

- 17 This amendment replaces clause 9 with an updated version.
- 18 Subsection (1) makes it an offence for a person within a safe access zone to intentionally or recklessly influence, obstruct, or cause harassment, alarm or distress to any person in connection with a decision to access, provide, or facilitate the provision of abortion services.
- 19 Subsection (2) defines a safe access zone as an area that is within 150 metres off any part of an abortion clinic or access point to a building or site that contains an abortion clinic, and is on or adjacent to a public highway or right of way, in an open space to which the public has access, within the area of land attached to an abortion clinic, or in a location that is visible from any of those areas.
- 20 Subsection (3) establishes that an offence is not committed under subsection (1) by a person inside a dwelling where the person affected is also in that or another dwelling, or a person inside a building or site used as a place of worship where the person affected is also in that building or site.
- 21 Subsection (4) provides for the maximum penalty for the offence in the first instance, namely an unlimited fine.

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- 22 Subsection (5) sets out actions that may take place within safe access zones but are not considered an offence under subsection (1). This includes: anything done while providing or facilitating abortion services in an abortion clinic, anything done while providing medical care in a healthcare facility, any persons accompanying with their consent persons accessing, providing, or facilitating abortion services, or the operation of a camera if its covering of persons accessing a clinic is incidental.
- 23 Subsection (6) defines abortion clinic.

Lords Amendments: Clauses 11,12,13,14, 35: Powers to stop and search without suspicion

Lords Amendment 6*

- 24 Lords voted to remove Clause 11 entirely from the Bill.
- 25 This clause would make provision for a senior police officer to give an authorisation applying to a specific locality for a specified period, which allows a constable in uniform to stop and search a person or vehicle for an object made, adapted, or intended for use in the course of or in connection with a specified protest-related offence.

Lords Amendment 7, 8, 9, 36

- 26 These amendments are consequential on the removal of clause 11: power to stop and search on suspicion from the Bill.

Lords Amendments: Clause 16: Assemblies and one-person protests: British Transport Police and Ministry of Defence Police

Lords Amendment 10, 11, 12, 13, 14, 15, 16

- 27 These amendments alter the territorial application of the amendments to sections 14 and 14A of the Public Order Act 1986 concerning the British Transport Police so that they apply to Scotland as well as England and Wales.

Lords Amendments: After Clause 18/ New Clause: Protection for journalists and others monitoring protests

Lords Amendment 17*

- 28 This amendment seeks to establish a safeguard for journalists and bystanders by specifying that a constable may not exercise any police power for the principal purpose of preventing a person from observing or reporting on a protest or the exercise of police powers in relation to a protest-related offence, a protest-related breach of an injunction, or activities related to a protest.

Lords Amendments: Clause 19: Serious disruption prevention order made on conviction

Lords Amendment 18*

- 29 This amendment amends the set of conditions for the making of an order on conviction as established in subsection (3) by removing the following conditions:
- 30 carrying out activities related to a protest that resulted in, or were likely to result in, serious disruption to two or more individuals or to an organisation;

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- causing or contributing to any other person committing a protest-related offence or a protest related breach of an injunction, or
- causing or contributing to the carrying out by any other person of activities related to a protest that resulted in, or were likely to result in, serious disruption to two or more individuals or to an organisation.
- This would mean that the only conditions that the court can consider for the making of an order are where the offender has been convicted of another protest-related offence or been found in contempt of court for a protest-related breach of an injunction.

Lords Amendment 19

- 31 Amendment 19 is clarificatory and concerns the conditions for making a serious disruption prevention order. It specifies that a previous conviction or breach may not be taken into account if that conviction or breach has already been taken into account in respect of the making of any earlier serious disruption prevention order.

Lords Amendments: Clauses 20, 21, 28, 29: Serious disruption prevention order made otherwise than on conviction

Lords Amendment 20*

- 32 Lords voted to remove Clause 20 entirely from the Bill.
- 33 Clause 20 would provide for the making of an order by a magistrates' court on application by a relevant chief officer of police.

Lords Amendment 21, 23, 27, 28, 31, 32, 33

- 34 These amendments are consequential on the removal of clause 20: serious disruption prevention order made otherwise than on conviction from the Bill.

Lords Amendments: Clauses 21, 22, 23, 25, 32, 33, 35: Serious disruption prevention order - electronic monitoring provisions

Lords Amendments 22, 24, 25, 26, 30, 34, 35, 37

- 35 Amendment 22 alters the requirements or prohibitions that may be imposed as part of an order by removing the electronic monitoring condition. This would mean that electronic monitoring in order to monitor an individual's compliance with other requirements imposed by the order would no longer be a condition that could be attached to an order.
- 36 Amendments 24, 25, 26, 30, 34, 35 and 37 are consequential on amendment 22.

Lords Amendments: Clause 28: Variation, renewal, or discharge of a serious disruption prevention order

Lords Amendments 29

- 37 Amendment 29 amends clause 28 to establish a limit on the number of times an order can be renewed meaning a court cannot renew an order more than once.

Financial implications

- 38 There are no financial implications related to the Lords amendments.

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