



## Public Order Bill HL Bill 61 of 2022–23

Author: Claire Brader

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On 1 November 2022, the second reading of the [Public Order Bill](#) is scheduled to take place in the House of Lords.

The bill would introduce several measures that aim to address serious disruption caused by certain protestors. This includes several new criminal offences such as:

- ‘locking on’ (where a person attaches themselves to land, an object or to another person and causes serious disruption)
- ‘tunnelling’ (where a person either creates, or occupies, a tunnel that causes serious disruption)
- obstructing major transport works and interfering with key national infrastructure
- interfering with the access to, or provision of, abortion services

The bill would also introduce ‘suspicion-led’ and ‘suspicion-less’ stop and search powers for the police, as well as powers to enable the secretary of state to bring civil proceedings (including applying for injunctions) against individuals who carry out protest-related activity. A new preventative court order—the serious disruption prevention order (SDPO)—would also be introduced. A person who receives an SDPO could be subjected to several requirements, including electronic tagging.

Most of the bill’s provisions were originally introduced as amendments to the Police, Crime, Sentencing and Courts Bill during the Lords report stage. However, the House of Lords rejected these amendments in January 2022 and they did not form part of the Police, Crime, Sentencing and Courts Act 2022, which received royal assent on 28 April 2022. The Public Order Bill would reintroduce these measures. Amendments were made to the bill during the committee and report stages in the House of Commons. This included government new clauses that would introduce several offences on tunnelling, as well as an opposition new clause that would introduce buffer zones around abortion clinics. The bill’s provisions would extend to England and Wales only.

The bill has proven controversial, with many parliamentarians and external stakeholders arguing that it could threaten the right to peaceful protest and freedom of assembly. However, following widespread publicity about evolving tactics used by some protestors, the government has said that it remains committed to plugging what it argues are gaps in existing legislation and protecting the public from serious disruption caused by certain protestors.

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## I. Background

There has been widespread publicity recently about evolving tactics used by some protestors.<sup>1</sup> New methods have included some protestors: gluing themselves to buildings or vehicles (also known as ‘locking-on’); blocking roads; tunnelling under land subject to development; and obstructing access to buildings such as oil refineries and newspaper printing works.<sup>2</sup>

On 28 April 2022, the Police, Crime, Sentencing and Courts Act 2022 received royal assent. This introduced new police powers to deal with protests that cause serious disruption.

In autumn 2021, some protestors (in support of environmental campaign group Insulate Britain) deployed a series of tactics that caused widespread disruption.<sup>3</sup> Tactics included some protestors gluing themselves to a junction of the M25 motorway.<sup>4</sup>

The government said these new tactics had highlighted gaps in existing legislation. As such, it introduced amendments to the Police, Crime, Sentencing and Courts Bill (PCSC bill) at Lords report stage to address these gaps and prevent further serious disruption.<sup>5</sup> The amendments were as follows:

- New criminal offences of ‘locking on’ and ‘going equipped to lock-on’ to criminalise people who attach themselves to others, objects or buildings to cause serious disruption.
- A new criminal offence of obstructing major transport works. This would have criminalised any behaviours that obstructed or interfered with the construction or maintenance of significant transport projects such as High Speed 2.
- A new criminal offence of interfering with key national infrastructure such as airports, railways, oil refineries and printing presses.
- Extended stop and search powers (both suspicion-led and suspicion-less) to allow the police to search for and seize articles connected with protest-related offences.
- A new preventative court order—the serious disruption prevention order—to target protestors who repeatedly inflicted

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<sup>1</sup> Nimo Omer, [‘Just Stop Oil fuels up for a long fight’](#), Guardian, 19 October 2022.

<sup>2</sup> [Explanatory notes](#), p 3.

<sup>3</sup> BBC News, [‘Insulate Britain blocks roads around Parliament’](#), 4 November 2021.

<sup>4</sup> BBC News, [‘Insulate Britain: Arrests as protestors glue themselves to roads’](#), 2 November 2021.

<sup>5</sup> Home Office, [‘Government cracking down on highly disruptive protest tactics’](#), 2 December 2021.

disruption on the public or businesses.<sup>6</sup>

However, the Lords rejected these amendments following a debate on 17 January 2022, so they never formed part of the final 2022 act.<sup>7</sup> Lord Rosser (Labour), shadow home affairs spokesperson, argued that the amendments had received limited scrutiny during the Lords committee stages, and noted that the House of Commons had not been given the opportunity to consider the amendments.<sup>8</sup> The government has re-introduced these measures as part of the Public Order Bill (the bill).

The Public Order Bill received its first reading in the House of Commons on 11 May 2022. It passed its third reading on 18 October 2022.

Several provisions were added to the bill during the public bill committee and report stages. This included government new clauses that would introduce several offences on tunnelling, as well as an opposition new clause that would introduce buffer zones around abortion clinics. The opposition new clause was added following a free vote that the government gave to Conservative MPs.

The bill has proven controversial amongst parliamentarians. The Joint Committee on Human Rights published its legislative scrutiny of the bill on 8 June 2022. The committee was critical of the bill, stating that it posed an “unacceptable threat to the fundamental right to engage in peaceful protest”.<sup>9</sup> For example, the committee believed that the offences of locking on, obstructing major transport works and interfering with key national infrastructure were too wide in scope. It said these risked criminalising individuals who were legitimately exercising their rights to freedom of expression and freedom of assembly. It recommended that these offences should be amended to ensure they were compatible with the European Convention on Human Rights. It also recommended that certain provisions be removed from the bill, including those on suspicion-less stop and search powers and serious disruption prevention orders.

The strength of feeling towards the bill was also evident when some Lords members objected to the bill’s first reading in the House of Lords on 19 October 2022.<sup>10</sup> Parliamentary rules dictate that the first reading of a bill “is agreed to without dissent or debate”. As such, the bill was allowed to progress to second reading.<sup>11</sup>

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<sup>6</sup> [Explanatory notes](#), pp 3–4.

<sup>7</sup> [HL Hansard, 17 January 2022, cols 1328–1486](#).

<sup>8</sup> [HL Hansard, 17 January 2022, col 1432](#).

<sup>9</sup> Joint Committee on Human Rights, ‘[Legislative scrutiny: Public Order Bill](#)’, 17 June 2022, HL paper 16 of session 2022–23, p 3.

<sup>10</sup> [HL Hansard, 19 October 2022, cols 1105–06](#).

<sup>11</sup> House of Lords, ‘[Companion to the standing orders and guide to the proceedings of the House of Lords](#)’, p 119.

## 2. Bill provisions

This section contains a summary of the bill. More detailed information can be found in the following:

- [Explanatory notes](#), 19 May 2022
- Home Office, '[Public Order Bill: Factsheet](#)', 11 July 2022

The bill contains 35 clauses, split across three parts. It also has one schedule. Its provisions would extend to England and Wales only.

### 2.1 Part 1: Public order

Clauses 1 and 2 would introduce the offences of 'locking on' and 'being equipped for locking on'.

- **Offence of locking on (clause 1):** This could be committed in several ways, including where a person causes serious disruption by attaching themselves to another person, object or land. The serious disruption must have been caused to either two or more people, or an organisation, in a place other than a dwelling for it to be an offence. It would also be an offence if a person acted in a way that was capable of causing serious disruption, even if no serious disruption had occurred. The maximum penalty for this offence would be six months' imprisonment, however this would rise to 51 weeks' imprisonment if the offence is committed after section 281(5) of the Criminal Justice Act 2003 comes into force. A person could also be fined.
- **Offence of being equipped for locking on (clause 2):** A person would commit an offence if they had an object in their possession (other than in a dwelling) and intended for it to be used (either by them or another) for locking on. The maximum sentence a person could receive for this offence would be a fine.

Clauses 3 to 5 would introduce offences relating to tunnelling. These clauses were added during the public bill committee stage in the House of Commons.

- **Offence of causing serious disruption by tunnelling (clause 3):** A person would commit this offence if they created a tunnel that caused, or is capable of causing, serious disruption to two or more people or to an organisation in a place other than a dwelling. A person would have a defence if they could prove that they had a reasonable excuse for creating the tunnel, for example if they had permission from the landowner. The maximum sentence for this offence would vary depending upon

which court heard the case. The maximum sentence for cases heard in the crown court (conviction on indictment) would be three years' imprisonment and/or a fine.

- **Offence of causing serious disruption by being present in a tunnel (clause 4):** It would be an offence for a person to enter a tunnel if that caused (or was capable of causing) serious disruption. As in clause 3, a person would have a defence if they could prove that they had a reasonable excuse to be there. The maximum sentence for this offence would be three years' imprisonment (if convicted on indictment) and/or a fine.
- **Offence of being equipped for tunnelling (clause 5):** It would be an offence for a person to have an object with them (other than in a dwelling) with the intention that it may be used to commission an offence relating to tunnelling. The maximum sentence for this offence would be six months' or 51 weeks' imprisonment (depending on when the offence was committed) and/or a fine.

Clauses 6 to 8 would introduce offences involving works and infrastructure.

- **Offence of obstruction (etc) of major transport works (clause 6):** A person would commit an offence if they obstructed the 'undertaker' (or a person acting for the undertaker) of major transport works. This would include where a person interferes with, moves or removes any apparatus relating to major transport works. 'Undertaker' would mean a person who is authorised under the act to construct or maintain any of the works. It would be a defence for a person to show that they had a reasonable excuse, or could prove that their actions were taken in connection with a trade dispute. The maximum sentence for this offence would be six months' or 51 weeks' imprisonment (depending on when the offence was committed) and/or a fine.
- **Interference with use or operation of key national infrastructure (clause 7):** A person would commit an offence if they interfered with key national infrastructure in England and Wales, for example where they caused significant delays. Key national infrastructure would include roads, rail, airports, the provision of oil and gas, and newspaper printing. It would be a defence if the person had a reasonable excuse, or could prove that their actions were taken in connection with a trade dispute. The maximum sentence for this offence would be 12 months' imprisonment and/or a fine. This clause would also give the secretary of state regulation-making powers to add or vary the list of key national infrastructure to which this offence would apply.
- **Key national infrastructure (clause 8):** This clause would provide the definitions of key national infrastructure for clause 7.

Clause 9 would introduce 'buffer zones' for abortion services. This clause was added to the bill during the House of Commons report stage.

- **Offence of interference with access to or provision of abortion services (clause 9):** This clause would introduce 'buffer zones' around places that provide abortion services. A buffer zone would be an area which is 150m from either an abortion clinic or entrance to a place that contains an abortion clinic. Within these buffer zones, it would be an offence for a person to interfere with anyone's decision to access, provide or facilitate abortion services. 'Interference' would include where a person sought to influence, intimidate or harass anyone attending the clinic. It would also apply to anyone taking photographs or making records of any person without their consent. However, the following would not be considered an offence: anything done in the course of providing abortion services or medical care; a person using a camera if its coverage of people accessing abortion clinics was incidental and the footage was not used for interference; or a police officer who was acting in the course of their duties. The maximum sentence would be six months' imprisonment and/or a fine if it was the person's first incident of the offence. For anyone who had committed the offence previously, the maximum sentence would be two years' imprisonment and/or a fine on further instances.

Clauses 10 to 14 would introduce powers to stop and search.

- **Powers to stop and search on suspicion (clause 10):** This would allow a police officer to stop and search a person or vehicle if they suspected that they would find an article for use in connection with certain offences. This would include the offences of locking on (clause 1), obstruction of major transport works (clause 6) and interference with key national infrastructure (clause 7).
- **Powers to stop and search without suspicion (clause 11):** This would allow a senior police officer (inspector) to authorise police officers to stop and search people or vehicles for any objects that would be used in protest-related offences. This authorisation would only apply to a specific location and for a specified period of time (not exceeding 24 hours). A senior police officer could only give this authorisation if they believed that any offences specified in clause 10 (including the locking-on offence) may be committed in the area, or if they believed that people were carrying prohibited objects in the area. With this authorisation in place, uniformed police officers could stop and search someone whether or not they had any grounds for suspecting that they were carrying such an object.
- **Further provisions about authorisations and directions**

**under clause 11 (clause 12):** If an inspector gave an authorisation under clause 11, they would be required to inform a police officer of the rank of superintendent or above as soon as practicable.

- **Further provisions about searches under clause 11 (clause 13):** Anyone searched by a police officer following a clause 11 authorisation would be entitled to request a written statement from the officer. This must be within 12 months from the day that the search took place. Any object seized by a police officer during this search may be retained. The secretary of state could introduce regulations on the retention and disposal of such objects.
- **Offences relating to section 11 (clause 14):** It would be an offence for a person intentionally to obstruct a police officer who was exercising their power of stop and search without suspicion (clause 11). The maximum sentence would be one month or 51 weeks' imprisonment (depending upon when the offence took place) and/or a fine.

Clauses 15 and 16 would introduce provisions relating to processions, assemblies and one-person protests.

- **Processions, assemblies and one-person protests: Delegation of functions (clause 15):** Currently, the Public Order Act 1986 (POA) enables chief police officers to impose certain conditions upon upcoming public processions, assemblies and one-person protests. Where such conditions are contested, senior police officers can be required to attend court to give evidence. For police forces outside of London, the existing law enables the requirement to attend court to be delegated from a chief constable to an assistant chief constable where necessary. However, for London police forces, the existing law only permits this function to be delegated to an officer ranked assistant commissioner (which is the equivalent of a chief constable in non-London police forces). Clause 15 would change this to enable London police forces to delegate this function to an officer of the rank of commander (or above). The explanatory notes state that this is necessary to relieve assistant commissioners of the burden of attending court whenever a condition attached to a protest is contested.<sup>12</sup>
- **Assemblies and one-person protests: British Transport Police and Ministry of Defence police (clause 16):** This would extend the POA powers to impose conditions on processions, assemblies and one-person protests to the British Transport Police and the Ministry of Defence police.

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<sup>12</sup> [Explanatory notes](#), p 12.



Clauses 17, 18 and the schedule would introduce provisions for the secretary of state to bring proceedings against those carrying out protest activities. These were added during the bill's report stage in the House of Commons.

- **Power of secretary of state to bring proceedings (clause 17):** This would enable the secretary of state to bring civil proceedings against people who they reasonably believed were carrying out protest-related activities. To do this, the secretary of state would need to have reasonable belief that such activities would either: cause serious disruption to key national infrastructure or access to any essential goods or services; or have a serious adverse effect on public safety. This power could not be used if the activities related to a trade dispute.
- **Injunctions in secretary of state proceedings: Power of arrest and remand (clause 18):** Clause 18 would enable powers of arrest to be attached to an injunction granted by a court in proceedings brought by the secretary of state under clause 17. The secretary of state would need to apply to the court to attach powers of arrest to the injunction. Additionally, the court would need to believe that the prohibited conduct could include violence, or a significant risk of harm to either a person or the public before the powers of arrest could be attached. If granted, this would allow a police officer to arrest a person (without warrant) who they have reasonable cause to suspect has breached the injunction.
- **Schedule: Injunctions in secretary of state proceedings: Powers to remand:** The schedule would set out remand powers and procedures for injunctions that have been made by a court following proceedings brought by the secretary of state under clause 18.

## 2.2 Part 2: Serious disruption prevention orders

Clauses 19 to 34 contain provisions on serious disruption prevention orders (SDPOs).

- **SDPO made on conviction (clause 19):** This would enable a court to give a person aged 18 years or over, who has been convicted of a protest-related offence, an SDPO. The clause would set out various circumstances in which a court could grant an SDPO. This would include where a person had committed another protest-related offence within the previous five years, and where the court thought the SDPO would be necessary to prevent that person from committing further protest-related offences. An SDPO would require or prohibit a person from doing anything described in the order.

- SDPO made otherwise than on conviction (clause 20):** This would allow a magistrates' court to make an SDPO where a chief officer of police had submitted an application that someone aged over 18 years (and within the chief officer's police area) should receive an SDPO. The clause sets out several conditions that must be met before a court could grant an SDPO in these circumstances. This would include where a person had been convicted of protest-related offences on at least two occasions in the previous five years. Before a court could grant an SDPO, it would need to consider it necessary on the basis of one of the several purposes listed in the clause. This would include preventing the person from committing further protest-related offences in the future.
- Provisions of SDPO (clause 21):** This clause would set out the requirements or prohibitions that could be imposed on a person by an SDPO. For instance, it could require a person to: present themselves at a particular place; remain at a certain place for a period of time; or submit to electronic monitoring (tagging). When imposing such requirements, a court would need to avoid conflict with a person's religious beliefs, employment or education, as far as practicable.
- Requirements of SDPO (clause 22):** This would require an SDPO to specify a person or organisation that would be responsible for supervising a person's compliance with an SDPO.
- Further provision about electronic monitoring requirements (clause 23):** This clause would ensure that an electronic monitoring requirement could only be imposed if: the secretary of state had confirmed that electronic monitoring arrangements are available in the relevant area; and the court was satisfied that the electronic monitoring could be made under the arrangements that are currently available in that area. Additionally, a court could not impose an electronic monitoring requirement if the person was not in attendance at court.
- Notification requirements in SDPO (clause 24):** A person given an SDPO would be required to provide their name(s) and address(es) to the police within three days of receiving the order. This clause would also require a person to inform the police within three days of any personal details changing.
- Duration of an SDPO (clause 25):** This would ensure that an SDPO could only have effect for a fixed period of not less than one week and not more than two years. However, an SDPO that provided for an electronic monitoring requirement could not have effect for more than 12 months.
- Other information to be included in an SDPO (clause 26):** This would require an SDPO to include the reasons why the order had been made, and the penalties that could be imposed if breached.
- Offences relating to an SDPO (clause 27):** This clause

would make it an offence for a person to breach an SDPO. The maximum sentence on conviction would be either six months or 51 weeks (depending upon when the offence was committed), and/or a fine.

- **Variation, renewal or discharge of an SDPO (clause 28):** This clause would enable 'relevant persons' to apply to the court to vary, renew or discharge an SDPO. It sets out several people who would be deemed 'relevant persons', including the person subject to the SDPO and chief officers of police.
- **Appeals against an SDPO (clause 29):** Where a person had received an SDPO either on conviction (clause 19) or not on conviction (clause 20), this clause would enable them to appeal against the order. Equally, a person who applied to the court for an SDPO to be imposed on a person (under clause 20) could also appeal to the appropriate court against a refusal to make the order.
- **SDPO guidance (clause 30):** This would permit the secretary of state to issue guidance to police forces in relation to SDPOs.
- **Guidance: Parliamentary procedure (clause 31):** Before any guidance under clause 30 could be issued, clause 31 would require the secretary of state to lay the draft guidance before Parliament. The guidance would not be issued if either House rejected it within a period of 40 days.
- **Data from electronic monitoring: Code of practice (clause 32):** This would require the secretary of state to issue a code of practice on the processing of data gathered in the course of electronic monitoring of individuals subject to an SDPO.
- **Interpretation of part 2 (clause 33):** This would provide definitions of the terms used within part 2 of the bill.
- **Consequential amendments (clause 34):** This clause would make consequential amendments to existing legislation.

### 2.3 Part 3: General

- **Clause 35** would extend the bill to England and Wales only. It would also see its provisions come into force on various dates, as set out in the clause.

### 3. House of Commons stages

#### 3.1 Second reading

The bill's second reading debate took place on 23 May 2022.<sup>13</sup> Introducing the bill, then Secretary of State for the Home Office Priti Patel spoke of an increase in disruption and criminal behaviour during protests that had diverted police resources away from communities:

We are seeing parts of the country grind to a halt. Transport networks have been stopped, printing presses blocked and fuel supplies disrupted. People have been unable to get to work and go about their lives free from harassment.<sup>14</sup>

The home secretary acknowledged that the right to protest should not be interfered with, but said behaviour that prevented people from going about their day-to-day business should not be tolerated.<sup>15</sup> This was why, she said, the government had originally brought forward measures to address some of these issues in the Police, Crime, Sentencing and Courts Bill. However, she noted that the House of Lords had chosen to remove these measures during the Lords stages.

Responding on behalf of the opposition, Shadow Secretary of State for the Home Office Yvette Cooper tabled a 'reasoned amendment' objecting to the bill. Reasoned amendments are mechanisms that enable an MP to record reasons for objecting to a bill at second reading.<sup>16</sup> The shadow secretary argued that the bill should not progress on several grounds, including that it risked the right of freedom to protest. She also said it failed to provide an "effective" strategy that could avoid disruption to essential services. Ms Cooper argued that police and courts already had powers to use in times of serious disruption. She also spoke of the positive role that injunctions could play in addressing disruption, but raised concern that the bill failed to mention these.<sup>17</sup>

MPs from a range of parties criticised the bill and supported the reasoned

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<sup>13</sup> UK Parliament, '[Public Order Bill](#)', accessed 20 October 2022.

<sup>14</sup> [HC Hansard, 23 May 2022, col 48.](#)

<sup>15</sup> [HC Hansard, 23 May 2022, cols 49–50.](#)

<sup>16</sup> UK Parliament, '[Reasoned amendments](#)', accessed 20 October 2022.

<sup>17</sup> [HC Hansard, 23 May 2022, col 56.](#) The bill did not contain any injunction-making provisions when first introduced in the House of Commons. At Commons report stage, two opposition party new clauses were defeated on division that would have enabled local authorities, chief constables, or residents/businesspersons in an area to apply for an injunction against 'persons unknown'. During the same debate, government amendments were added to the bill without division that would give the secretary of state the power to apply for injunctions.

amendment that it should not progress. Areas of concern included:<sup>18</sup>

- the bill's compatibility with human rights legislation (such as the right to freedom of expression and freedoms of peaceful assembly and association)
- the scope of several aspects, including SDPOs and suspicion-less stop and search powers
- the necessity for the bill in light of existing legislation that police and courts could already use

The reasoned amendment to object to the bill's second reading was defeated on division by 292 votes to 200.<sup>19</sup> The bill passed second reading on division by 292 votes to 202.<sup>20</sup>

### 3.2 Committee stage

A public bill committee sat seven times between 9 and 21 June 2022. The committee took evidence from expert witnesses for the first two sittings and considered evidence submitted by external stakeholders.

In summary, government new clauses 5, 6 and 7 (clauses 3 to 5 of the bill as introduced in the House of Lords) were added to the bill without division.<sup>21</sup> These would introduce several tunnelling offences of: causing serious disruption by tunnelling; causing serious disruption by occupying a tunnel; and being equipped for tunnelling.

Several divisions took place. This included a division on an amendment moved by Shadow Home Office Minister Sarah Jones that sought to change the criteria in which someone could commit the locking-on offence in clause 1. This amendment was defeated on division.<sup>22</sup>

Divisions also took place on whether the following should remain in the bill:

- Clause 6: Suspicion-led stop and search (now clause 10 of the House of Lords bill).<sup>23</sup>

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<sup>18</sup> For more information, see House of Commons Library, '[Public Order Bill: Progress of the bill](#)', 8 September 2022, pp 8–9.

<sup>19</sup> [HC Hansard, 23 May 2022, cols 127–30.](#)

<sup>20</sup> [HC Hansard, 23 May 2022, cols 131–33.](#)

<sup>21</sup> House of Commons Public Bill Committee, '[Public Order Bill](#)', 16 June 2022, session 2022–23, 6th sitting, cols 199–200.

<sup>22</sup> House of Commons Public Bill Committee, '[Public Order Bill](#)', 14 June 2022, 3rd sitting, session 2022–23, col 86.

<sup>23</sup> House of Commons Public Bill Committee, '[Public Order Bill](#)', 16 June 2022, session 2022–23, 5th sitting, col 153.

- Clause 7: Suspicion-less stop and search (now clause 11 of the House of Lords bill).<sup>24</sup>
- Clause 12: To enable SDPOs to be attached to a person's conviction (now clause 19 of the House of Lords bill).<sup>25</sup>
- Clause 13: To enable SDPOs to be issued to someone when they do not have a conviction (now clause 20 of the House of Lords bill).<sup>26</sup>

All clauses remained part of the bill on division.

Several amendments from opposition parties were also discussed but withdrawn without division. This included a new clause moved by the shadow home office minister which sought to legislate for injunctions against 'persons unknown'.<sup>27</sup> Other new clauses that were withdrawn included one that would have introduced buffer zones around abortion clinics.<sup>28</sup> However, the government gave Conservative MPs a free vote on this new clause when it was brought back at report stage in the House of Commons. It was subsequently added to the bill.

During the committee stage debates, the government reiterated that the bill would prevent small groups of "disruptive" individuals from "inflicting misery on the hard-working public" by causing physical and economic damage.<sup>29</sup> However, objections were raised by opposition parties about multiple aspects of the bill. This included concerns about the risk of limiting the public's right to protest, the imposition of disproportionate punishments, and operational challenges when implementing the bill's provisions.<sup>30</sup>

### 3.3 Report stage

The bill's report stage took place on 18 October 2022.

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<sup>24</sup> House of Commons Public Bill Committee, '[Public Order Bill](#)', 16 June 2022, session 2022–23, 5th sitting, col 158.

<sup>25</sup> House of Commons Public Bill Committee, '[Public Order Bill](#)', 16 June 2022, session 2022–23, 6th sitting, col 170.

<sup>26</sup> House of Commons Public Bill Committee, '[Public Order Bill](#)', 16 June 2022, session 2022–23, 6th sitting, col 175.

<sup>27</sup> House of Commons Public Bill Committee, '[Public Order Bill](#)', 21 June 2022, session 2022–23, 7th sitting, cols 239–242.

<sup>28</sup> For more information, see House of Commons Library, '[Public Order Bill: Progress of the bill](#)', 8 September 2022, pp 12–38.

<sup>29</sup> House of Commons Public Bill Committee, '[Public Order Bill](#)', 14 June 2022, session 2022–23, 4th sitting, col 127.

<sup>30</sup> For more information, see House of Commons Library, '[Public Order Bill: Progress of the bill](#)', 8 September 2022, pp 12–38.

### 3.3.1 Government amendments

Two new clauses, one new schedule and one amendment were added to the bill without division:

- The government's new clause 7 (clause 17 of the bill as introduced into the House of Lords) would allow the secretary of state to bring civil proceedings (including applying for injunctions) against those who carry out, or are likely to carry out, protest-related activities.<sup>31</sup>
- The government's new clause 8 (clause 18 of the bill as introduced into the House of Lords) would enable courts to attach powers of arrest to an injunction that has been brought by the secretary of state.<sup>32</sup>
- The government's new schedule would enable a person arrested under new clause 8 (now clause 18 of the bill as introduced into the House of Lords) to be remanded in custody or on bail.<sup>33</sup>
- The government's amendment 50 was a consequential amendment that would amend the bill's long title.<sup>34</sup>

During the debate, Minister for Crime, Policing and Fire Jeremy Quin said that currently, only private landowners and local authorities could apply for injunctions against disruptive behaviour.<sup>35</sup> As such, new clauses 7 and 8 and new schedule 1 would extend this power to the secretary of state. He said this would not affect the rights of local authorities or private landowners to apply for injunctions. Instead, it would give the secretary of state an additional way to act in the public interest where the potential impact of the disruption was serious and widespread. The minister said this would support better co-ordination between the government, law enforcement, local authorities and private landowners in responding to serious disruptive behaviour.

On behalf of the opposition, Shadow Minister for the Home Office Sarah Jones described the government's new clauses as "flawed".<sup>36</sup> Firstly, the shadow minister said the clauses did not provide clarity on what the legal basis of an injunction would be. Secondly, the opposition had concerns about

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<sup>31</sup> House of Commons, '[Report stage: Public Order Bill: Amendment paper](#)', 18 October 2022, pp 1–2.

<sup>32</sup> House of Commons, '[Report stage: Public Order Bill: Amendment paper](#)', 18 October 2022, pp 2–3.

<sup>33</sup> House of Commons, '[Report stage: Public Order Bill: Amendment paper](#)', 18 October 2022, pp 29–30.

<sup>34</sup> House of Commons, '[Report stage: Public Order Bill: Amendment paper](#)', 18 October 2022, p 31.

<sup>35</sup> [HC Hansard, 18 October 2022, cols 559–60.](#)

<sup>36</sup> [HC Hansard, 18 October 2022, col 578.](#)

giving such powers to the secretary of state. Thirdly, the shadow minister raised concerns about shifting financial responsibility from the private sector to the public sector in what she described as “a very difficult economic time”.

### **3.3.2 Divisions**

Several new clauses and amendments from opposition parties were tabled during the report stage debate. Of these, four were pushed to division. One new clause was added to the bill following a division, with the remainder being defeated.

#### **Abortion clinic buffer zones**

New clause 11 (clause 9 of the bill as introduced into the House of Lords) was added to the bill on division.

Moved by Stella Creasy (Labour MP for Walthamstow) and supported by members from several parties, new clause 11 would introduce 150m ‘buffer zones’ around abortion clinics and hospitals containing abortion services in England and Wales. It would be a criminal offence for a person to interfere, intimidate, or harass women accessing abortion services, or people providing such services, within these buffer zones.

Ms Creasy said the new clause was not about the abortion debate, but instead about ensuring safe access to abortion healthcare.<sup>37</sup> She gave examples of experiences that individuals had been subjected to by protestors when attending abortion clinics, including being called “murderer[s]”. Ms Creasy said the new clause would strike a balance between upholding free speech and the right to protest, whilst also protecting individuals accessing abortion healthcare services:

New clause 11 sets out a clear parameter so that both free speech and the rights of everybody in that conversation can be upheld. It is not about picking one side or the other. [...] People do not have to support abortion to believe that, frankly, there is a time and a place to have that conversation, and it is not when dealing with vulnerable women [accessing abortion healthcare services].

New clause 11 received support from MPs in different parties. Caroline Nokes (Conservative MP for Romsey and Southampton North) said that around 100,000 women were “abused and harassed” while trying to access abortion healthcare each year. She said it was imperative that national legislation could protect women from this sort of harassment. The shadow

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<sup>37</sup> [HC Hansard, 18 October 2022, cols 560–4.](#)



Scottish National Party spokesperson for justice, Anne McLaughlin, also supported the introduction of buffer zones, stating that the Scottish government was progressing work on it for Scotland too.

On behalf of the government, Mr Quin said that there would be a free vote for members of the Conservative Party on new clause 11.<sup>38</sup> Despite expressing sympathy for the clause's sentiment, the minister said the government would not support the amendment. This was because the government believed existing legislation such as 'public space protection orders' (PSPOs) were an effective and proportionate way of addressing protests outside abortion clinics. PSPOs can be issued by local authorities to restrict or prohibit activities in certain public places. This can be where activities have had a detrimental effect on the quality of life of those in the area. The minister said PSPOs were increasingly being used and were "increasingly effective". This was something that several MPs disagreed with during the debate, including Ms Creasy, who argued that only a small number of PSPOs were actually in force.<sup>39</sup> She also said that the PSPO process was an "expensive, complicated [and] long-winded process" for local authorities.

In conclusion, Mr Quin said the government believed new clause 11 would be a disproportionate response to the issues raised:

I hope we all agree that it is wholly unacceptable for women to feel harassed or intimidated when accessing abortion services. However, bearing in mind the size, scale and frequency of those protests, it is still our view that placing a nationwide blanket ban on protests outside all abortion clinics in England and Wales would be a blunt approach and disproportionate given the existing powers that can and should be used.<sup>40</sup>

New clause 11 was agreed to on division by 297 to 110.<sup>41</sup>

On 24 October 2022, the government issued a written statement stating it was unable to confirm that the bill provisions were compatible with the European Convention on Human Rights.<sup>42</sup> The parliamentary under secretary of state for the Home Office, Lord Sharpe of Epsom, said this was due to the abortion buffer zone provisions in clause 9 only. The government had previously published an ECHR memorandum with its assessment of the bill's compatibility with the convention rights in July 2022, prior to clause 9 being added into the bill.<sup>43</sup> Lord Sharpe said the government nevertheless

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<sup>38</sup> [HC Hansard, 18 October 2022, col 603.](#)

<sup>39</sup> [HC Hansard, 18 October 2022, col 561.](#)

<sup>40</sup> [HC Hansard, 18 October 2022, col 603.](#)

<sup>41</sup> House of Commons, '[Public Order Bill report stage: New clause 11](#)', 18 October 2022.

<sup>42</sup> House of Lords, '[Written statement: Public Order Bill](#)', 24 October 2022, HLWS333.

<sup>43</sup> Home Office, '[Public Order Bill: European Convention on Human Rights memorandum](#)', 11 July 2022.

wished to proceed with the bill. He noted that the House of Lords would want to debate and scrutinise clause 9 further.

## **Injunctions to prevent “serious disruption” to movement of goods and services**

A division took place on new clauses 4 and 5. Tabled by the Labour Party, these clauses would have:

- enabled a local authority, chief constable, or resident/business person in an area, to apply for an injunction against ‘persons unknown’ to prevent serious disruption to the movement of essential goods or services in that area (new clause 4)
- defined ‘serious disruption’ for the purposes of the bill to mean significant delay to the delivery of a time-sensitive product to consumers, or prolonged disruption to essential goods or services, including the supply of food, water, fuel and healthcare services, among several others (new clause 5)

Introducing new clauses 4 and 5, Sarah Jones, the shadow home office minister, accused the government of making “another U-turn” by introducing its own new clauses 7 and 8 (clauses 17 and 18 of the bill as introduced in the House of Lords) to provide injunction-making powers for the secretary of state.<sup>44</sup> Ms Jones said the Labour party had previously called for greater injunction powers following disruption caused by environmental activist groups such as Just Stop Oil. The shadow minister said police officers had told the Labour Party that injunctions were some of the most effective measures they use in the face of potential serious disruption.

In response, the government minister said that new clause 4 was not needed. He said existing laws already enabled private persons and local authorities to apply for an injunction if they could evidence harm to their rights or civil law interests.<sup>45</sup> On new clause 5, the minister said that being too prescriptive of the phrase ‘serious disruption’ could risk police officers being unable to respond to fast-evolving protest tactics.<sup>46</sup> The minister did not dismiss the amendment entirely, but said a balance needed to be struck between a definition that was too broad and one that was prescriptive.

These clauses were defeated on division by 313 to 188 (new clause 4)<sup>47</sup> and 311 to 186 (new clause 5).<sup>48</sup>

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<sup>44</sup> [HC Hansard, 18 October 2022, col 578.](#)

<sup>45</sup> [HC Hansard, 18 October 2022, col 560.](#)

<sup>46</sup> [HC Hansard, 18 October 2022, col 603.](#)

<sup>47</sup> House of Commons, ‘[Public Order Bill report stage: New clause 4](#)’, 18 October 2022

<sup>48</sup> House of Commons, ‘[Public Order Bill report stage: New clause 5](#)’, 18 October 2022

## Removal of serious disruption prevention orders

On behalf of MPs from several parties, Shadow SNP Spokesperson for Justice Anne McLaughlin moved amendment I.

This sought to remove clause 16 (clause 19 of the bill as introduced in the Lords) from the bill. Clause 16 would allow courts to make SDPOs for people on conviction. The SDPO could prevent a person from doing certain things or subject them to certain requirements, including electronic monitoring (tagging).

Ms McLaughlin criticised all SDPO provisions in the bill on the basis that they would place “draconian” limits on the right to protest.<sup>49</sup> Describing them as “protest banning orders”, she raised concerns about the “broad” range of circumstances that an SDPO could be issued for.<sup>50</sup> The shadow SNP minister also said that police had rejected the concept of SDPOs on several bases, including that they would “not create an effective deterrent”.<sup>51</sup>

In response, government minister Jeremy Quin did not agree with the assertion that SDPOs would unfairly infringe someone’s right to protest. He said SDPOs would:

[...] provide a route to prevent a small number of individuals who have a track record of deliberately causing serious disruption, from using the cover of protest to commit criminal offences or inflict serious disruption to the wider public.<sup>52</sup>

Amendment I was defeated on division by 302 to 235.<sup>53</sup>

### 3.3.3 Other concerns raised during report stage

MPs from across several parties raised concerns about the bill. For example, Caroline Lucas (Green Party MP for Brighton, Pavilion) described the bill as a “concerted attack” on the right to peaceful protests.<sup>54</sup>

During the report stage, amendment I was accompanied by several other amendments—tabled by Ms McLaughlin and Charles Walker (Conservative MP for Broxbourne) and supported by a cross-party selection of MPs—that sought to remove almost every clause from the bill. The shadow SNP justice

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<sup>49</sup> [HC Hansard, 18 October 2022, col 600.](#)

<sup>50</sup> [HC Hansard, 18 October 2022, col 599.](#)

<sup>51</sup> [HC Hansard, 18 October 2022, col 600.](#)

<sup>52</sup> [HC Hansard, 18 October 2022, col 602.](#)

<sup>53</sup> House of Commons, ‘[Public Order Bill report stage: Amendment I](#)’, 18 October 2022.

<sup>54</sup> [HC Hansard, 18 October 2022, col 594.](#)

spokesperson said these amendments were a demonstration of the opposition to the bill.<sup>55</sup>

Some MPs mentioned the rejection of certain measures during the Lords report stage of the Policing, Crime, Sentencing and Courts Act 2022. Bell Ribeiro-Addy (Labour MP for Streatham) said “I do not understand why [the government is] trying to bring them back?”.<sup>56</sup> Liberal Democrat Chief Whip Wendy Chamberlain said she remained fully supportive of the decision in the House of Lords to remove these measures because she believed the bill would undermine ‘policing by consent’.<sup>57</sup>

On behalf of the government, Mr Quin called on the House to support the government amendments and reject any amendments “that would make it more difficult to tackle the selfish minority of individuals who are intent on wreaking havoc on the lives of ordinary people”.<sup>58</sup>

### 3.4 Third reading

Third reading took place immediately after report stage on 18 October 2022.

Commending the bill to the house, Home Secretary Suella Braverman said the bill “reflected the government’s duty to put the safety and interests of the law-abiding majority first”.<sup>59</sup> The minister spoke of the “drain” on resources that recent protests have had on police forces.<sup>60</sup>

Referring to the Police, Crime, Sentencing and Courts Bill, she said “empowering” police in times of protest was its central purpose. However, she argued that, had the House of Lords not removed these latest measures from the Police, Crime, Sentencing and Courts Bill, “the police would have already had many of the powers in this bill and the British people would not have been put through this grief”.

On behalf of Labour, Shadow Home Secretary Yvette Cooper criticised the government for “repeating the same debates” on protests.<sup>61</sup> She said that Parliament must stand up for peaceful protests, whilst also protecting and safeguarding against serious disruption to essential services.

The bill’s third reading was agreed to on division by 283 to 234.

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<sup>55</sup> [HC Hansard, 18 October 2022, cols 600–1.](#)

<sup>56</sup> [HC Hansard, 18 October 2022, col 582.](#)

<sup>57</sup> [HC Hansard, 18 October 2022, col 592.](#)

<sup>58</sup> [HC Hansard, 18 October 2022, col 606.](#)

<sup>59</sup> [HC Hansard, 18 October 2022, col 626.](#)

<sup>60</sup> [HC Hansard, 18 October 2022, col 628.](#)

<sup>61</sup> [HC Hansard, 18 October 2022, col 628.](#)

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