



Republic

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Dear Sir/Madam,

### **Commencement of Public Order Bill offences upon receiving Royal Assent**

As you may already be aware, the Public Order Bill passed its final stages of parliamentary scrutiny yesterday. It will shortly receive Royal Assent and be enacted as law.

It is the Government's intention to bring into force the following criminal offences and measures the day after the Bill gains Royal Assent:

1. Meaning of "serious disruption"

This provision clarifies the circumstances in which individuals, or an organisation, may suffer "serious disruption", and applies across the Bill. "Serious disruption" is defined to mean a hindrance, delay, or prevention to more than a minor degree to specified activities, deliveries, or access to specified essential goods and services.

2. Offence of locking-on

This makes it a criminal offence to lock-on where such an act causes, or is capable of causing, serious disruption to two or more people or an organisation. Locking-on constitutes an individual attaching themselves or another a person to another person, object or land, or attaching an object to another object or land. Any person found guilty of committing the offence after the coming into force of the measure will be liable to imprisonment for a term not exceeding 6 months, a fine or both.

3. Offence of being equipped for locking-on

This will make it a criminal offence to go equipped to lock-on. This means where a person has an object with them with the intention that it may be used to commit the offence of locking-on by themselves or another person. Any person found guilty of committing the offence after the coming into force of the measure will be liable to a fine.

4. Interference with use or operation of key national infrastructure

This makes it a criminal offence to interfere with the use or operation of infrastructure listed as "key national infrastructure" in the Bill. Interference with

infrastructure means to prevent it from being used or operated to any extent for any of its intended purposes, including where its use or operation is significantly delayed. Any person found guilty of committing the offence after the coming into force of the measure will be liable to imprisonment for a term not exceeding one year, a fine, or both.

5. Key National Infrastructure

This measure defines the “key national infrastructure” in scope of the offence of *interference with use or operation of key national infrastructure*. These are: road transport infrastructure; rail infrastructure; air transport infrastructure; harbour infrastructure; downstream oil infrastructure; downstream gas infrastructure; onshore oil and gas exploration and production infrastructure, onshore electricity generation infrastructure; and newspaper printing infrastructure.

6. Processions, assemblies and one-person protests: delegation of functions

This measure will allow the chief officer of police of the City of London Police and the Metropolitan Police Service to delegate their powers under section 12 and 14 of the Public Order Act 1986 to officers of the rank of Commander. This aligns the extent of their ability to delegate these functions with that of chief officers of other forces across England and Wales.

These sections are set out in full below in annex A.

I would be grateful if you could publicise and forward this letter to your members who are likely to be affected by these legislative changes. We will write to you again to notify you and your members of the date of Royal Assent and the coming into force of the measures once confirmed.

Yours faithfully,

Police Powers Unit  
Home Office

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# Annex A: Sections of the Public Order Bill to be commenced immediately after Royal Assent

## 1. Meaning of “serious disruption”

(1) For the purposes of this Act, the cases in which individuals or an organisation may suffer serious disruption include, in particular, where the individuals or the organisation—

- (a) are by way of physical obstruction prevented, or hindered to more than a minor degree, from carrying out—
  - (i) their day-to-day activities (including in particular the making of a journey),
  - (ii) construction or maintenance works, or
  - (iii) activities related to such works,
- (b) are prevented from making or receiving, or suffer a delay that is more than minor to the making or receiving of, a delivery of a time-sensitive product, or
- (c) are prevented from accessing, or suffer a disruption that is more than minor to the accessing of, any essential goods or any essential service.

(2) In this section—

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

## 2. Offence of locking on

(1) A person commits an offence if—

- (a) they—
  - (i) attach themselves to another person, to an object or to land,
  - (ii) attach a person to another person, to an object or to land, or
  - (iii) attach an object to another object or to land,
- (b) that act causes, or is capable of causing, serious disruption to—
  - (i) two or more individuals, or
  - (ii) an organization, in a place other than a dwelling, and
- (c) they intend that act to have a consequence mentioned in paragraph (b) or are reckless as to whether it will have such a consequence.

(2) It is a defence for a person charged with an offence under subsection (1) to prove that they had a reasonable excuse for the act mentioned in paragraph (a) of that subsection.

(3) A person who commits an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding the maximum term for summary offences, to a fine or to both.

(4) In subsection (3), “the maximum term for summary offences” means—

- (a) if the offence is committed before the time when section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales) comes into force, six months;
- (b) if the offence is committed after that time, 51 weeks.

(5) In this section “dwelling” means—

- (a) a building or structure which is used as a dwelling, or
- (b) a part of a building or structure, if the part is used as a dwelling, and includes any yard, garden, grounds, garage or outhouse belonging to and used with a dwelling.”

### **3. Offence of being equipped for locking on**

(1) A person commits an offence if they have an object with them in a place other than a dwelling with the intention that it may be used in the course of or in connection with the commission by any person of an offence under section 2(1) (offence of locking on).

(2) A person who commits an offence under subsection (1) is liable on summary conviction to a fine.

(3) In this section “dwelling” has the same meaning as in section 2.

### **4. Interference with use or operation of key national infrastructure**

(1) A person commits an offence if—

- (a) they do an act which interferes with the use or operation of any key national infrastructure in England and Wales, and
- (b) they intend that act to interfere with the use or operation of such infrastructure or are reckless as to whether it will do so.

(2) It is a defence for a person charged with an offence under subsection (1) to prove that—

- (a) they had a reasonable excuse for the act mentioned in paragraph (a) of that subsection, or
- (b) the act mentioned in paragraph (a) of that subsection was done wholly or mainly in contemplation or furtherance of a trade dispute.

(3) A person who commits an offence under subsection (1) is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates’ court, to a fine or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 12 months, to a fine or to both.

(4) For the purposes of subsection (1) a person’s act interferes with the use or operation of key national infrastructure if it prevents the infrastructure from being used or operated to any extent for any of its intended purposes.

(5) The cases in which infrastructure is prevented from being used or operated for any of its intended purposes include where its use or operation for any of those purposes is significantly delayed.

(6) In this section “key national infrastructure” means—

- (a) road transport infrastructure,

- (b) rail infrastructure,
- (c) air transport infrastructure,
- (d) harbour infrastructure,
- (e) downstream oil infrastructure,
- (f) downstream gas infrastructure,
- (g) onshore oil and gas exploration and production infrastructure,
- (h) onshore electricity generation infrastructure, or
- (i) newspaper printing infrastructure.

Section 9 makes further provision about these kinds of infrastructure.

- (7) The Secretary of State may by regulations made by statutory instrument—
- (a) amend subsection (6) to add a kind of infrastructure or to vary or remove a kind of infrastructure;
  - (b) amend section 9 to add, amend or remove provision about a kind of infrastructure which is in, or is to be added to, subsection (6) or is to be removed from that subsection.

- (8) Regulations under subsection (7)—
- (a) may make different provision for different purposes;
  - (b) may make consequential, supplementary, incidental, transitional, transitory or saving provision.

(9) A statutory instrument containing regulations under subsection (7) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

- (10) In this section—
- “England” includes the English inshore region within the meaning of the Marine and Coastal Access Act 2009 (see section 322 of that Act); “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;
- “Wales” includes the Welsh inshore region within the meaning of the Marine and Coastal Access Act 2009 (see section 322 of that Act).

## **5. Key national infrastructure**

(1) This section has effect for the purposes of section 8.

- (2) “Road transport infrastructure” means—
- (a) a special road within the meaning of the Highways Act 1980 (see section 329(1) of that Act), or
  - (b) a road which, under the system for assigning identification numbers to roads administered by the Secretary of State or the Welsh Ministers, has for the time being been assigned a number prefixed by A or B.

(3) “Rail infrastructure” means infrastructure used for the purposes of railway services within the meaning of Part 1 of the Railways Act 1993 (see section 82 of that Act).

- (4) In the application of section 82 of the Railways Act 1993 for the purposes of subsection (3) “railway” has the wider meaning given in section 81(2) of that Act.
- (5) “Air transport infrastructure” means—
- (a) an airport within the meaning of the Airports Act 1986 (see section 82(1) of that Act), or
  - (b) any infrastructure which—
    - (i) does not form part of an airport within the meaning of that Act, and
    - (ii) is used for the provision of air traffic services within the meaning of Part 1 of the Transport Act 2000 (see section 98 of that Act).
- (6) “Harbour infrastructure” means a harbour within the meaning of the Harbours Act 1964 (see section 57(1) of that Act) which provides facilities for or in connection with—
- (a) the embarking or disembarking of passengers who are carried in the course of a business, or
  - (b) the loading or unloading of cargo which is carried in the course of a business.
- (7) “Downstream oil infrastructure” means infrastructure used for or in connection with any of the following activities—
- (a) the refinement or other processing of crude oil or oil feedstocks;
  - (b) the storage of crude oil or crude oil-based fuel for onward distribution, other than storage by a person who supplies crude oil-based fuel to the public where the storage is for the purposes of such supply;
  - (c) the loading or unloading of crude oil or crude oil-based fuel for onward distribution, other than unloading to a person who supplies crude oil-based fuel to the public where the unloading is for the purposes of such supply;
  - (d) the carriage, by road, rail, sea or inland waterway, of crude oil or crude oil-based fuel for the purposes of onward distribution;
  - (e) the conveyance of crude oil or crude oil-based fuel by means of a pipe-line within the meaning of the Pipe-lines Act 1962 (see section 65 of that Act).
- (8) “Downstream gas infrastructure” means infrastructure used for or in connection with any of the following activities—
- (a) the processing of gas;
  - (b) the storage of gas for onward conveyance, other than storage by a person who supplies gas to the public otherwise than by means of a pipe-line where the storage is for the purposes of such supply;
  - (c) the import or export of liquid gas;
  - (d) the carriage, by road or rail, of gas for the purposes of onward distribution;
  - (e) the conveyance of gas by means of a pipe-line.
- (9) In subsection (8)—
- “gas” has the same meaning as in section 12 of the Gas Act 1995; “pipe-line” has the same meaning as in the Pipe-lines Act 1962 (see section 65 of that Act).
- (10) “Onshore oil and gas exploration and production infrastructure” means onshore infrastructure used for or in connection with—
- (a) searching or boring for petroleum, or
  - (b) getting petroleum.
- (11) In subsection (10)—
- “onshore infrastructure” means infrastructure situated on land (excluding land covered by the sea or any tidal waters);
- “petroleum” has the same meaning as in Part 1 of the Petroleum Act 1998 (see section 1 of that Act).

- (12) “Onshore electricity generation infrastructure” means onshore infrastructure—
- (a) used for or in connection with the generation of electricity for the purpose of giving a supply to any premises or enabling a supply to be so given, and
  - (b) which has a total installed capacity equal to or greater than 100 megawatts.

- (13) In subsection (12)—
- “onshore infrastructure” means infrastructure situated on land (excluding land covered by the sea or any tidal waters); “supply”, in relation to electricity, has the same meaning as in the Electricity Act 1989 (see section 4(4) of that Act).

- (14) “Newspaper printing infrastructure” means infrastructure the primary purpose of which is the printing of one or more national or local newspapers.

- (15) In subsection (14)—
- “local newspaper” means a newspaper which is published at least fortnightly and is in circulation in a part of England and Wales; “national newspaper” means a newspaper which is published at least fortnightly and is in circulation in England, in Wales or in both; “newspaper” includes a periodical or magazine.

## **6. Processions, assemblies and one-person protests: delegation of functions**

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

“(2) Subsection (1) has effect—

- (a) in the City of London as if “an assistant chief constable” read “an assistant commissioner of police or a commander”, and
- (b) in the metropolitan police district as if “an assistant chief constable read “an assistant commissioner of police, a deputy assistant commissioner of police or a commander”.”