



Serious Organised Crime and Police Act 2005

2005 CHAPTER 15

PART 4

PUBLIC ORDER AND CONDUCT IN PUBLIC PLACES ETC.

Demonstrations in vicinity of Parliament

132 Demonstrating without authorisation in designated area

- (1) Any person who—
 - (a) organises a demonstration in a public place in the designated area, or
 - (b) takes part in a demonstration in a public place in the designated area, or
 - (c) carries on a demonstration by himself in a public place in the designated area,is guilty of an offence if, when the demonstration starts, authorisation for the demonstration has not been given under section 134(2).
- (2) It is a defence for a person accused of an offence under subsection (1) to show that he reasonably believed that authorisation had been given.
- (3) Subsection (1) does not apply if the demonstration is—
 - (a) a public procession of which notice is required to be given under subsection (1) of section 11 of the Public Order Act 1986 (c. 64), or of which (by virtue of subsection (2) of that section) notice is not required to be given, or
 - (b) a public procession for the purposes of section 12 or 13 of that Act.
- (4) Subsection (1) also does not apply in relation to any conduct which is lawful under section 220 of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52).
- (5) If subsection (1) does not apply by virtue of subsection (3) or (4), nothing in sections 133 to 136 applies either.

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- (6) Section 14 of the Public Order Act 1986 (imposition of conditions on public assemblies) does not apply in relation to a public assembly which is also a demonstration in a public place in the designated area.
- (7) In this section and in sections 133 to 136—
- (a) “the designated area” means the area specified in an order under section 138,
 - (b) “public place” means any highway or any place to which at the material time the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission,
 - (c) references to any person organising a demonstration include a person participating in its organisation,
 - (d) references to any person organising a demonstration do not include a person carrying on a demonstration by himself,
 - (e) references to any person or persons taking part in a demonstration (except in subsection (1) of this section) include a person carrying on a demonstration by himself.

133 Notice of demonstrations in designated area

- (1) A person seeking authorisation for a demonstration in the designated area must give written notice to that effect to the Commissioner of Police of the Metropolis (referred to in this section and section 134 as “the Commissioner”).
- (2) The notice must be given—
- (a) if reasonably practicable, not less than 6 clear days before the day on which the demonstration is to start, or
 - (b) if that is not reasonably practicable, then as soon as it is, and in any event not less than 24 hours before the time the demonstration is to start.
- (3) The notice must be given—
- (a) if the demonstration is to be carried on by more than one person, by any of the persons organising it,
 - (b) if it is to be carried on by a person by himself, by that person.
- (4) The notice must state—
- (a) the date and time when the demonstration is to start,
 - (b) the place where it is to be carried on,
 - (c) how long it is to last,
 - (d) whether it is to be carried on by a person by himself or not,
 - (e) the name and address of the person giving the notice.
- (5) A notice under this section must be given by—
- (a) delivering it to a police station in the metropolitan police district, or
 - (b) sending it by post by recorded delivery to such a police station.
- (6) Section 7 of the Interpretation Act 1978 (c. 30) (under which service of a document is deemed to have been effected at the time it would be delivered in the ordinary course of post) does not apply to a notice under this section.

134 Authorisation of demonstrations in designated area

- (1) This section applies if a notice complying with the requirements of section 133 is received at a police station in the metropolitan police district by the time specified in section 133(2).
- (2) The Commissioner must give authorisation for the demonstration to which the notice relates.
- (3) In giving authorisation, the Commissioner may impose on the persons organising or taking part in the demonstration such conditions specified in the authorisation and relating to the demonstration as in the Commissioner's reasonable opinion are necessary for the purpose of preventing any of the following—
 - (a) hindrance to any person wishing to enter or leave the Palace of Westminster,
 - (b) hindrance to the proper operation of Parliament,
 - (c) serious public disorder,
 - (d) serious damage to property,
 - (e) disruption to the life of the community,
 - (f) a security risk in any part of the designated area,
 - (g) risk to the safety of members of the public (including any taking part in the demonstration).
- (4) The conditions may, in particular, impose requirements as to—
 - (a) the place where the demonstration may, or may not, be carried on,
 - (b) the times at which it may be carried on,
 - (c) the period during which it may be carried on,
 - (d) the number of persons who may take part in it,
 - (e) the number and size of banners or placards used,
 - (f) maximum permissible noise levels.
- (5) The authorisation must specify the particulars of the demonstration given in the notice under section 133 pursuant to subsection (4) of that section, with any modifications made necessary by any condition imposed under subsection (3) of this section.
- (6) The Commissioner must give notice in writing of—
 - (a) the authorisation,
 - (b) any conditions imposed under subsection (3), and
 - (c) the particulars mentioned in subsection (5),to the person who gave the notice under section 133.
- (7) Each person who takes part in or organises a demonstration in the designated area is guilty of an offence if—
 - (a) he knowingly fails to comply with a condition imposed under subsection (3) which is applicable to him (except where it is varied under section 135), or
 - (b) he knows or should have known that the demonstration is carried on otherwise than in accordance with the particulars set out in the authorisation by virtue of subsection (5).
- (8) It is a defence for a person accused of an offence under subsection (7) to show—
 - (a) (in a paragraph (a) case) that the failure to comply, or
 - (b) (in a paragraph (b) case) that the divergence from the particulars,

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arose from circumstances beyond his control, or from something done with the agreement, or by the direction, of a police officer.

- (9) The notice required by subsection (6) may be sent by post to the person who gave the notice under section 133 at the address stated in that notice pursuant to subsection (4) (e) of that section.
- (10) If the person to whom the notice required by subsection (6) is to be given has agreed, it may be sent to him by email or by facsimile transmission at the address or number notified by him for the purpose to the Commissioner (and a notice so sent is “in writing” for the purposes of that subsection).

135 Supplementary directions

- (1) This section applies if the senior police officer reasonably believes that it is necessary, in order to prevent any of the things mentioned in paragraphs (a) to (g) of subsection (3) of section 134—
 - (a) to impose additional conditions on those taking part in or organising a demonstration authorised under that section, or
 - (b) to vary any condition imposed under that subsection or under paragraph (a) (including such a condition as varied under subsection (2)).
- (2) The senior police officer may give directions to those taking part in or organising the demonstration imposing such additional conditions or varying any such condition already imposed.
- (3) A person taking part in or organising the demonstration who knowingly fails to comply with a condition which is applicable to him and which is imposed or varied by a direction under this section is guilty of an offence.
- (4) It is a defence for him to show that the failure to comply arose from circumstances beyond his control.
- (5) In this section, “the senior police officer” means the most senior in rank of the police officers present at the scene (or any one of them if there are more than one of the same rank).

136 Offences under sections 132 to 135: penalties

- (1) A person guilty of an offence under section 132(1)(a) is liable on summary conviction to imprisonment for a term not exceeding 51 weeks, to a fine not exceeding level 4 on the standard scale, or to both.
- (2) A person guilty of an offence under section 132(1)(b) or (c) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) A person guilty of an offence under section 134(7) or 135(3) is liable on summary conviction—
 - (a) if the offence was in relation to his capacity as organiser of the demonstration, to imprisonment for a term not exceeding 51 weeks, to a fine not exceeding level 4 on the standard scale, or to both,
 - (b) otherwise, to a fine not exceeding level 3 on the standard scale.
- (4) A person who is guilty of the offence of inciting another to—

- (a) do anything which would constitute an offence mentioned in subsection (1), (2) or (3), or
 - (b) fail to do anything where the failure would constitute such an offence,
- is liable on summary conviction to imprisonment for a term not exceeding 51 weeks, to a fine not exceeding level 4 on the standard scale, or to both, notwithstanding section 45(3) of the Magistrates' Courts Act 1980 (c. 43).
- (5) A constable in uniform may arrest without warrant anyone he reasonably believes is committing an offence mentioned in subsections (1) to (4).

This subsection ceases to have effect on the coming into force of section 110.

137 Loudspeakers in designated area

- (1) Subject to subsection (2), a loudspeaker shall not be operated, at any time or for any purpose, in a street in the designated area.
- (2) Subsection (1) does not apply to the operation of a loudspeaker—
- (a) in case of emergency,
 - (b) for police, fire and rescue authority or ambulance purposes,
 - (c) by the Environment Agency, a water undertaker or a sewerage undertaker in the exercise of any of its functions,
 - (d) by a local authority within its area,
 - (e) for communicating with persons on a vessel for the purpose of directing the movement of that or any other vessel,
 - (f) if the loudspeaker forms part of a public telephone system,
 - (g) if the loudspeaker is in or fixed to a vehicle and subsection (3) applies,
 - (h) otherwise than on a highway, by persons employed in connection with a transport undertaking used by the public, but only if the loudspeaker is operated solely for making announcements to passengers or prospective passengers or to other persons so employed,
 - (i) in accordance with a consent granted by a local authority under Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c. 40).
- (3) This subsection applies if the loudspeaker referred to in subsection (2)(g)—
- (a) is operated solely for the entertainment of or for communicating with the driver or a passenger of the vehicle (or, if the loudspeaker is or forms part of the horn or similar warning instrument of the vehicle, solely for giving warning to other traffic), and
 - (b) is so operated as not to give reasonable cause for annoyance to persons in the vicinity.
- (4) A person who operates or permits the operation of a loudspeaker in contravention of subsection (1) is guilty of an offence and is liable on summary conviction to—
- (a) a fine not exceeding level 5 on the standard scale, together with
 - (b) a further fine not exceeding £50 for each day on which the offence continues after the conviction.
- (5) In this section—
- “local authority” means a London borough council (and, in subsection (2) (d), the Greater London Authority),

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“street” means a street within the meaning of section 48(1) of the New Roads and Street Works Act 1991 (c. 22) which is for the time being open to the public,

“the designated area” means the area specified in an order under section 138,

“vessel” includes a hovercraft within the meaning of the Hovercraft Act 1968 (c. 59).

- (6) In Schedule 2 to the Noise and Statutory Nuisance Act 1993 (consent to the operation of loudspeakers in streets or roads), in paragraph 1(1), at the end add “or of section 137(1) of the Serious Organised Crime and Police Act 2005”.

138 The designated area

- (1) The Secretary of State may by order specify an area as the designated area for the purposes of sections 132 to 137.
- (2) The area may be specified by description, by reference to a map or in any other way.
- (3) No point in the area so specified may be more than one kilometre in a straight line from the point nearest to it in Parliament Square.