



# Police Reform and Social Responsibility Act 2011

## 2011 CHAPTER 13

### PART 3

#### PARLIAMENT SQUARE GARDEN AND SURROUNDING AREA

##### *Repeal of SOCPA 2005 provisions*

#### **141 Demonstrations in vicinity of Parliament: repeal of SOCPA 2005 provisions**

- (1) Sections 132 to 138 of the Serious Organised Crime and Police Act 2005 (which regulate demonstrations and use of loudspeakers in the vicinity of Parliament) are repealed.
- (2) The public assemblies in relation to which section 14 of the Public Order Act 1986 applies, as a consequence of the repeal of section 132(6) of the Serious Organised Crime and Police Act 2005, include public assemblies which started, or were being organised, before this section comes into force.

##### *Controls on activities in Parliament Square Garden and adjoining pavements*

#### **142 Controlled area of Parliament Square**

- (1) For the purposes of this Part, the “controlled area of Parliament Square” means the area of land that is comprised in—
  - (a) the central garden of Parliament Square, and
  - (b) the footways that immediately adjoin the central garden of Parliament Square.
- (2) In subsection (1)—

“the central garden of Parliament Square” means the site in Parliament Square on which the Minister of Works was authorised by the Parliament

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Square (Improvements) Act 1949 to lay out the garden referred to in that Act as “the new central garden”;

“footway” has the same meaning as in the Highways Act 1980 (see section 329(1) of that Act).

### **143 Prohibited activities in controlled area of Parliament Square**

- (1) A constable or authorised officer who has reasonable grounds for believing that a person is doing, or is about to do, a prohibited activity may direct the person—
  - (a) to cease doing that activity, or
  - (b) (as the case may be) not to start doing that activity.
- (2) For the purposes of this Part, a “prohibited activity” is any of the following—
  - (a) operating any amplified noise equipment in the controlled area of Parliament Square;
  - (b) erecting or keeping erected in the controlled area of Parliament Square—
    - (i) any tent, or
    - (ii) any other structure that is designed, or adapted, (solely or mainly) for the purpose of facilitating sleeping or staying in a place for any period;
  - (c) using any tent or other such structure in the controlled area of Parliament Square for the purpose of sleeping or staying in that area;
  - (d) placing or keeping in place in the controlled area of Parliament Square any sleeping equipment with a view to its use (whether or not by the person placing it or keeping it in place) for the purpose of sleeping overnight in that area;
  - (e) using any sleeping equipment in the controlled area of Parliament Square for the purpose of sleeping overnight in that area.
- (3) But an activity is not to be treated as a “prohibited activity” within subsection (2) if it is done—
  - (a) for police, fire and rescue authority or ambulance purposes,
  - (b) by or on behalf of a relevant authority, or
  - (c) by a person so far as authorised under section 147 to do it (authorisation for operation of amplified noise equipment).
- (4) In subsection (2)(a) “amplified noise equipment” means any device that is designed or adapted for amplifying sound, including (but not limited to)—
  - (a) loudspeakers, and
  - (b) loudhailers.
- (5) In subsection (3)(b) “relevant authority” means any of the following—
  - (a) a Minister of the Crown or a government department,
  - (b) the Greater London Authority, or
  - (c) Westminster City Council.
- (6) It is immaterial for the purposes of a prohibited activity—
  - (a) in the case of an activity within subsection (2)(b) or (c) of keeping a tent or similar structure erected or using a tent or similar structure, whether the tent or structure was first erected before or after the coming into force of this section;
  - (b) in the case of an activity within subsection (2)(d) or (e) of keeping in place any sleeping equipment or using any such equipment, whether the sleeping equipment was first placed before or after the coming into force of this section.

- (7) In this section “sleeping equipment” means any sleeping bag, mattress or other similar item designed, or adapted, (solely or mainly) for the purpose of facilitating sleeping in a place.
- (8) A person who fails without reasonable excuse to comply with a direction under subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

#### **144 Directions under section 143: further provision**

- (1) A direction requiring a person to cease doing a prohibited activity may include a direction that the person does not start doing that activity again after having ceased it.
- (2) A direction requiring a person not to start doing a prohibited activity continues in force until—
  - (a) the end of such period beginning with the day on which the direction is given as may be specified by the constable or authorised officer giving the direction, or
  - (b) if no such period is specified, the end of the period of 90 days beginning with the day on which the direction is given.
- (3) A period specified under subsection (2)(a) may not be longer than 90 days.
- (4) A direction may be given to a person to cease operating, or not to start operating, any amplified noise equipment only if it appears to the constable or authorised officer giving the direction that the following condition is met.
- (5) The condition is that the person is operating, or is about to operate, the equipment in such a manner as to produce sound that other persons in or in the vicinity of the controlled area of Parliament Square can hear or are likely to be able to hear.
- (6) A direction—
  - (a) may be given orally,
  - (b) may be given to any person individually or to two or more persons together, and
  - (c) may be withdrawn or varied by the person who gave it.
- (7) In this section—
  - “amplified noise equipment” has the meaning given by section 143(4);
  - “direction” means a direction given under section 143(1).

#### **145 Power to seize property**

- (1) A constable or authorised officer may seize and retain a prohibited item that is on any land in the controlled area of Parliament Square if it appears to that constable or officer that the item is being, or has been, used in connection with the commission of an offence under section 143.
- (2) A constable may seize and retain a prohibited item that is on any land outside of the controlled area of Parliament Square if it appears to the constable that the item has been used in connection with the commission of an offence under section 143.
- (3) A “prohibited item” is any item of a kind mentioned in section 143(2).

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- (4) A constable may use reasonable force, if necessary, in exercising a power of seizure under this section.
- (5) An item seized under this section must be returned to the person from whom it was seized—
  - (a) no later than the end of the period of 28 days beginning with the day on which the item was seized, or
  - (b) if proceedings are commenced against the person for an offence under section 143 before the return of the item under paragraph (a), at the conclusion of those proceedings.
- (6) If it is not possible to return an item under subsection (5) because the name or address of the person from whom it was seized is not known—
  - (a) the item may be returned to any other person appearing to have rights in the property who has come forward to claim it, or
  - (b) if there is no such person, the item may be disposed of or destroyed at any time after the end of the period of 90 days beginning with the day on which the item was seized.
- (7) Subsections (5)(b) and (6) do not apply if a court makes an order under section 146(1) (a) for the forfeiture of the item.
- (8) The references in subsections (1) and (2) to an item that is “on” any land include references to an item that is in the possession of a person who is on any such land.

#### **146 Power of court on conviction**

- (1) The court may do either or both of the following on the conviction of a person (“P”) of an offence under section 143—
  - (a) make an order providing for the forfeiture of any item of a kind mentioned in subsection (2) of that section that was used in the commission of the offence;
  - (b) make such other order as the court considers appropriate for the purpose of preventing P from engaging in any prohibited activity in the controlled area of Parliament Square.
- (2) An order under subsection (1)(b) may (in particular) require P not to enter the controlled area of Parliament Square for such period as may be specified in the order.
- (3) Power of the court to make an order under this section is in addition to the court’s power to impose a fine under section 143(8).

#### **147 Authorisation for operation of amplified noise equipment**

- (1) The responsible authority for any land in the controlled area of Parliament Square may authorise a person in accordance with this section to operate on that land any amplified noise equipment (as defined by section 143(4)).
- (2) An application for authorisation must be made to the responsible authority by or on behalf of the person (or persons) seeking the authorisation.
- (3) The responsible authority may—
  - (a) determine the form in which, and the manner in which, an application is to be made;

- (b) specify the information to be supplied in connection with an application;
  - (c) require a fee to be paid for determining an application.
- (4) If an application is duly made to a responsible authority, the authority must—
  - (a) determine the application, and
  - (b) give notice in writing to the applicant of the authority’s decision within the period of 21 days beginning with the day on which the authority receives the application.
- (5) The notice must specify—
  - (a) the person (or persons) authorised (whether by name or description),
  - (b) the kind of amplified noise equipment to which the authorisation applies,
  - (c) the period to which the authorisation applies, and
  - (d) any conditions to which the authorisation is subject.
- (6) The responsible authority may at any time—
  - (a) withdraw an authorisation given to a person under this section, or
  - (b) vary any condition to which an authorisation is subject.
- (7) Variation under subsection (6)(b) includes—
  - (a) imposing a new condition,
  - (b) removing an existing condition, or
  - (c) altering any period to which a condition applies.
- (8) The exercise of a power under subsection (6) to withdraw an authorisation or to vary a condition is effected by the responsible authority giving notice in writing to the applicant.

#### **148 Meaning of “authorised officer” and “responsible authority”**

- (1) This section applies for the purposes of this Part.
- (2) “Authorised officer”, in relation to any land in the controlled area of Parliament Square, means—
  - (a) an employee of the responsible authority for that land who is authorised in writing by the authority for the purposes of this Part, and
  - (b) any other person who, under arrangements made with the responsible authority (whether by that or any other person), is so authorised for the purposes of this Part.
- (3) “Responsible authority”, in relation to any land in the controlled area of Parliament Square, means—
  - (a) the Greater London Authority, for any land comprised in the central garden of Parliament Square (as defined by section 142(2)), and
  - (b) Westminster City Council, for any other land.

#### **149 Effect of Part on byelaws**

- (1) In section 385 of the Greater London Authority Act 1999 (byelaws), after subsection (6) insert—

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- “(6A) Byelaws under this section may not be made as respects Parliament Square Garden for the purpose of prohibiting a particular activity so far as that activity is a prohibited activity for the purposes of Part 3 of the Police Reform and Social Responsibility Act 2011 (see section 143(2) of that Act).”.
- (2) Any byelaw made under section 385 of the Greater London Authority Act 1999 before the date on which section 143 above comes into force ceases to have effect on that date so far as the byelaw makes provision prohibiting, as respects the controlled area of Parliament Square, a particular activity that is a prohibited activity for the purposes of this Part.
- (3) Nothing in this Part restricts the making of any byelaw under section 235(1) of the Local Government Act 1972 (power of councils to make byelaws) for the purpose of prohibiting, as respects the controlled area of Parliament Square, a particular activity except so far as the activity is a prohibited activity for the purposes of this Part.