



# Police, Crime, Sentencing and Courts Act 2022

## 2022 CHAPTER 32

### PART 3

#### PUBLIC ORDER

##### *Public processions and public assemblies*

#### **73 Imposing conditions on public processions**

- (1) Section 12 of the Public Order Act 1986 (imposing conditions on public processions) is amended as follows.
- (2) In subsection (1)—
  - (a) for the “or” at the end of paragraph (a) substitute—
    - “(aa) in the case of a procession in England and Wales, the noise generated by persons taking part in the procession may result in serious disruption to the activities of an organisation which are carried on in the vicinity of the procession,
    - (ab) in the case of a procession in England and Wales—
      - (i) the noise generated by persons taking part in the procession may have a relevant impact on persons in the vicinity of the procession, and
      - (ii) that impact may be significant, or”, and
  - (b) in the words following paragraph (b), after “disruption” insert “, impact”.
- (3) After subsection (2) insert—
  - “(2A) For the purposes of subsection (1)(a), the cases in which a public procession in England and Wales may result in serious disruption to the life of the community include, in particular, where—

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- (a) it may result in a significant delay to the delivery of a time-sensitive product to consumers of that product, or
  - (b) it may result in a prolonged disruption of access to any essential goods or any essential service, including, in particular, access to—
    - (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.
- (2B) In subsection (2A)(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.
- (2C) For the purposes of subsection (1)(aa), the cases in which the noise generated by persons taking part in a public procession may result in serious disruption to the activities of an organisation which are carried on in the vicinity of the procession include, in particular, where it may result in persons connected with the organisation not being reasonably able, for a prolonged period of time, to carry on in that vicinity the activities or any one of them.
- (2D) For the purposes of subsection (1)(ab)(i), the noise generated by persons taking part in a public procession may have a relevant impact on persons in the vicinity of the procession if—
- (a) it may result in the intimidation or harassment of persons of reasonable firmness with the characteristics of persons likely to be in the vicinity, or
  - (b) it may cause such persons to suffer alarm or distress.
- (2E) In considering for the purposes of subsection (1)(ab)(ii) whether the noise generated by persons taking part in a public procession may have a significant impact on persons in the vicinity of the procession, the senior police officer must have regard to—
- (a) the likely number of persons of the kind mentioned in paragraph (a) of subsection (2D) who may experience an impact of the kind mentioned in paragraph (a) or (b) of that subsection,
  - (b) the likely duration of that impact on such persons, and
  - (c) the likely intensity of that impact on such persons.”
- (4) After subsection (11) insert—
- “(12) The Secretary of State may by regulations amend any of subsections (2A) to (2C) for the purposes of making provision about the meaning for the purposes of this section of—
- (a) serious disruption to the activities of an organisation which are carried on in the vicinity of a public procession, or
  - (b) serious disruption to the life of the community.
- (13) Regulations under subsection (12) may, in particular, amend any of those subsections for the purposes of—

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- (a) defining any aspect of an expression mentioned in subsection (12)(a) or (b) for the purposes of this section;
  - (b) giving examples of cases in which a public procession is or is not to be treated as resulting in—
    - (i) serious disruption to the activities of an organisation which are carried on in the vicinity of the procession, or
    - (ii) serious disruption to the life of the community.
- (14) Regulations under subsection (12)—
- (a) are to be made by statutory instrument;
  - (b) may apply only in relation to public processions in England and Wales;
  - (c) may make incidental, supplementary, consequential, transitional, transitory or saving provision, including provision which makes consequential amendments to this Part.
- (15) A statutory instrument containing regulations under subsection (12) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”
- (5) The Secretary of State must, before the end of the period of 2 years beginning with the day on which this section comes into force—
- (a) prepare and publish a report on the operation of the amendments to section 12 of the Public Order Act 1986 made by this section, and
  - (b) lay the report before Parliament.

#### Commencement Information

- I1** S. 73 not in force at Royal Assent, see **s. 208(1)**
- I2** S. 73(1)-(4) in force at 28.6.2022 by **S.I. 2022/520, reg. 5(i)** (as amended by **S.I. 2022/680, reg. 2(a)**)
- I3** S. 73(5) in force at 28.6.2022 by **S.I. 2022/520, reg. 5(j)** (as amended by **S.I. 2022/680, reg. 2(b)**)

## 74 Imposing conditions on public assemblies

- (1) Section 14 of the Public Order Act 1986 (imposing conditions on public assemblies) is amended as follows.
- (2) In subsection (1)—
- (a) for “If” substitute “Subsection (1A) applies if”,
  - (b) for the “or” at the end of paragraph (a) substitute—
    - “(aa) in the case of an assembly in England and Wales, the noise generated by persons taking part in the assembly may result in serious disruption to the activities of an organisation which are carried on in the vicinity of the assembly,
    - (ab) in the case of an assembly in England and Wales—
      - (i) the noise generated by persons taking part in the assembly may have a relevant impact on persons in the vicinity of the assembly, and
      - (ii) that impact may be significant, or”, and
  - (c) omit the words after paragraph (b).

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(3) After subsection (1) insert—

“(1A) The senior police officer may give directions imposing on the persons organising or taking part in the assembly—

- (a) in the case of an assembly in England and Wales, such conditions as appear to the officer necessary to prevent the disorder, damage, disruption, impact or intimidation mentioned in subsection (1);
- (b) in the case of an assembly in Scotland, such conditions as to the place at which the assembly may be (or continue to be) held, its maximum duration, or the maximum number of persons who may constitute it, as appear to the officer necessary to prevent the disorder, damage, disruption or intimidation mentioned in subsection (1)(a) or (b).”

(4) In subsection (2), for “subsection (1)” substitute “this section”.

(5) After subsection (2) insert—

“(2A) For the purposes of subsection (1)(a), the cases in which a public assembly in England and Wales may result in serious disruption to the life of the community include, in particular, where—

- (a) it may result in a significant delay to the supply of a time-sensitive product to consumers of that product, or
- (b) it may result in a prolonged disruption of access to any essential goods or any essential service, including, in particular, access to—
  - (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.

(2B) In subsection (2A)(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.

(2C) For the purposes of subsection (1)(aa), the cases in which the noise generated by persons taking part in a public assembly may result in serious disruption to the activities of an organisation which are carried on in the vicinity of the assembly include, in particular, where it may result in persons connected with the organisation not being reasonably able, for a prolonged period of time, to carry on in that vicinity the activities or any one of them.

(2D) For the purposes of subsection (1)(ab)(i), the noise generated by persons taking part in an assembly may have a relevant impact on persons in the vicinity of the assembly if—

- (a) it may result in the intimidation or harassment of persons of reasonable firmness with the characteristics of persons likely to be in the vicinity, or
- (b) it may cause such persons to suffer alarm or distress.

(2E) In considering for the purposes of subsection (1)(ab)(ii) whether the noise generated by persons taking part in an assembly may have a significant impact

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on persons in the vicinity of the assembly, the senior police officer must have regard to—

- (a) the likely number of persons of the kind mentioned in paragraph (a) of subsection (2D) who may experience an impact of the kind mentioned in paragraph (a) or (b) of that subsection,
- (b) the likely duration of that impact on such persons, and
- (c) the likely intensity of that impact on such persons.”

(6) After subsection (10A) (as inserted by section 75(11)) insert—

“(11) The Secretary of State may by regulations amend any of subsections (2A) to (2C) for the purposes of making provision about the meaning for the purposes of this section of—

- (a) serious disruption to the activities of an organisation which are carried on in the vicinity of a public assembly, or
- (b) serious disruption to the life of the community.

(12) Regulations under subsection (11) may, in particular, amend any of those subsections for the purposes of—

- (a) defining any aspect of an expression mentioned in subsection (11)(a) or (b) for the purposes of this section;
- (b) giving examples of cases in which a public assembly is or is not to be treated as resulting in—
  - (i) serious disruption to the activities of an organisation which are carried on in the vicinity of the assembly, or
  - (ii) serious disruption to the life of the community.

(13) Regulations under subsection (11)—

- (a) are to be made by statutory instrument;
- (b) may apply only in relation to public assemblies in England and Wales;
- (c) may make incidental, supplementary, consequential, transitional, transitory or saving provision, including provision which makes consequential amendments to this Part.

(14) A statutory instrument containing regulations under subsection (11) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

(7) The Secretary of State must, before the end of the period of 2 years beginning with the day on which this section comes into force—

- (a) prepare and publish a report on the operation of the amendments to section 14 of the Public Order Act 1986 made by this section, and
- (b) lay the report before Parliament.

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#### Commencement Information

- I4** S. 74 not in force at Royal Assent, see **s. 208(1)**
- I5** S. 74(1)-(6) in force at 28.6.2022 by S.I. 2022/520, **reg. 5(i)**
- I6** S. 74(7) in force at 28.6.2022 by S.I. 2022/520, **reg. 5(j)**

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## 75 Offences under sections 12 and 14 of the Public Order Act 1986

- (1) The Public Order Act 1986 is amended as follows.
- (2) Section 12 (imposing conditions on public processions) is amended in accordance with subsections (3) to (6).
- (3) In subsection (4)—
  - (a) for “A person” substitute “Subject to subsection (5A), a person”, and
  - (b) omit “knowingly”.
- (4) In subsection (5)—
  - (a) for “A person” substitute “Subject to subsection (5A), a person”, and
  - (b) omit “knowingly”.
- (5) After subsection (5) insert—
 

“(5A) A person is guilty of an offence under subsection (4) or (5) only if—

  - (a) in the case of a public procession in England and Wales, at the time the person fails to comply with the condition the person knows or ought to know that the condition has been imposed;
  - (b) in the case of a public procession in Scotland, the person knowingly fails to comply with the condition.”
- (6) For subsections (8) to (10) substitute—
 

“(8) A person guilty of an offence under subsection (4) is liable on summary conviction—

  - (a) in the case of a public procession in England and Wales, to imprisonment for a term not exceeding 51 weeks or a fine not exceeding level 4 on the standard scale or both;
  - (b) in the case of a public procession in Scotland, to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale or both.

(9) A person guilty of an offence under subsection (5) is liable on summary conviction—

  - (a) in the case of a public procession in England and Wales, to a fine not exceeding level 4 on the standard scale;
  - (b) in the case of a public procession in Scotland, to a fine not exceeding level 3 on the standard scale.

(10) A person guilty of an offence under subsection (6) is liable on summary conviction—

  - (a) in the case of a public procession in England and Wales, to imprisonment for a term not exceeding 51 weeks or a fine not exceeding level 4 on the standard scale or both;
  - (b) in the case of a public procession in Scotland, to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale or both.

(10A) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for

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certain summary offences: England and Wales), the references in subsections (8)(a) and to (10)(a) to 51 weeks are to be read as references to 6 months.”

(7) Section 14 (imposing conditions on public assemblies) is amended in accordance with subsections (8) to (11).

(8) In subsection (4)—

- (a) for “A person” substitute “Subject to subsection (5A), a person”, and
- (b) omit “knowingly”.

(9) In subsection (5)—

- (a) for “A person” substitute “Subject to subsection (5A), a person”, and
- (b) omit “knowingly”.

(10) After subsection (5) insert—

“(5A) A person is guilty of an offence under subsection (4) or (5) only if—

- (a) in the case of a public assembly in England and Wales, at the time the person fails to comply with the condition the person knows or ought to know that the condition has been imposed;
- (b) in the case of a public assembly in Scotland, the person knowingly fails to comply with the condition.”

(11) For subsections (8) to (10) substitute—

“(8) A person guilty of an offence under subsection (4) is liable on summary conviction—

- (a) in the case of a public assembly in England and Wales, to imprisonment for a term not exceeding 51 weeks or a fine not exceeding level 4 on the standard scale or both;
- (b) in the case of a public assembly in Scotland, to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale or both.

(9) A person guilty of an offence under subsection (5) is liable on summary conviction—

- (a) in the case of a public assembly in England and Wales, to a fine not exceeding level 4 on the standard scale;
- (b) in the case of a public assembly in Scotland, to a fine not exceeding level 3 on the standard scale.

(10) A person guilty of an offence under subsection (6) is liable on summary conviction—

- (a) in the case of a public assembly in England and Wales, to imprisonment for a term not exceeding 51 weeks or a fine not exceeding level 4 on the standard scale or both;
- (b) in the case of a public assembly in Scotland, to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale or both.

(10A) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales), the references in subsections (8)(a) and to (10)(a) to 51 weeks are to be read as references to 6 months.”

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(12) Subsections (6) and (11) apply only in relation to offences committed on or after the day on which this section comes into force.

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**Commencement Information**

**I7** S. 75 not in force at Royal Assent, see **s. 208(1)**

**I8** S. 75 in force at 28.6.2022 by S.I. 2022/520, **reg. 5(i)**



**Changes to legislation:**

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