
EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations make amendments to provisions in the Public Order Act 1986 (c. 64) (“the Act”) concerning the meaning of the expression “serious disruption to the life of the community”.

Section 12 of the Act gives the police a power to impose conditions on people organising and taking part in public processions. A senior police officer can exercise this power if they reasonably believe that a procession may result in serious disruption to the life of the community. Serious disruption to the life of the community is not defined by the Act but subsection (2A) of section 12 sets out a non-exhaustive list of examples which may constitute serious disruption to the life of the community. Subsection (2B) of section 12 provides a definition of “time-sensitive product” for the purpose of subsection (2A).

Regulation 2 amends subsections (2A) and (2B) of section 12 of the Act by refining the list of examples which may constitute serious disruption to the life of the community. The amendments to these subsections also provide that when considering whether a public procession in England and Wales may result in serious disruption to the life of the community, a senior police officer must take into account the disruption that may occur regardless of whether the procession is held, as well as the disruption that may result from the procession, and may take into account the cumulative disruption that may be caused by more than one public procession or public assembly in the same area. The amendments provide that the term “community” extends to anyone who may be affected by the public procession regardless of whether they live or work in the area.

Section 14 of the Act gives the police a similar power to that in section 12, in relation to public assemblies. Regulation 3 makes the same amendments to section 14 of the Act as regulation 2 makes to section 12.

Although sections 12 and 14 of the Act extend to England and Wales and Scotland, subsections (2A) and (2B) of those sections only apply to processions and assemblies in England and Wales. Similarly, these Regulations extend to England and Wales and Scotland but only apply to processions and assemblies in England and Wales.

An Economic Note in relation to the effect that these Regulations will have on the costs of business, the voluntary sector and the public sector has been prepared. A copy is annexed to the Explanatory Memorandum which is available alongside these Regulations on www.legislation.gov.uk. Copies may also be obtained from the Police Powers Unit at the Home Office, 2 Marsham Street, London SW1P 4DF (mark.williams@homeoffice.gov.uk).