

*Status: Point in time view as at 01/10/2008.*

*Changes to legislation: Public Order Act 1986, SCHEDULE 2 is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 2

Section 40(2).

#### OTHER AMENDMENTS

##### *Conspiracy and Protection of Property Act 1875 (c.86)*

F1 .....  
.....

#### Textual Amendments

F1 Sch. 2 para. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, Sch.1

##### *Prevention of Crime Act 1953 (c.14)*

2 In section 1 of the Prevention of Crime Act 1953 (offence to have offensive weapon) at the end of subsection (4) (offensive weapon includes article intended by person having it for use by him) there shall be added “or by some other person”.

##### *Civic Government (Scotland) Act 1982 (c.45)*

3 (1) Part V of the Civic Government (Scotland) Act 1982 (public processions) shall be amended in accordance with this paragraph.

(2) In section 62 (notification of processions)—

(a) in subsection (1)—

(i) after “below” there shall be inserted “(a)”; and

(ii) at the end there shall be inserted—

“; and

(b) to the chief constable.”

(b) in subsection (2)—

(i) in paragraph (a), after “council” there shall be inserted “and to the office of the chief constable”;

(ii) in paragraph (b), for “that office” there shall be substituted “those offices”;

(c) in subsection (4)—

(i) after “area” there shall be inserted “(a)”; and

(ii) after “them” there shall be inserted—

“; and

(b) intimated to the chief constable,”; and

(d) in subsection (12), in the definition of “public place”, for “the Public Order Act 1936” there shall be substituted “Part II of the Public Order Act 1986”.

*Status: Point in time view as at 01/10/2008.*

*Changes to legislation: Public Order Act 1986, SCHEDULE 2 is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (3) In section 63 (functions of regional and islands councils in relation to processions)—
- (a) after subsection (1) there shall be inserted—
- “(1A) Where notice of a proposal to hold a procession has been given or falls to be treated as having been given in accordance with section 62(1) of this Act—
- (a) if a regional or islands council have made an order under subsection (1) above they may at any time thereafter, after consulting the chief constable, vary or revoke the order and, where they revoke it, make any order which they were empowered to make under that subsection;
- (b) if they have decided not to make an order they may at any time thereafter, after consulting the chief constable, make any order which they were empowered to make under that subsection.”;
- (b) in subsection (2) after “(1)” there shall be inserted “or (1A)”;
- (c) in subsection (3)—
- (i) in paragraph (a)(i), after “(1)” there shall be inserted “or (1A) above”;
- (ii) in paragraph (a)(ii), for “such an order” there shall be substituted “an order under subsection (1) above or to revoke an order already made under subsection (1) or (1A) above”;
- (iii) at the end of paragraph (a)(ii), for “and” there shall be substituted—
- “(iii) where they have, under subsection (1A) above, varied such an order, a copy of the order as varied and a written statement of the reasons for the variation; and”;
- (iv) in paragraph (b), after “(1)” there shall be inserted “or (1A)”, and after “made” where third occurring there shall be inserted “and, if the order has been varied under subsection (1A) above, that it has been so varied”; and
- (v) at the end of paragraph (b) there shall be inserted—
- “; and
- (c) where they have revoked an order made under subsection (1) or (1A) above in relation to a proposal to hold a procession, make such arrangements as will ensure that persons who might take or are taking part in that procession are made aware of the fact that the order has been revoked.”.
- (4) In section 64 (appeals against orders under section 63)—
- (a) in subsection (1) for the words from “against” to the end there shall be substituted—
- “against—
- (a) an order made under section 63(1) or (1A) of this Act; or
- (b) a variation under section 63(1A) of this Act of an order made under section 63(1) or (1A),
- in relation to the procession.”;
- (b) in subsection (4) after “make” there shall be inserted “or, as the case may be, to vary”; and

*Status: Point in time view as at 01/10/2008.*

*Changes to legislation: Public Order Act 1986, SCHEDULE 2 is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (c) in subsection (7) after “order” there shall be inserted “or, as the case may be, the variation of whose order”.
- (5) In section 65 (offences and enforcement)—
  - (a) in paragraphs (b) and (c) of subsection (1), after “(1)” there shall be inserted “or (1A)”; and
  - (b) in paragraphs (b) and (c) of subsection (2), after “(1)” there shall be inserted “or (1A)”.
- (6) In section 66 (relationship with Public Order Act 1936)—
  - (a) for “the Public Order Act 1936” there shall be substituted “Part II of the Public Order Act 1986”;
  - (b) in paragraph (a), for “or order made under section 3” there shall be substituted “under section 12”, and “or that order” shall be omitted; and
  - (c) in paragraph (b), “or order under the said section 3” shall be omitted.

*Criminal Justice Act 1982 (c.48)*

- 4 The following shall be inserted at the end of Part II of Schedule 1 to the Criminal Justice Act 1982 (statutory offences excluded from provisions for early release of prisoners)—

*“ Public Order Act 1986*

- 27 Section 1 (riot).
- 28 Section 2 (violent disorder).
- 29 Section 3 (affray).”.”

5 ..... F2

**Textual Amendments**

**F2** Sch. 2 para. 5 repealed by Broadcasting Act 1990 (c. 42, SIF 96), s. 203(3), Sch. 21

6 ..... F3

**Textual Amendments**

**F3** Sch. 2 para. 6 repealed by S.I. 1987/463 (N.I. 7), art. 28(5), Sch. 2, and Broadcasting Act 1990 (c. 42, SIF 96), s. 203(3), Sch. 21

*Police and Criminal Evidence Act 1984 (c.60)*

- 7 In section 17(1)(c) of the Police and Criminal Evidence Act 1984 (entry for purpose of arrest for certain offences) in sub-paragraph (i) the words from “4” to “peace)” shall be omitted and after sub-paragraph (ii) there shall be inserted—

“(iii) section 4 of the Public Order Act 1986 (fear or provocation of violence);”.

**Status:**

Point in time view as at 01/10/2008.

**Changes to legislation:**

Public Order Act 1986, SCHEDULE 2 is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.