



Criminal Justice and Public Order Act 1994

1994 CHAPTER 33

PART V

PUBLIC ORDER: COLLECTIVE TRESPASS OR NUISANCE ON LAND

Trespassory assemblies

70 **Trespassory assemblies**

In Part II of the Public Order Act 1986 (processions and assemblies), after section 14, there shall be inserted the following sections—

“14A Prohibiting trespassory assemblies

- (1) If at any time the chief officer of police reasonably believes that an assembly is intended to be held in any district at a place on land to which the public has no right of access or only a limited right of access and that the assembly—
- (a) is likely to be held without the permission of the occupier of the land or to conduct itself in such a way as to exceed the limits of any permission of his or the limits of the public’s right of access, and
 - (b) may result—
 - (i) in serious disruption to the life of the community, or
 - (ii) where the land, or a building or monument on it, is of historical, architectural, archaeological or scientific importance, in significant damage to the land, building or monument,
- he may apply to the council of the district for an order prohibiting for a specified period the holding of all trespassory assemblies in the district or a part of it, as specified.
- (2) On receiving such an application, a council may—

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- (a) in England and Wales, with the consent of the Secretary of State make an order either in the terms of the application or with such modifications as may be approved by the Secretary of State; or
 - (b) in Scotland, make an order in the terms of the application.
- (3) Subsection (1) does not apply in the City of London or the metropolitan police district.
- (4) If at any time the Commissioner of Police for the City of London or the Commissioner of Police of the Metropolis reasonably believes that an assembly is intended to be held at a place on land to which the public has no right of access or only a limited right of access in his police area and that the assembly—
- (a) is likely to be held without the permission of the occupier of the land or to conduct itself in such a way as to exceed the limits of any permission of his or the limits of the public's right of access, and
 - (b) may result—
 - (i) in serious disruption to the life of the community, or
 - (ii) where the land, or a building or monument on it, is of historical, architectural, archaeological or scientific importance, in significant damage to the land, building or monument,
 he may with the consent of the Secretary of State make an order prohibiting for a specified period the holding of all trespassory assemblies in the area or a part of it, as specified.
- (5) An order prohibiting the holding of trespassory assemblies operates to prohibit any assembly which—
- (a) is held on land to which the public has no right of access or only a limited right of access, and
 - (b) takes place in the prohibited circumstances, that is to say, without the permission of the occupier of the land or so as to exceed the limits of any permission of his or the limits of the public's right of access.
- (6) No order under this section shall prohibit the holding of assemblies for a period exceeding 4 days or in an area exceeding an area represented by a circle with a radius of 5 miles from a specified centre.
- (7) An order made under this section may be revoked or varied by a subsequent order made in the same way, that is, in accordance with subsection (1) and (2) or subsection (4), as the case may be.
- (8) Any order under this section shall, if not made in writing, be recorded in writing as soon as practicable after being made.
- (9) In this section and sections 14B and 14C—
- “assembly” means an assembly of 20 or more persons;
 - “land” means land in the open air;
 - “limited”, in relation to a right of access by the public to land, means that their use of it is restricted to use for a particular purpose (as in the case of a highway or road) or is subject to other restrictions;
 - “occupier” means—
 - (a) in England and Wales, the person entitled to possession of the land by virtue of an estate or interest held by him; or

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- (b) in Scotland, the person lawfully entitled to natural possession of the land,
and in subsections (1) and (4) includes the person reasonably believed by the authority applying for or making the order to be the occupier;
“public” includes a section of the public; and
“specified” means specified in an order under this section.
- (10) In relation to Scotland, the references in subsection (1) above to a district and to the council of the district shall be construed—
- (a) as respects applications before 1st April 1996, as references to the area of a regional or islands authority and to the authority in question; and
 - (b) as respects applications on and after that date, as references to a local government area and to the council for that area.
- (11) In relation to Wales, the references in subsection (1) above to a district and to the council of the district shall be construed, as respects applications on and after 1st April 1996, as references to a county or county borough and to the council for that county or county borough.

14B Offences in connection with trespassory assemblies and arrest therefor

- (1) A person who organises an assembly the holding of which he knows is prohibited by an order under section 14A is guilty of an offence.
- (2) A person who takes part in an assembly which he knows is prohibited by an order under section 14A is guilty of an offence.
- (3) In England and Wales, a person who incites another to commit an offence under subsection (2) is guilty of an offence.
- (4) A constable in uniform may arrest without a warrant anyone he reasonably suspects to be committing an offence under this section.
- (5) A person guilty of an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale or both.
- (6) A person guilty of an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) A person guilty of an offence under subsection (3) is liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale or both, notwithstanding section 45(3) of the Magistrates' Courts Act 1980.
- (8) Subsection (3) above is without prejudice to the application of any principle of Scots Law as respects art and part guilt to such incitement as is mentioned in that subsection.”.

71 Trespassory assemblies: power to stop persons from proceeding

After the section 14B inserted by section 70 in the Public Order Act 1986 there shall be inserted the following section—

Status: This is the original version (as it was originally enacted).

“14C Stopping persons from proceeding to trespassory assemblies

- (1) If a constable in uniform reasonably believes that a person is on his way to an assembly within the area to which an order under section 14A applies which the constable reasonably believes is likely to be an assembly which is prohibited by that order, he may, subject to subsection (2) below—
 - (a) stop that person, and
 - (b) direct him not to proceed in the direction of the assembly.
- (2) The power conferred by subsection (1) may only be exercised within the area to which the order applies.
- (3) A person who fails to comply with a direction under subsection (1) which he knows has been given to him is guilty of an offence.
- (4) A constable in uniform may arrest without a warrant anyone he reasonably suspects to be committing an offence under this section.
- (5) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.