



# Public Order Act 2023

## 2023 CHAPTER 15

### PART 1

#### PUBLIC ORDER

##### *Processions, assemblies and one-person protests*

#### **16 Assemblies and one-person protests: British Transport Police and MoD Police**

- (1) The Public Order Act 1986 is amended as follows.
- (2) In section 14 (imposing conditions on public assemblies)—
- (a) in subsection (2), after paragraph (b) (and on a new line) insert “This is subject to subsections (2ZA) and (2ZB).”;
  - (b) after subsection (2) insert—
    - “(2ZA) The reference in subsection (2)(a) to a police officer includes—
      - (a) a constable of the British Transport Police Force, in relation to a place within section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003;
      - (b) a member of the Ministry of Defence Police, in relation to a place to which section 2(2) of the Ministry of Defence Police Act 1987 applies.
    - (2ZB) The reference in subsection (2)(b) to a chief officer of police includes—
      - (a) the chief constable of the British Transport Police Force, in relation to a place within section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003;
      - (b) the chief constable of the Ministry of Defence Police, in relation to a place to which section 2(2) of the Ministry of Defence Police Act 1987 applies.”; and
  - (c) in subsection (3)—

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- (i) omit “by a chief officer of police”, and
  - (ii) after “(2)(b)” insert “or (2ZB)”.
- (3) In section 14ZA (imposing conditions on one-person protests)—
- (a) in subsection (5), after paragraph (b) (and on a new line) insert “This is subject to subsections (5A) and (5B).”,
  - (b) after subsection (5) insert—
    - “(5A) The reference in subsection (5)(a) to a police officer includes—
      - (a) a constable of the British Transport Police Force, in relation to a one-person protest—
        - (i) being held at a place within section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003, or
        - (ii) intended to be held at a place within subparagraph (i) in a case where a person is in that place with a view to carrying on such a protest;
      - (b) a member of the Ministry of Defence Police, in relation to a one-person protest—
        - (i) being held at a place to which section 2(2) of the Ministry of Defence Police Act 1987 applies, or
        - (ii) intended to be held at a place within subparagraph (i) in a case where a person is in that place with a view to carrying on such a protest.
    - (5B) The reference in subsection (5)(b) to a chief officer of police includes—
      - (a) the chief constable of the British Transport Police Force, in relation to a one-person protest intended to be held at a place within section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003, other than a one-person protest within subsection (5A)(a)(ii);
      - (b) the chief constable of the Ministry of Defence Police, in relation to a one-person protest intended to be held at a place to which section 2(2) of the Ministry of Defence Police Act 1987 applies, other than a one-person protest within subsection (5A)(b)(ii).”, and
  - (c) in subsection (9)—
    - (i) omit “by a chief officer of police”, and
    - (ii) after “(5)(b)” insert “or (5B)”.
- (4) In section 14A (prohibiting trespassory assemblies)—
- (a) after subsection (4) insert—
    - “(4A) Subsection (4D) applies if at any time the chief constable of the British Transport Police Force reasonably believes that—
      - (a) an assembly is intended to be held at a place—
        - (i) within section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003, and
        - (ii) on land to which the public has no right of access or only a limited right of access, and
      - (b) the conditions in subsections (4B) and (4C) are met.

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- (4B) The condition in this subsection is that the assembly is likely—
- (a) to be held without the permission of the occupier of the land, or
  - (b) to conduct itself in such a way as to exceed—
    - (i) the limits of any permission of the occupier, or
    - (ii) the limits of the public’s right of access.
- (4C) The condition in this subsection is that the assembly may result—
- (a) in serious disruption to the provision of railway services (within the meaning of Part 3 of the Railways and Transport Safety Act 2003),
  - (b) in serious disruption to the life of the community, or
  - (c) 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.
- (4D) Where this subsection applies, the chief constable of the British Transport Police Force may with the consent of the relevant national authority make an order prohibiting for a specified period the holding of all trespassory assemblies in a specified area.
- (4E) An area specified in an order under subsection (4D) must comprise only—
- (a) the place mentioned in subsection (4A)(a), or
  - (b) that place together with any place—
    - (i) within section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003, or
    - (ii) where an assembly could affect a railway within the meaning of Part 3 of that Act or anything occurring on or in relation to such a railway.
- (4F) In subsection (4D) “the relevant national authority” means—
- (a) in relation to an area in England and Wales, the Secretary of State;
  - (b) in relation to an area in Scotland, the Scottish Ministers.
- (4G) Subsection (4J) applies if at any time the chief constable of the Ministry of Defence Police reasonably believes that—
- (a) an assembly is intended to be held at a place—
    - (i) to which section 2(2) of the Ministry of Defence Police Act 1987 applies, and
    - (ii) on land to which the public has no right of access or only a limited right of access, and
  - (b) the conditions in subsections (4H) and (4I) are met.
- (4H) The condition in this subsection is that the assembly is likely—
- (a) to be held without the permission of the occupier of the land, or
  - (b) to conduct itself in such a way as to exceed—
    - (i) the limits of any permission of the occupier, or

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(ii) the limits of the public’s right of access.

(4I) The condition in this subsection is that the assembly may result—

- (a) in serious disruption to the use for a defence purpose of—
  - (i) a place within section 2(2)(a) to (c) of the Ministry of Defence Police Act 1987,
  - (ii) a place within section 4(1) of the Atomic Weapons Establishment Act 1991, or
  - (iii) in relation to a time after the coming into force of section 5 of the Defence Reform Act 2014, a place within subsection (1) of that section,
- (b) in serious disruption to the life of the community, or
- (c) 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.

(4J) Where this subsection applies, the chief constable of the Ministry of Defence Police may with the consent of the Secretary of State make an order prohibiting for a specified period the holding of all trespassory assemblies in a specified area.

(4K) An area specified in an order under subsection (4J) which is not made in reliance on subsection (4I)(a) must comprise only one or more places to which section 2(2) of the Ministry of Defence Police Act 1987 applies.”

- (b) in subsection (7), for “or subsection (4)” substitute “, subsection (4), subsection (4D) or subsection (4J)”, and
- (c) in subsection (9), in the definition of “occupier”, for “and (4)” substitute “, (4), (4B) and (4H)”.

(5) In section 15 (delegation), after subsection (2) insert—

“(3) The chief constable of the British Transport Police Force may delegate, to such extent and subject to such conditions as the chief constable may specify, any of the chief constable’s functions under sections 14 to 14A to an assistant chief constable of that Force; and references in those sections to the person delegating shall be construed accordingly.

(4) The chief constable of the Ministry of Defence Police may delegate, to such extent and subject to such conditions as the chief constable may specify, any of the chief constable’s functions under sections 14 to 14A to a deputy chief constable or assistant chief constable of that force; and references in those sections to the person delegating shall be construed accordingly.”

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**Commencement Information**

**II** S. 16 in force at 2.7.2023, see **s. 35(4)**

**Changes to legislation:**

There are currently no known outstanding effects for the Public Order Act 2023, Section 16.