



Police, Crime, Sentencing and Courts Act 2022

2022 CHAPTER 32

PART 3

PUBLIC ORDER

Expedited public spaces protection orders

82 Expedited public spaces protection orders

- (1) The Anti-social Behaviour, Crime and Policing Act 2014 is amended as follows.
- (2) After section 59 insert—

“59A Power to make expedited public spaces protection orders

- (1) A local authority may make an expedited public spaces protection order (an “expedited order”) in relation to a public place within the local authority’s area if satisfied on reasonable grounds that three conditions are met.
- (2) The first condition is that the public place is in the vicinity of—
 - (a) a school in the local authority’s area, or
 - (b) a site in the local authority’s area where, or from which—
 - (i) vaccines are provided to members of the public by, or pursuant to arrangements with, an NHS body, or
 - (ii) test and trace services are provided.

The reference in paragraph (b)(i) to arrangements includes arrangements made by the NHS body in the exercise of functions of another person by virtue of any provision of the National Health Service Act 2006.

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- (3) The second condition is that activities carried on, or likely to be carried on, in the public place by one or more individuals in the course of a protest or demonstration have had, or are likely to have, the effect of—
 - (a) harassing or intimidating members of staff or volunteers at the school or site,
 - (b) harassing or intimidating persons using the services of the school or site,
 - (c) impeding the provision of services by staff or volunteers at the school or site, or
 - (d) impeding access by persons seeking to use the services of the school or site.
- (4) The third condition is that the effect or likely effect mentioned in subsection (3)—
 - (a) is, or is likely to be, of a persistent or continuing nature,
 - (b) is, or is likely to be, such as to make the activities unreasonable, and
 - (c) justifies the restrictions imposed by the order.
- (5) An expedited order is an order that identifies the public place referred to in subsection (1) (“the restricted area”) and—
 - (a) prohibits specified things being done in the restricted area,
 - (b) requires specified things to be done by persons carrying on specified activities in that area, or
 - (c) does both of those things.
- (6) The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order—
 - (a) to prevent the harassment, intimidation or impediment referred to in subsection (3) from continuing, occurring or recurring, or
 - (b) to reduce that harassment, intimidation or impediment or to reduce the risk of its continuance, occurrence or recurrence.
- (7) A prohibition or requirement may be framed—
 - (a) so as to apply to all persons, or only to persons in specified categories, or to all persons except those in specified categories;
 - (b) so as to apply at all times, or only at specified times, or at all times except those specified;
 - (c) so as to apply in all circumstances, or only in specified circumstances, or in all circumstances except those specified.
- (8) An expedited order must—
 - (a) identify the activities referred to in subsection (3);
 - (b) explain the effect of section 63 (where it applies) and section 67;
 - (c) specify the period for which the order has effect.
- (9) An expedited order may not be made in relation to a public place if that place (or any part of it) is or has been the subject of an expedited order (“the earlier order”), unless the period specified in subsection (11) has expired.
- (10) In subsection (9) the second reference to “an expedited order” is to be read as including a reference to a public spaces protection order (made after the day

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on which this section comes into force) which neither prohibited nor required anything that could not have been prohibited or required by an expedited order.

- (11) The period specified in this subsection is the period of a year beginning with the day on which the earlier order ceased to have effect.
- (12) An expedited order must be published in accordance with regulations made by the Secretary of State.
- (13) For the purposes of subsection (2), a public place that is coextensive with, includes, or is wholly or partly within, a school or site is regarded as being “in the vicinity of” that school or site.
- (14) In this section references to a “school” are to be read as including a 16 to 19 Academy.
- (15) In this section “test and trace services” means—
 - (a) in relation to England, services of the programme known as NHS Test and Trace;
 - (b) in relation to Wales, services of the programme known as Test, Trace, Protect.”

(3) After section 60 insert—

“60A Duration of expedited orders

- (1) An expedited order may not have effect for a period of more than 6 months.
- (2) Subject to subsection (1), the local authority that made an expedited order may, before the time when the order is due to expire, extend the period for which the order has effect if satisfied on reasonable grounds that doing so is necessary to prevent—
 - (a) occurrence or recurrence after that time of the activities identified in the order, or
 - (b) an increase in the frequency or seriousness of those activities after that time.
- (3) Where a local authority has made an expedited order, the authority may, at any time before the order is due to expire, reduce the period for which the order is to have effect if satisfied on reasonable grounds that the reduced period will be sufficient having regard to the degree of risk of an occurrence, recurrence or increase such as is mentioned in subsection (2)(a) or (b).
- (4) An extension or reduction under this section of the period for which an order has effect must be published in accordance with regulations made by the Secretary of State.
- (5) An expedited order may be extended or reduced under this section more than once.”

(4) After section 72 insert—

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“72A Expedited orders: Convention rights and consents

- (1) A local authority, in deciding—
 - (a) whether to make an expedited order (under section 59A) and if so what it should include,
 - (b) whether to extend or reduce the period for which an expedited order has effect (under section 60A) and if so by how much,
 - (c) whether to vary an expedited order (under section 61) and if so how, or
 - (d) whether to discharge an expedited order (under section 61),
 must have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the Convention.
- (2) In subsection (1) “Convention” has the meaning given by section 21(1) of the Human Rights Act 1998.
- (3) A local authority must obtain the necessary consents before—
 - (a) making an expedited order,
 - (b) extending or reducing the period for which an expedited order has effect, or
 - (c) varying or discharging an expedited order.
- (4) If the order referred to in subsection (3) was made, or is proposed to be made, in reliance on section 59A(2)(a), “the necessary consents” means the consent of—
 - (a) the chief officer of police for the police area that includes the restricted area, and
 - (b) a person authorised (whether in specific or general terms) by the appropriate authority for the school or 16 to 19 Academy.
- (5) If the order referred to in subsection (3) was made, or is proposed to be made, in reliance on section 59A(2)(b), “the necessary consents” means the consent of—
 - (a) the chief officer of police for the police area that includes the restricted area, and
 - (b) a person authorised by the appropriate NHS authority.
- (6) In this section—

“appropriate authority” means—

 - (a) in relation to a school maintained by a local authority, the governing body;
 - (b) in relation to any other school or a 16 to 19 Academy, the proprietor;

“appropriate NHS authority” means—

 - (a) if the order was made, or is proposed to be made, in reliance on sub-paragraph (i) of section 59A(2)(b), the NHS body mentioned in that sub-paragraph;
 - (b) if the order was made, or is proposed to be made, in reliance on sub-paragraph (ii) of section 59A(2)(b) and the site is in England, the UK Health Security Agency;

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(c) if the order was made, or is proposed to be made, in reliance on that sub-paragraph and the site is in Wales, the Local Health Board for the area in which the site is located.

(7) In this section “proprietor”, in relation to a school or a 16 to 19 Academy, has the meaning given in section 579(1) of the Education Act 1996.

72B Consultation and notifications after making expedited order

(1) A local authority must carry out the necessary consultation as soon as reasonably practicable after making an expedited order.

(2) In subsection (1) “necessary consultation” means consulting with the following about the terms and effects of the order—

- (a) the chief officer of police, and the local policing body, for the police area that includes the restricted area;
- (b) whatever community representatives the local authority thinks it appropriate to consult;
- (c) the owner or occupier of land within the restricted area.

(3) A local authority must carry out the necessary notification (if any) as soon as reasonably practicable after—

- (a) making an expedited order,
- (b) extending or reducing the period for which an expedited order has effect, or
- (c) varying or discharging an expedited order.

(4) In subsection (3) “necessary notification” means notifying the following of the extension, reduction, variation or discharge—

- (a) the parish council or community council (if any) for the area that includes the restricted area;
- (b) in the case of an expedited order made by a district council in England, the county council (if any) for the area that includes the restricted area;
- (c) the owner or occupier of land within the restricted area.

(5) The requirement to notify the owner or occupier of land within the restricted area—

- (a) does not apply to land that is owned or occupied by the local authority;
- (b) applies only if, and to the extent that, it is reasonably practicable to notify the owner or occupier of the land.”

(5) Schedule 7 contains amendments relating to subsections (1) to (4).

Commencement Information

I1 S. 82 in force at Royal Assent for specified purposes, see [s. 208\(4\)\(n\)](#)

I2 [S. 82](#) in force at 28.6.2022 in so far as not already in force by [S.I. 2022/520](#), [reg. 5\(j\)](#)

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