



# Public Order Act 2023

## 2023 CHAPTER 15

### PART 1

#### PUBLIC ORDER

##### *Powers to stop and search*

#### **10 Powers to stop and search on suspicion**

In section 1(8) of the Police and Criminal Evidence Act 1984 (offences in relation to which stop and search power applies)—

- (a) omit the “and” at the end of paragraph (d), and
- (b) after paragraph (e) insert—
  - “(f) an offence under section 137 of the Highways Act 1980 (wilful obstruction) involving activity which causes or is capable of causing serious disruption to two or more individuals or to an organisation;
  - (g) an offence under section 78 of the Police, Crime, Sentencing and Courts Act 2022 (intentionally or recklessly causing public nuisance);
  - (h) an offence under section 1 of the Public Order Act 2023 (offence of locking on);
  - (i) an offence under [section 3](#) of that Act (offence of causing serious disruption by tunnelling);
  - (j) an offence under [section 4](#) of that Act (offence of causing serious disruption by being present in a tunnel);
  - (k) an offence under section 6 of that Act (obstruction etc of major transport works); and
  - (l) an offence under section 7 of that Act (interference with use or operation of key national infrastructure).”

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*Status: This is the original version (as it was originally enacted).*

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## 11 Powers to stop and search without suspicion

- (1) This section applies if a police officer of or above the rank of inspector reasonably believes—
- (a) that any of the following offences may be committed in any locality within the officer's police area—
    - (i) an offence under section 137 of the Highways Act 1980 (wilful obstruction) involving activity which causes or is capable of causing serious disruption to two or more individuals or to an organisation;
    - (ii) an offence under section 78 of the Police, Crime, Sentencing and Courts Act 2022 (intentionally or recklessly causing public nuisance);
    - (iii) an offence under section 1 (offence of locking on);
    - (iv) an offence under section 3 (offence of causing serious disruption by tunnelling);
    - (v) an offence under section 4 (offence of causing serious disruption by being present in a tunnel);
    - (vi) an offence under section 6 (obstruction etc of major transport works);
    - (vii) an offence under section 7 (interference with use or operation of key national infrastructure), or
  - (b) that persons are carrying prohibited objects in any locality within the officer's police area.
- (2) In this section “prohibited object” means an object which—
- (a) is made or adapted for use in the course of or in connection with an offence within subsection (1)(a), or
  - (b) is intended by the person having it with them for such use by them or by some other person,
- and for the purposes of this section a person carries a prohibited object if they have it in their possession.
- (3) If the further condition in subsection (4) is met, the police officer may give an authorisation that the powers conferred by this section are to be exercisable—
- (a) anywhere within a specified locality within the officer's police area, and
  - (b) for a specified period not exceeding 24 hours.
- (4) The further condition is that the police officer reasonably believes that—
- (a) the authorisation is necessary to prevent the commission of offences within subsection (1)(a) or the carrying of prohibited objects (as the case may be),
  - (b) the specified locality is no greater than is necessary to prevent such activity, and
  - (c) the specified period is no longer than is necessary to prevent such activity.
- (5) If it appears to a police officer of or above the rank of superintendent that it is necessary to do so to prevent the commission of offences within subsection (1)(a) or the carrying of prohibited objects, the officer may direct that the authorisation is to continue in force for a further period not exceeding 24 hours.
- (6) This section confers on any constable in uniform power—
- (a) to stop any person and search them or anything carried by them for a prohibited object;
  - (b) to stop any vehicle and search the vehicle, its driver and any passenger for a prohibited object.

- (7) A constable may, in the exercise of the powers conferred by subsection (6), stop any person or vehicle and make any search the constable thinks fit whether or not the constable has any grounds for suspecting that the person or vehicle is carrying a prohibited object.
- (8) If in the course of a search under this section a constable discovers an object which the constable has reasonable grounds for suspecting to be a prohibited object, the constable may seize it.
- (9) This section and sections 12 (further provisions about authorisations and directions under this section), 13 (further provisions about searches under this section) and 14 (offence relating to this section) apply (with the necessary modifications) to ships, aircraft and hovercraft as they apply to vehicles.
- (10) In this section and the sections mentioned in subsection (9)—
  - “specified” means specified in an authorisation under this section;
  - “vehicle” includes a caravan as defined in section 29(1) of the Caravan Sites and Control of Development Act 1960.
- (11) The powers conferred by this section and the sections mentioned in subsection (9) do not affect any power conferred otherwise than by this section or those sections.

## **12 Further provisions about authorisations and directions under section 11**

- (1) If an inspector gives an authorisation under section 11, the inspector must, as soon as it is practicable to do so, cause an officer of or above the rank of superintendent to be informed.
- (2) An authorisation under section 11 must—
  - (a) be given in writing signed by the officer giving it,
  - (b) specify the grounds on which it is given, and
  - (c) specify the locality in which and the period during which the powers conferred by that section are exercisable.
- (3) A direction under section 11(5) must—
  - (a) be given in writing, or
  - (b) where it is not practicable to comply with paragraph (a), be recorded in writing as soon as it is practicable to do so.
- (4) References (however expressed) in section 11 or this section to a police officer of or above a particular rank include references to a member of the British Transport Police Force of or above that rank.
- (5) In the application of section 11 to a member of the British Transport Police Force by virtue of subsection (4), references to a locality within the officer’s police area are to be read as references to a place in England and Wales of a kind mentioned in section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003.

## **13 Further provisions about searches under section 11**

- (1) A person who is searched by a constable under section 11 is entitled to obtain a written statement that the person was searched under the powers conferred by that section.

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- (2) Subsection (1) applies only if the person applies for the statement within the period of 12 months beginning with the day on which the person was searched.
- (3) Where a vehicle is stopped by a constable under section 11, the driver is entitled to obtain a written statement that the vehicle was stopped under the powers conferred by that section.
- (4) Subsection (3) applies only if the driver applies for the statement within the period of 12 months beginning with the day on which the vehicle was stopped.
- (5) Any object seized by a constable under section 11 may be retained in accordance with regulations made by the Secretary of State.
- (6) The Secretary of State may make regulations regulating the retention and safe keeping, and the disposal or destruction in circumstances prescribed in the regulations, of such an object.
- (7) Regulations under this section are to be made by statutory instrument.
- (8) Regulations under this section—
  - (a) may make different provision for different purposes;
  - (b) may make consequential, supplementary, incidental, transitional, transitory or saving provision.
- (9) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

#### **14 Offence relating to section 11**

- (1) A person commits an offence if the person intentionally obstructs a constable in the exercise of the constable's powers under section 11.
- (2) A person who commits an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding 51 weeks, to a fine not exceeding level 3 on the standard scale or to both.
- (3) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales), the reference in subsection (2) to 51 weeks is to be read as a reference to 1 month.