



# Public Order Act 2023

## 2023 CHAPTER 15

### PART 1

#### PUBLIC ORDER

##### *Offences involving works and infrastructure*

## 6 Obstruction etc of major transport works

- (1) A person commits an offence if the person—
- (a) obstructs the undertaker or a person acting under the authority of the undertaker—
    - (i) in setting out the lines of any major transport works,
    - (ii) in constructing or maintaining any major transport works, or
    - (iii) in taking any steps that are reasonably necessary for the purposes of facilitating, or in connection with, the construction or maintenance of any major transport works, or
  - (b) interferes with, moves or removes any apparatus which—
    - (i) relates to the construction or maintenance of any major transport works, and
    - (ii) belongs to a person within subsection (5).
- (2) It is a defence for a person charged with an offence under subsection (1) to prove that—
- (a) they had a reasonable excuse for the act mentioned in paragraph (a) or (b) of that subsection, or
  - (b) the act mentioned in paragraph (a) or (b) of that subsection was done wholly or mainly in contemplation or furtherance of a trade dispute.
- (3) A person who commits an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding the maximum term for summary offences, to a fine or to both.
- (4) In subsection (3) “the maximum term for summary offences” means—

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*Changes to legislation: There are currently no known outstanding effects for the Public Order Act 2023, Section 6. (See end of Document for details)*

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- (a) if the offence is committed before the time when section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales) comes into force, six months;
  - (b) if the offence is committed after that time, 51 weeks.
- (5) The following persons are within this subsection—
- (a) the undertaker;
  - (b) a person acting under the authority of the undertaker;
  - (c) a statutory undertaker;
  - (d) a person acting under the authority of a statutory undertaker.
- (6) In this section “major transport works” means—
- (a) works in England and Wales—
    - (i) relating to transport infrastructure, and
    - (ii) the construction of which is authorised directly by an Act of Parliament, or
  - (b) works the construction of which comprises development within subsection (7) that has been granted development consent by an order under section 114 of the Planning Act 2008.
- (7) Development is within this subsection if—
- (a) it is or forms part of a nationally significant infrastructure project within any of paragraphs (h) to (l) of section 14(1) of the Planning Act 2008,
  - (b) it is or forms part of a project (or proposed project) in the field of transport in relation to which a direction has been given under section 35(1) of that Act (directions in relation to projects of national significance) by the Secretary of State, or
  - (c) it is associated development in relation to development within paragraph (a) or (b).
- (8) In this section “undertaker”—
- (a) in relation to major transport works within subsection (6)(a), means a person who is authorised by or under the Act (whether as a result of being appointed the nominated undertaker for the purposes of the Act or otherwise) to construct or maintain any of the works;
  - (b) in relation to major transport works within subsection (6)(b), means a person who is constructing or maintaining any of the works (whether as a result of being the undertaker for the purposes of the order granting development consent or otherwise).
- (9) In this section—
- “associated development” has the same meaning as in the Planning Act 2008 (see section 115 of that Act);
  - “development” has the same meaning as in the Planning Act 2008 (see section 32 of that Act);
  - “development consent” has the same meaning as in the Planning Act 2008 (see section 31 of that Act);
  - “England” includes the English inshore region within the meaning of the Marine and Coastal Access Act 2009 (see section 322 of that Act);
  - “maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace, and “maintenance” is to be construed accordingly;

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“nationally significant infrastructure project” has the same meaning as in the Planning Act 2008 (see section 14(1) of that Act);

“statutory undertaker” means a person who is, or who is deemed to be, a statutory undertaker for the purposes of any provision of Part 11 of the Town and Country Planning Act 1990;

“trade dispute” has the same meaning as in Part 4 of the Trade Union and Labour Relations (Consolidation) Act 1992, except that section 218 of that Act is to be read as if—

- (a) it made provision corresponding to section 244(4) of that Act, and
- (b) in subsection (5), the definition of worker included any person falling within paragraph (b) of the definition of worker in section 244(5) of that Act;

“Wales” includes the Welsh inshore region within the meaning of the Marine and Coastal Access Act 2009 (see section 322 of that Act).

- (10) In section 14 of the Planning Act 2008 (nationally significant infrastructure projects), after subsection (3) insert—

“(3A) An order under subsection (3)(a) may also amend section 6(7)(a) of the Public Order Act 2023 (obstruction etc of major transport works).”

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**Modifications etc. (not altering text)**

- C1** S. 6(7)(a): power to amend conferred (2.7.2023) by 2008 c. 29, s. 14(3A) (as inserted by [Public Order Act 2023 \(c. 15\)](#), **ss. 6(10)**, 35(5); S.I. 2023/733, reg. 2(d))
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**Commencement Information**

- I1** S. 6 in force at 2.7.2023 by S.I. 2023/733, reg. 2(d)

**Changes to legislation:**

There are currently no known outstanding effects for the Public Order Act 2023, Section 6.