

**2023 No. 733 (C. 38)**

**PUBLIC ORDER**

**The Public Order Act 2023  
(Commencement No. 1) (England and Wales) Regulations 2023**

*Made* - - - - *29th June 2023*

The Secretary of State makes these Regulations in exercise of the power conferred by section 35(5) of the Public Order Act 2023(a).

**Citation and extent**

1.—(1) These Regulations may be cited as the Public Order Act 2023 (Commencement No. 1) (England and Wales) Regulations 2023.

(2) These Regulations extend to England and Wales only.

**Commencement**

2. The following provisions of the Public Order Act 2023 come into force on 2nd July 2023—

- (a) section 3 (offence of causing serious disruption by tunnelling);
- (b) section 4 (offence of causing serious disruption by being present in a tunnel);
- (c) section 5 (offence of being equipped for tunnelling etc);
- (d) section 6 (obstruction etc of major transport works);
- (e) section 17 (exercise of police powers in relation to journalists etc).

29th June 2023

*Chris Philp*  
Minister of State  
Home Office

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations bring into force provisions of the Public Order Act 2023 (c. 15) (“the Act”). They are the second commencement regulations to be made under the Act, but the first which extend only to England and Wales.

Regulation 2 brings into force sections 3, 4, 5, 6 and 17 of the Act.

Section 3 creates a new criminal offence of “causing serious disruption by tunnelling”, which a person commits if they create or participate in the creation of a tunnel and the creation or existence of the tunnel causes or is capable of causing serious disruption to two or more individuals or an organisation, either intending or being reckless as to this consequence. Section 4 creates a new offence of “causing serious disruption by being present in a tunnel”, which a person commits if they are present in a tunnel and their presence causes or is capable of causing serious disruption to two or more individuals or an organisation, either intending or being reckless as to this consequence. Section 5 creates a new offence of “being equipped for tunnelling”, which a person commits if they have an object with them with the intention that it may be used in the course of or in connection with the commission of tunnelling offences.

Section 6 creates a new offence of obstruction of major transport works. A person commits this offence if they obstruct an undertaker involved with the construction of major transport works or if they interfere with, move or remove any apparatus which relates to the construction or maintenance of major transport works or which belongs to the undertaker of such works.

Section 17 explicitly sets out that constables cannot use police powers for the sole purpose of preventing a person from observing or reporting on a protest, or the exercise of a police power in relation to a protest-related offence, a protest-related breach of an injunction or activities related to a protest.

A full impact assessment was prepared for the Act, and a copy is available at [Impact Assessment - Public Order Bill - 17May22.PDF \(parliament.uk\)](#). A hard copy can be obtained by writing to the Police Powers Unit at the Home Office, 2 Marsham Street, London SW1P 4DF.

## NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

*(This note is not part of the Regulations)*

The following provisions of the Public Order Act 2023 (c. 15) have been brought into force by commencement regulations made before the date of these Regulations.

| <i>Provision</i>      | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|-----------------------|-----------------------------|-----------------|
| Section 1             | 3rd May 2023                | 2023/502        |
| Section 2             | 3rd May 2023                | 2023/502        |
| Section 7 (remainder) | 3rd May 2023                | 2023/502        |
| Section 8             | 3rd May 2023                | 2023/502        |
| Section 15            | 3rd May 2023                | 2023/502        |
| Section 34            | 3rd May 2023                | 2023/502        |

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