



# **A look into the Public Order Bill – Policy Report**

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## Overview

Following protests over the past two years, when the police spent millions in managing disruptive demonstrations, such as Extinction Rebellion's protests in 2019, affecting some of London's busiest areas, the Public Order Bill has been introduced. The Bill aims to tackle new criminal offences for 'locking-on' or disrupting transport works and national infrastructure, to ensure greater powers to police for stop and search, and to create Serious Disruption Prevention Orders.

Although the measures are not meant to ban protests, but 'to prevent a small minority of individuals from causing serious disruption to the daily lives of the public', Human rights experts and advocacy groups are concerned that a Public Order Act will restrict people's right to protest. They argue that the law must strike a careful balance between the right to protest and prevention of disruption to the wider public and infrastructure.

SJOG understands the concern over dealing with a range of offences that create disruptions during protests; nevertheless, the charity works closely with minority groups and is vigilant about their political liberties and rights to protest for challenging inequalities and power dynamics. SJOG urges the Government to adopt specific definitions for the new criminal offenses, and to ensure that safeguarding measures are in place in order to protect vulnerable protesters.

## The Public Order Bill Explained

Following last two-years protests, when the police spent millions in managing disruptive demonstrations, such as Extinction Rebellion's protests in 2019, affecting some of London's busiest areas, the Public Order Bill has been introduced, in order to:

'Make provision for new offences relating to public order; to make provision about stop and search powers; to make provision about the exercise of police functions relating to public order; to make provision about serious disruption prevention orders; and for connected purposes.'<sup>1</sup>

Although the Government supports the right of individuals to engage in peaceful protest, some measures adopted in the Bill will improve the police's ability to manage and prevent disruptive protests and by taking a proactive approach to tackle some new identified criminal offences<sup>2</sup>, described in the following lines.

This adds to changes already made to the law on protest by the Police, Crime, Sentencing and Courts Act 2022, and includes new criminal offences for 'locking-on' or disrupting transport works

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<sup>1</sup> <https://publications.parliament.uk/pa/bills/cbill/58-03/0116/220116.pdf> - as per latest amendments in the Public Bill Committee on June 21, 2022

<sup>2</sup> <https://www.gov.uk/government/publications/public-order-bill-overarching-documents/public-order-bill-factsheet>

and national infrastructure, greater powers for stop and search, and would create Serious Disruption Prevention Orders, as per below<sup>3</sup>:

1. **The measures in the Public Order Bill will improve the police's ability to manage such protest** and take a proactive approach to prevent such disruption happening in the first place. This is to prevent that serious disruptions caused by a small minority of protestors would negatively impact public and businesses.
2. **Introducing new criminal offences of locking-on and going equipped to lock-on.** This measure criminalises the protest tactic of individuals attaching themselves to others, objects or buildings to cause serious disruption. The locking-on offence will carry a maximum penalty of six months' imprisonment, an unlimited fine, or both.
3. **Introducing a new offence of obstructing major transport works.** This measure will cover any behaviour which obstructs or interferes with the construction or maintenance of transport projects such as HS2. This offence will attract a maximum penalty of six months' imprisonment, an unlimited fine, or both.
4. **Introducing a new offence of interference with key national infrastructure.** This offence covers any behaviour which prevents or significantly delays the operation of key infrastructure, including airports, railways, printing presses and downstream oil and gas infrastructure. This offence will attract a maximum penalty of 12 months' imprisonment, an unlimited fine, or both.
5. **Extending stop and search powers for police to search for and seize objects** (such as lock-on devices) that may be used in the commission of a protest-related offence.

The measures will empower the police in England and Wales to deal with protests that result disruptive and will allow courts to place prohibitions or requirements they consider necessary to prevent someone from causing serious disruption. These may include prohibiting an individual from being in a particular place, being with particular people, having particular articles in their possession and using the internet to facilitate or encourage person to commit a protest-related offence<sup>4</sup>.

## Concerns

Human rights experts and advocacy groups are concerned that an Order Act will restrict people's right to protest. Lock-on devices, vocal protests and chaining themselves to buildings, are considered to be a symbol non-violent activism and fundamental ways that people use to draw attention to injustice<sup>5</sup>.

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<sup>3</sup> Joint Committee on Human Rights, Government creating hostile environment for peaceful protest, report finds, June 17, 2022, <https://committees.parliament.uk/committee/93/human-rights-joint-committee/news/171503/government-creating-hostile-environment-for-peaceful-protest-report-finds/>

<sup>4</sup> <https://eachother.org.uk/the-public-order-bill-fundamentally-threatens-uk-democracy/>

<sup>5</sup> <https://eachother.org.uk/the-public-order-bill-fundamentally-threatens-uk-democracy>

'Lock-on devices' such as bicycle locks, handcuffs, or linking arms with another individual, are used by protesters to secure themselves in their place of protest, nevertheless, the notion, together with all other new offences are still considered to be too broadly defined and would risk criminalising peaceful protests that are protected under Articles 10 and 11 of the European Convention on Human Rights, ensuring the 'freedom to take part in a peaceful assembly... is of such importance that it cannot be restricted in any way, so long as the person concerned does not himself commit any reprehensible act'.<sup>6</sup>

The Joint Committee on Human Rights argues that the law must strike a careful balance between the right to protest and prevention of disruption to the wider public and infrastructure. As the right to peaceful protest is guaranteed under the above mentioned Human Rights Act, public authorities should justify their actions of limiting these rights in order to prevent crime or disorder, and to protect the rights and freedoms of others<sup>7</sup>.

Moreover, many of these reported measures were already part of the government's Police, Crime, Sentencing, and Courts bill – also known as the Policing Bill – which became law in April, therefore, human rights organisations appeal for the Public Order Bill to be scrapped<sup>8</sup>.

## **SJOG – Implications and Impact**

We understand the Government's concern over dealing with a range of offences that create disruptions during protests. We appreciate that these measures are not meant to ban protests, but 'to prevent a small minority of individuals from causing serious disruption to the daily lives of the public'.<sup>9</sup>

As a charity that supports the most vulnerable communities of our society, we work closely with minority groups and we are concerned about their political liberties and rights to protest for challenging inequalities and power dynamics. We also believe that the police already have powers to control protests that seriously disrupt daily life.

Many people, especially the ones who were escaping wars, persecutions and discrimination would reach the UK with the hope of finding their freedom of speech, and would engage in peaceful protests. We urge the Government to consider adopting specific definitions for the new criminal offenses, and to take in consideration the safeguarding matters and particular background that involves protesters.

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<sup>6</sup> <https://justice.org.uk/public-order-bill/>

<sup>7</sup> Joint Committee on Human Rights, Government creating hostile environment for peaceful protest, report finds, June 17, 2022, <https://committees.parliament.uk/committee/93/human-rights-joint-committee/news/171503/government-creating-hostile-environment-for-peaceful-protest-report-finds>

<sup>8</sup> <https://www.bigissue.com/news/activism/public-order-bill-explained-protest/>

<sup>9</sup> <https://www.gov.uk/government/publications/public-order-bill-overarching-documents/public-order-bill-factsheet>

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