Statutes of England & Wales
(title(public order act 1986))

Legislationline note: of particular relevance to the freedom of assembly are sections 11, 12, 13 and 14, 14A, 14B, 14C, 15 and 16. They are emphasized in the text. The full-text version of this Act is available under the topic “Police” of Legislationline.

PUBLIC ORDER ACT 1986
1986 CHAPTER 64
(excerpts)
Royal Assent [7 November 1986]

Public Order Act 1986, Ch. 64, Long Title (Eng.)

Long Title
An Act to abolish the common law offences of riot, rout, unlawful assembly and affray and certain statutory offences relating to public order; to create new offences relating to public order; to control public processions and assemblies; to control the stirring up of racial hatred; to provide for the exclusion of certain offenders from sporting events; to create a new offence relating to the contamination of or interference with goods; to confer power to direct certain trespassers to leave land; to amend section 7 of the Conspiracy and Protection of Property Act 1875, section 1 of the Prevention of Crime Act 1953, Part V of the Criminal Justice (Scotland) Act 1980 and the Sporting Events (Control of Alcohol etc) Act 1985; to repeal certain obsolete or unnecessary enactments; and for connected purposes

Enactment Clause

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:-

PART I NEW OFFENCES
Royal Assent [7 November 1986]

Public Order Act 1986, Ch. 64, s. 1 (Eng.)
1 Riot

(1) Where 12 or more persons who are present together use or threaten unlawful violence for a common purpose and the conduct of them (taken together) is such as would cause a person of reasonable firmness present at the scene to fear for his personal safety, each of the persons using unlawful violence for the common purpose is guilty of riot.

(2) It is immaterial whether or not the 12 or more use or threaten unlawful violence simultaneously.

(3) The common purpose may be inferred from conduct.

(4) No person of reasonable firmness need actually be, or be likely to be, present at the scene.

(5) Riot may be committed in private as well as in public places.

(6) A person guilty of riot is liable on conviction on indictment to imprisonment for a term not exceeding ten years or a fine or both.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 41(1).

Appointment

Appointment: 1 April 1987: see SI 1987/198, art 2, Schedule.

2 Violent Disorder

(1) Where 3 or more persons who are present together use or threaten unlawful violence and the conduct of them (taken together) is such as would cause a person of reasonable firmness present at the scene to fear for personal safety, each of the persons using or threatening unlawful violence is guilty of violent disorder.

(2) It is immaterial whether or not the 3 or more use or threaten unlawful violence simultaneously.

(3) No person of reasonable firmness need actually be, or be likely to be, present at the scene.

(4) Violent disorder may be committed in private as well as in public places.

(5) A person guilty of violent disorder is liable on conviction on indictment to imprisonment for a term not exceeding 5 years or a fine or both, or on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutorymaximum or both.

NOTES:
Initial Commencement

To be appointed

To be appointed: see s 41(1).

Appointment

Appointment: 1 April 1987: see SI 1987/198, art 2, Schedule.

3 Affray

(1) A person is guilty of affray if he uses or threatens unlawful violence towards another and his conduct is such as would cause a person of reasonable firmness present at the scene to fear for his personal safety.

(2) Where 2 or more persons use or threaten the unlawful violence, it is the conduct of them taken together that must be considered for the purposes of subsection (1).

(3) For the purposes of this section a threat cannot be made by the use of words alone.

(4) No person of reasonable firmness need actually be, or be likely to be, present at the scene.

(5) Affray may be committed in private as well as in public places.

(6) A constable may arrest without warrant anyone he reasonably suspects is committing affray.

(7) A person guilty of affray is liable on conviction on indictment to imprisonment for a term not exceeding 3 years or a fine or both, or on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 41(1).

Appointment

Appointment: 1 April 1987: see SI 1987/198, art 2, Schedule.
4 Fear or provocation of violence

(1) A person is guilty of an offence if he--
   (a) uses towards another person threatening, abusive or insulting words or behaviour, or
   (b) distributes or displays to another person any writing, sign or other visible representation
   which is threatening, abusive or insulting,

   with intent to cause that person to believe that immediate unlawful violence will be used against
   him or another by any person, or to provoke the immediate use of unlawful violence by that person
   or another, or whereby that person is likely to believe that such violence will be used or it is likely
   that such violence will be provoked.

(2) An offence under this section may be committed in a public or a private place, except that no
offence is committed where the words or behaviour are used, or the writing, sign or other visible
representation is distributed or displayed, by a person inside a dwelling and the other person is also
inside that or another dwelling.

(3) A constable may arrest without warrant anyone he reasonably suspects is committing an
offence under this section.

(4) A person guilty of an offence under this section is liable on summary conviction to
imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard
scale or both.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 41(1).

Appointment

Appointment: 1 April 1987: see SI 1987/198, art 2, Schedule.
[4A Intentional harassment, alarm or distress]

[(1) A person is guilty of an offence if, with intent to cause a person harassment, alarm or distress, he--

(a) uses threatening, abusive or insulting words or behaviour, or disorderly behaviour, or

(b) displays any writing, sign or other visible representation which is threatening, abusive or insulting,

thereby causing that or another person harassment, alarm or distress.

(2) An offence under this section may be committed in a public or a private place, except that no offence is committed where the words or behaviour are used, or the writing, sign or other visible representation is displayed, by a person inside a dwelling and the person who is harassed, alarmed or distressed is also inside that or another dwelling.

(3) It is a defence for the accused to prove--

(a) that he was inside a dwelling and had no reason to believe that the words or behaviour used, or the writing, sign or other visible representation displayed, would be heard or seen by a person outside that or any other dwelling, or

(b) that his conduct was reasonable.

(4) A constable may arrest without warrant anyone he reasonably suspects is committing an offence under this section.

(5) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale or both.]

NOTES:

Amendment

Inserted by the Criminal Justice and Public Order Act 1994, s 154.

5 Harassment, alarm or distress

(1) A person is guilty of an offence if he--

(a) uses threatening, abusive or insulting words or behaviour, or disorderly behaviour, or

(b) displays any writing, sign or other visible representation which is threatening, abusive or insulting,

within the hearing or sight of a person likely to be caused harassment, alarm or distress thereby.

(2) An offence under this section may be committed in a public or a private place, except that no offence is committed where the words or behaviour are used, or the writing, sign or other visible
representation is displayed, by a person inside a dwelling and the other person is also inside that or another dwelling.

(3) It is a defence for the accused to prove--

(a) that he had no reason to believe that there was any person within hearing or sight who was likely to be caused harassment, alarm or distress, or

(b) that he was inside a dwelling and had no reason to believe that the words or behaviour used, or the writing, sign or other visible representation displayed, would be heard or seen by a person outside that or any other dwelling, or

(c) that his conduct was reasonable.

(4) A constable may arrest a person without warrant if--

(a) he engages in offensive conduct which [a] constable warns him to stop, and

(b) he engages in further offensive conduct immediately or shortly after the warning.

(5) In subsection (4) "offensive conduct" means conduct the constable reasonably suspects to constitute an offence under this section, and the conduct mentioned in paragraph (a) and the further conduct need not be of the same nature.

(6) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 41(1).

Appointment

Appointment: 1 April 1987: see SI 1987/198, art 2, Schedule.

Amendment

Sub-s (4): word in square brackets in para (a) substituted by the Public Order (Amendment) Act 1996, s 1.

6 Mental element: miscellaneous

(1) A person is guilty of riot only if he intends to use violence or is aware that his conduct may be violent.

(2) A person is guilty of violent disorder or affray only if he intends to use or threaten violence or is aware that his conduct may be violent or threaten violence.
(3) A person is guilty of an offence under section 4 only if he intends his words or behaviour, or the writing, sign or other visible representation, to be threatening, abusive or insulting, or is aware that it may be threatening, abusive or insulting.

(4) A person is guilty of an offence under section 5 only if he intends his words or behaviour, or the writing, sign or other visible representation, to be threatening, abusive or insulting, or is aware that it may be threatening, abusive or insulting or (as the case may be) he intends his behaviour to be or is aware that it may be disorderly.

(5) For the purposes of this section a person whose awareness is impaired by intoxication shall be taken to be aware of that of which he would be aware if not intoxicated, unless he shows either that his intoxication was not self-induced or that it was caused solely by the taking or administration of a substance in the course of medical treatment.

(6) In subsection (5) "intoxication" means any intoxication, whether caused by drink, drugs or other means, or by a combination of means.

(7) Subsections (1) and (2) do not affect the determination for the purposes of riot or violent disorder of the number of persons who use or threaten violence.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 41(1).

Appointment

Appointment: 1 April 1987: see SI 1987/198, art 2, Schedule.

7 Procedure: miscellaneous

(1) No prosecution for an offence of riot or incitement to riot may be instituted except by or with the consent of the Director of Public Prosecutions.

(2) For the purposes of the rules against charging more than one offence in the same count or information, each of sections 1 to 5 creates one offence.

(3) If on the trial on indictment of a person charged with violent disorder or affray the jury find him not guilty of the offence charged, they may (without prejudice to section 6(3) of the Criminal Law Act 1967) find him guilty of an offence under section 4.

(4) The Crown Court has the same powers and duties in relation to a person who is by virtue of subsection (3) convicted before it of an offence under section 4 as a magistrates' court would have on convicting him of the offence.

NOTES:
Initial Commencement

To be appointed

To be appointed: see s 41(1).

Appointment

Appointment: 1 April 1987: see SI 1987/198, art 2, Schedule.

8 Interpretation

(1) In this Part--

"dwelling" means any structure or part of a structure occupied as a person's home or as other living accommodation (whether the occupation is separate or shared with others) but does not include any part not so occupied, and for his purpose "structure" includes a tent, caravan, vehicle, vessel or other temporary or movable structure;

"violence" means any violent conduct, so that--

(a) except in the context of affray, it includes violent conduct towards property as well as violent conduct towards persons, and

(b) it is not restricted to conduct causing or intended to cause injury or damage but includes any other violent conduct (for example, throwing at or towards a person a missile of a kind capable of causing injury which does not hit or falls short).

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 41(1).

Appointment

Appointment: 1 April 1987: see SI 1987/198, art 2, Schedule.

9 Offences abolished

(1) The common law offences of riot, rout, unlawful assembly and affray are abolished.

(2) . . .

NOTES:
Initial Commencement

To be appointed

To be appointed: see s 41(1).

Appointment

Appointment: 1 April 1987: see SI 1987/198, art 2, Schedule.

Amendment

Sub-s(2): abolishes the offences under the Tumultuous Petitioning Act 1661, s 1, the Shipping Offences Act 1793, s 1, the Seditious Meetings Act 1817, s 23 and the Public Order Act 1936, s 5

Extent

Sub-s (2): extends in part to Scotland: see s 42(2).

10 Construction of other documents

(1) In the Riot (Damages) Act 1886 . . . (compensation for riot damage) "riotous" and "riotously" shall be construed in accordance with section 1 above.

(2) In Schedule 1 to the Marine Insurance Act 1906 (form and rules for the construction of certain insurance policies) "rioters" in rule 8 and "riot" in rule 10 shall, in the application of the rules to any policy taking effect on or after the coming into force of this section, be construed in accordance with section 1 above unless a different intention appears.

(3) "Riot" and cognate expressions in any enactment in force before the coming into force of this section (other than the enactments mentioned in subsections (1) and (2) above) shall be construed in accordance with section 1 above if they would have been construed in accordance with the common law offence of riot apart from this Part.

(4) Subject to subsections (1) to (3) above and unless a different intention appears, nothing in this Part affects the meaning of "riot" or any cognate expression in any enactment in force, or other instrument taking effect, before the coming into force of this section.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 41(1).

Appointment

Appointment: 1 April 1987: see SI 1987/198, art 2, Schedule.
II PROCESSIONS AND ASSEMBLIES

11 Advance notice of public processions

(1) Written notice shall be given in accordance with this section of any proposal to hold a public procession intended--

(a) to demonstrate support for or opposition to the views or actions of any person or body of persons,

(b) to publicise a cause or campaign, or

(c) to mark or commemorate an event,

unless it is not reasonably practicable to give any advance notice of the procession.

(2) Subsection (1) does not apply where the procession is one commonly or customarily held in the police area (or areas) in which it is proposed to be held or is a funeral procession organised by a funeral director acting in the normal course of his business.

(3) The notice must specify the date when it is intended to hold the procession, the time when it is intended to start it, its proposed route, and the name and address of the person (or of one of the persons) proposing to organise it.

(4) Notice must be delivered to a police station--

(a) in the police area in which it is proposed the procession will start, or

(b) where it is proposed the procession will start in Scotland and cross into England, in the first police area in England on the proposed route.

(5) If delivered not less than 6 clear days before the date when the procession is intended to be held, the notice may be delivered by post by the recorded delivery service; but section 7 of the Interpretation Act 1978 (under which a document sent by post is deemed to have been served when posted and to have been delivered in the ordinary course of post) does not apply.

(6) If not delivered in accordance with subsection (5), the notice must be delivered by hand not less than 6 clear days before the date when the procession is intended to be held or, if that is not reasonably practicable, as soon as delivery is reasonably practicable.

(7) Where a public procession is held, each of the persons organising it is guilty of an offence if--

(a) the requirements of this section as to notice have not been satisfied, or

(b) the date when it is held, the time when it starts, or its route, differs from the date, time or route specified in the notice.

(8) It is a defence for the accused to prove that he did not know of, and neither suspected nor had reason to suspect, the failure to satisfy the requirements or (as the case may be) the difference of date, time or route.
(9) To the extent that an alleged offence turns on a difference of date, time or route, it is a defence for the accused to prove that the difference arose from circumstances beyond his control or from something done with the agreement of a police officer or by his direction.

(10) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 41(1).

Appointment

Appointment: 1 January 1987: see SI 1986/2041, art 2, Schedule.

12 Imposing conditions on public processions

(1) If the senior police officer, having regard to the time or place at which and the circumstances in which any public procession is being held or is intended to be held and to its route or proposed route, reasonably believes that--

(a) it may result in serious public disorder, serious damage to property or serious disruption to the life of the community, or

(b) the purpose of the persons organising it is the intimidation of others with a view to compelling them not to do an act they have a right to do, or to do an act they have a right not to do,

he may give directions imposing on the persons organising or taking part in the procession such conditions as appear to him necessary to prevent such disorder, damage, disruption or intimidation, including conditions as to the route of the procession or prohibiting it from entering any public place specified in the directions.

(2) In subsection (1) "the senior police officer" means--

(a) in relation to a procession being held, or to a procession intended to be held in a case where persons are assembling with a view to taking part in it, the most senior in rank of the police officers present at the scene, and

(b) in relation to a procession intended to be held in a case where paragraph (a) does not apply, the chief officer of police.

(3) A direction given by a chief officer of police by virtue of subsection (2)(b) shall be given in writing.
(4) A person who organises a public procession and knowingly fails to comply with a condition imposed under this section is guilty of an offence, but it is a defence for him to prove that the failure arose from circumstances beyond his control.

(5) A person who takes part in a public procession and knowingly fails to comply with a condition imposed under this section is guilty of an offence, but it is a defence for him to prove that the failure arose from circumstances beyond his control.

(6) A person who incites another to commit an offence under subsection (5) is guilty of an offence.

(7) A constable in uniform may arrest without warrant anyone he reasonably suspects is committing an offence under subsection (4), (5) or (6).

(8) A person guilty of an offence under subsection (4) is liable on summary conviction to imprisonment for a term not exceeding 3 months [51 weeks] or a fine not exceeding level 4 on the standard scale or both.

(9) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(10) A person guilty of an offence under subsection (6) is liable on summary conviction to imprisonment for a term not exceeding 3 months [51 weeks] or a fine not exceeding level 4 on the standard scale or both, notwithstanding section 45(3) of the Magistrates' Courts Act 1980 (inciter liable to same penalty as incited).

(11) In Scotland this section applies only in relation to a procession being held, and to a procession intended to be held in a case where persons are assembling with a view to taking part in it.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 41(1).

Appointment

Appointment: 1 April 1987: see SI 1987/198, art 2, Schedule.

Amendment

Sub-s (8): words "3 months" in italics repealed and subsequent words in square brackets substituted by the Criminal Justice Act 2003, s 280(2), (3), Sch 26, para 37(1), (2)(a).

Date in force: to be appointed: see the Criminal Justice Act 2003, s 336(3).

Sub-s (10): words "3 months" in italics repealed and subsequent words in square brackets substituted by the Criminal Justice Act 2003, s 280(2), (3), Sch 26, para 37(1), (2)(b).

Date in force: to be appointed: see the Criminal Justice Act 2003, s 336(3).
13 Prohibiting public processions

(1) If at any time the chief officer of police reasonably believes that, because of particular circumstances existing in any district or part of a district, the powers under section 12 will not be sufficient to prevent the holding of public processions in that district or part from resulting in serious public disorder, he shall apply to the council of the district for an order prohibiting for such period not exceeding 3 months as may be specified in the application the holding of all public processions (or of any class of public procession so specified) in the district or part concerned.

(2) On receiving such an application, a council may with the consent of the Secretary of State make an order either in the terms of the application or with such modifications as may be approved by the Secretary of State.

(3) Subsection (1) does not apply in the City of London or the metropolitan police district.

(4) If at any time the Commissioner of Police for the City of London or the Commissioner of Police of the Metropolis reasonably believes that, because of particular circumstances existing in his police area or part of it, the powers under section 12 will not be sufficient to prevent the holding of public processions in that area or part from resulting in serious public disorder, he may with the consent of the Secretary of State make an order prohibiting for such period not exceeding 3 months as may be specified in the order the holding of all public processions (or of any class of public procession so specified) in the area or part concerned.

(5) An order made under this section may be revoked or varied by a subsequent order made in the same way, that is, in accordance with subsections (1) and (2) or subsection (4), as the case may be.

(6) Any order under this section shall, if not made in writing, be recorded in writing as soon as practicable after being made.

(7) A person who organises a public procession the holding of which he knows is prohibited by virtue of an order under this section is guilty of an offence.

(8) A person who takes part in a public procession the holding of which he knows is prohibited by virtue of an order under this section is guilty of an offence.

(9) A person who incites another to commit an offence under subsection (8) is guilty of an offence.

(10) A constable in uniform may arrest without warrant anyone he reasonably suspects is committing an offence under subsection (7), (8) or (9).

(11) A person guilty of an offence under subsection (7) is liable on summary conviction to imprisonment for a term not exceeding 3 months [51 weeks] or a fine not exceeding level 4 on the standard scale or both.

(12) A person guilty of an offence under subsection (8) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
(13) A person guilty of an offence under subsection (9) is liable on summary conviction to imprisonment for a term not exceeding 3 months [51 weeks] or a fine not exceeding level 4 on the standard scale or both, notwithstanding section 45(3) of the Magistrates' Courts Act 1980.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 41(1).

Appointment

Appointment: 1 April 1987: see SI 1987/198, art 2, Schedule.

Amendment

Sub-s (11): words "3 months" in italics repealed and subsequent words in square brackets substituted by the Criminal Justice Act 2003, s 280(2), (3), Sch 26, para 37(1), (3)(a).

Date in force: to be appointed: see the Criminal Justice Act 2003, s 336(3).

Sub-s (13): words "3 months" in italics repealed and subsequent words in square brackets substituted by the Criminal Justice Act 2003, s 280(2), (3), Sch 26, para 37(1), (3)(b).

Date in force: to be appointed: see the Criminal Justice Act 2003, s 336(3).

14 Imposing conditions on public assemblies

(1) If the senior police officer, having regard to the time or place at which and the circumstances in which any public assembly is being held or is intended to be held, reasonably believes that--

(a) it may result in serious public disorder, serious damage to property or serious disruption to the life of the community, or

(b) the purpose of the persons organising it is the intimidation of others with a view to compelling them not to do an act they have a right to do, or to do an act they have a right not to do,

he may give directions imposing on the persons organising or taking part in the assembly such conditions as to the place at which the assembly may be (or continue to be) held, its maximum duration, or the maximum number of persons who may constitute it, as appear to him necessary to prevent such disorder, damage, disruption or intimidation.

(2) In subsection (1) "the senior police officer" means--

(a) in relation to an assembly being held, the most senior in rank of the police officers present at the scene, and
(b) in relation to an assembly intended to be held, the chief officer of police.

(3) A direction given by a chief officer of police by virtue of subsection (2)(b) shall be given in writing.

(4) A person who organises a public assembly and knowingly fails to comply with a condition imposed under this section is guilty of an offence, but it is a defence for him to prove that the failure arose from circumstances beyond his control.

(5) A person who takes part in a public assembly and knowingly fails to comply with a condition imposed under this section is guilty of an offence, but it is a defence for him to prove that the failure arose from circumstances beyond his control.

(6) A person who incites another to commit an offence under subsection (5) is guilty of an offence.

(7) A constable in uniform may arrest without warrant anyone he reasonably suspects is committing an offence under subsection (4), (5) or (6).

(8) A person guilty of an offence under subsection (4) is liable on summary conviction to imprisonment for a term not exceeding 3 months [51 weeks] or a fine not exceeding level 4 on the standard scale or both.

(9) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(10) A person guilty of an offence under subsection (6) is liable on summary conviction to imprisonment for a term not exceeding 3 months [51 weeks] or a fine not exceeding level 4 on the standard scale or both, notwithstanding section 45(3) of the Magistrates' Courts Act 1980.

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 41(1).

Appointment

Appointment: 1 April 1987: see SI 1987/198, art 2, Schedule.

Amendment

Sub-s (8): words "3 months" in italics repealed and subsequent words in square brackets substituted by the Criminal Justice Act 2003, s 280(2),(3), Sch 26, para 37(1), (4)(a).

Date in force: to be appointed: see the Criminal Justice Act 2003, s 336(3).

Sub-s (10): words "3 months" in italics repealed and subsequent words in square brackets substituted by the Criminal Justice Act 2003, s 280(2), (3), Sch 26, para 37(1), (4)(b).

Date in force: to be appointed: see the Criminal Justice Act 2003, s 336(3).
[14A Prohibiting trespassory assemblies]

(1) If at any time the chief officer of police reasonably believes that an assembly is intended to be held in any district at a place on land to which the public has no right of access or only a limited right of access and that the assembly--

(a) is likely to be held without the permission of the occupier of the land or to conduct itself in such a way as to exceed the limits of any permission of his or the limits of the public's right of access, and

(b) may result--

(i) in serious disruption to the life of the community, or

(ii) where the land, or a building or monument on it, is of historical, architectural, archaeological or scientific importance, in significant damage to the land, building or monument,

he may apply to the council of the district for an order prohibiting for a specified period the holding of all trespassory assemblies in the district or a part of it, as specified.

(2) On receiving such an application, a council may--

(a) in England and Wales, with the consent of the Secretary of State make an order either in the terms of the application or with such modifications as may be approved by the Secretary of State; or

(b) in Scotland, make an order in the terms of the application.

(3) Subsection (1) does not apply in the City of London or the metropolitan police district.

(4) If at any time the Commissioner of Police for the City of London or the Commissioner of Police of the Metropolis reasonably believes that an assembly is intended to be held at a place on land to which the public has no right of access or only a limited right of access in his police area and that the assembly--

(a) is likely to be held without the permission of the occupier of the land or to conduct itself in such a way as to exceed the limits of any permission of his or the limits of the public's right of access, and

(b) may result--

(i) in serious disruption to the life of the community, or

(ii) where the land, or a building or monument on it, is of historical, architectural, archaeological or scientific importance, in significant damage to the land, building or monument,

he may with the consent of the Secretary of State make an order prohibiting for a specified period the holding of all trespassory assemblies in the area or a part of it, as specified.

(5) An order prohibiting the holding of trespassory assemblies operates to prohibit any assembly which--
(a) is held on land to which the public has no right of access or only a limited right of access, and

(b) takes place in the prohibited circumstances, that is to say, without the permission of the occupier of the land or so as to exceed the limits of any permission of his or the limits of the public's right of access.

(6) No order under this section shall prohibit the holding of assemblies for a period exceeding 4 days or in an area exceeding an area represented by a circle with a radius of 5 miles from a specified centre.

(7) An order made under this section may be revoked or varied by a subsequent order made in the same way, that is, in accordance with subsection (1) and (2) or subsection (4), as the case may be.

(8) Any order under this section shall, if not made in writing, be recorded in writing as soon as practicable after being made.

(9) In this section and sections 14B and 14C--

"assembly" means an assembly of 20 or more persons;

"land" means land in the open air;

"limited", in relation to a right of access by the public to land, means that their use of it is restricted to use for a particular purpose (as in the case of a highway or road) or is subject to other restrictions;

"occupier" means--

(a) in England and Wales, the person entitled to possession of the land by virtue of an estate or interest held by him; or

(b) in Scotland, the person lawfully entitled to natural possession of the land, and in subsections (1) and (4) includes the person reasonably believed by the authority applying for or making the order to be the occupier;

"public" includes a section of the public; and

"specified" means specified in an order under this section.

[9A] In relation to Scotland, the references in this section to the public's rights (or limited right) of access do not include any right which the public or any member of the public may have by way of access rights within the meaning of the Land Reform (Scotland) Act 2003 (asp 2).]

(10) In relation to Scotland, the references in subsection (1) above to a district and to the council of the district shall be construed--

(a) as respects applications before 1st April 1996, as references to the area of a regional or islands authority and to the authority in question; and

(b) as respects applications on and after that date, as references to a local government area and to the council for that area.
(11) In relation to Wales, the references in subsection (1) above to a district and to the council of the district shall be construed, as respects applications on and after 1st April 1996, as references to a county or county borough and to the council for that county or county borough.]

NOTES:

Amendment

Inserted by the Criminal Justice and Public Order Act 1994, s 70.

Sub-s (9A): inserted by the Land Reform (Scotland) Act 2003, s 99, Sch 2, para 9.

Date in force: to be appointed: see the Land Reform (Scotland) Act 2003, s 100(3).

[14B Offences in connection with trespassory assemblies and arrest therefor]

[(1) A person who organises an assembly the holding of which he knows is prohibited by an order under section 14A is guilty of an offence.

(2) A person who takes part in an assembly which he knows is prohibited by an order under section 14A is guilty of an offence.

(3) In England and Wales, a person who incites another to commit an offence under subsection (2) is guilty of an offence.

(4) A constable in uniform may arrest without a warrant anyone he reasonably suspects to be committing an offence under this section.

(5) A person guilty of an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding 3 months [51 weeks] or a fine not exceeding level 4 on the standard scale or both.

(6) A person guilty of an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(7) A person guilty of an offence under subsection (3) is liable on summary conviction to imprisonment for a term not exceeding 3 months [51 weeks] or a fine not exceeding level 4 on the standard scale or both, notwithstanding section 45(3) of the Magistrates' Courts Act 1980.

(8) Subsection (3) above is without prejudice to the application of any principle of Scots Law as respects art and part guilt to such incitement as is mentioned in that subsection.]

NOTES:

Amendment

Inserted by the Criminal Justice and Public Order Act 1994, s 70.
[14C Stopping persons from proceeding to trespassory assemblies]

[(1) If a constable in uniform reasonably believes from proceedings that a person is on his way to an assembly within the area to which an order under section 14A applies which the constable reasonably believes is likely to be an assembly which is prohibited by that order, he may, subject to subsection (2) below--

(a) stop that person, and
(b) direct him not to proceed in the direction of the assembly.

(2) The power conferred by subsection (1) may only be exercised within the area to which the order applies.

(3) A person who fails to comply with a direction under subsection (1) which he knows has been given to him is guilty of an offence.

(4) A constable in uniform may arrest without a warrant anyone he reasonably suspects to be committing an offence under this section.

(5) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.]

NOTES:

Amendment

Inserted by the Criminal Justice and Public Order Act 1994, s 71.

15 Delegation

(1) The chief officer of police may delegate, to such extent and subject to such conditions as he may specify, any of his functions under sections 12 to [14A] to [an] assistant chief
constable; and references in those sections to the person delegating shall be construed accordingly.

(2) Subsection (1) shall have effect in the City of London and the metropolitan police district as if "[an] assistant chief constable" read "an assistant commissioner of police".

NOTES:

Initial Commencement

To be appointed

To be appointed: see s 41(1).

Appointment

Appointment: 1 April 1987: see SI 1987/198, art 2, Schedule.

Amendment

Sub-s (2): word in square brackets substituted by the Police and Magistrates' Courts Act 1994, s 44, Sch 5, Part II, para 37.

Sub-s (1): number in square brackets substituted by the Criminal Justice and Public Order Act 1994, s 168(2), Sch 10, para 60; word in square brackets substituted by the Police and Magistrates' Courts Act 1994, s 44, Sch 5, Part II, para 37.

16 Interpretation

In this Part--

"the City of London" means the City as defined for the purposes of the Acts relating to the City of London police;

"the metropolitan police district" means that district as defined in section 76 of the London Government Act 1963;

"public assembly" means an assembly of 20 [2] or more persons in a public place which is wholly or partly open to the air;

"public place" means--

(a) any highway, or in Scotland any road within the meaning of the Roads (Scotland) Act 1984, and

(b) any place to which at the material time the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission;

"public procession" means a procession in a public place.
NOTES:

Initial Commencement

*To be appointed*

To be appointed: see s 41(1).

Appointment

Appointment: 1 January 1987: see SI 1986/2041, art 2, Schedule.

Amendment

In definition "public assembly" reference to "20" in italics repealed and subsequent reference in square brackets substituted, in relation to England and Wales, by the Anti-social Behaviour Act 2003, s 57.