



Home Office

Victoria Atkins MP
Minister for Safeguarding

2 Marsham Street
London SW1P 4DF

www.gov.uk/home-office

Sarah Jones MP
House of Commons
London
SW1A 0AA

30th June 2021

Dear Sarah,

Delegated power to define the meaning of “serious disruption [...]” in Part 3 of the Police, Crime, Sentencing and Courts Bill

As you will be aware, the Police, Crime, Sentencing and Courts Bill has its Report Stage on 5 July. To assist the further scrutiny of the public order provisions in Part 3 of the Bill, I have today published an indicative draft of the regulations to be made under section 12, 14 and 14ZA of the Public Order Act 1986 (the 1986 Act) as amended by the Bill, making provision about the meaning of the terms “serious disruption ...”. I attach a copy of the draft regulations.

During the Second Reading debate and subsequently in Committee, there were calls for greater clarity from the Government on how the delegated powers in Part 3 of the Bill, which enable the Home Secretary to make provision about the meaning of “serious disruption to the life of the community” and “serious disruption to the activities of an organisation which are carried on in the vicinity of the [procession/assembly/one-person protest]”, will be used. The attached draft regulations provide such clarity.

Under the 1986 Act, as amended by the Bill, should a senior police officer reasonably believe that a public assembly or a public procession may result in “serious disruption of the life of the community” or “serious disruption to the activities of an organisation which are carried on in the vicinity of [the] procession/assembly/single-person protest”, they may impose such conditions (such as start time, duration, location, noise generated, etc) on the assembly, procession, or single-person protest as appear to them necessary to prevent such disruption. The senior police officer must comply with the Human Rights Act 1998 when exercising such powers.

The statutory instrument will clarify ambiguous cases, should they arise, where it would not be clear that there would be “serious disruption to the life of the community” or “serious disruption to the activities of an organisation which are carried on in the vicinity of a public procession/one-person protest”. This will support the police in making use of public order powers with the confidence that they are doing so legally. Protesters have become adept at rapidly changing their tactics to

avoid the use of police powers, so the flexibility of a statutory instrument is needed rather than instead looking to provide this clarity on the face of the Bill, which could soon become out of date.

The draft regulations provide that “serious disruption to the activities of an organisation” may include where persons are unable for a prolonged period of time to reasonably carry out activities such as holding meetings, teaching classes, or serve customers because they are unable to hear or concentrate.

They provide that “serious disruption to the life of the community” may include when there is a significant delay to the delivery of time-sensitive products which impacts on the community. This would include products such as newspapers and perishable items whose value decrease as they expire. This does not include products with an intrinsic value that does not decrease when their delivery is late. They also provide that prolonged physical disruption to access to essential goods and services impacting on the community may constitute “serious disruption to the life of the community”. Essential goods and services are defined as the supply of money, food, water, energy or fuel; a system of communication; a transport facility; a place of worship; an educational facility; a service relating to health; and critical public services.

These regulations will be subject to the draft affirmative procedure so will have to be debated and approved by both Houses of Parliament before they can take effect.

I am copying this letter to Nick Thomas-Symonds and Alistair Carmichael. I am also placing a copy of it and the attachment in the library of the House.

Yours sincerely,



Victoria Atkins MP
Minister for Safeguarding