

Paper to lie before both Houses of Parliament for a period of 40 days, during which time either House may resolve that the Draft Guidance be not approved.



Home Office

Serious Disruption Prevention Orders

DRAFT Statutory Guidance

December 2023

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Presented to Parliament pursuant to Section 31 of the Public Order Act 2023

December 2023



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Summary

About this guidance

1. The Serious Disruption Prevention Order (SDPO) is a new order which will allow courts to place requirements or prohibitions on an individual aged 18 or over which they consider necessary and proportionate to prevent that individual from causing serious disruption. The legislation provides that an SDPO can be sought on the basis of at least two occasions of particular behaviour. This guidance aims to assist the police at an operational level in taking a proactive approach to preventing protest-related serious disruption from taking place.
2. This guidance sets out how SDPOs work in practice, how they can be imposed on an individual and provides examples of the requirements and prohibitions that can be imposed under an SDPO. It also sets out the consequences an individual may face if they breach an SDPO. Further, this guidance sets out the role of the police and courts in the SDPO process.
3. This guidance is issued under section 30 of the Public Order Act 2023. The police are under a statutory duty to have regard to this guidance when exercising their powers in relation to SDPOs.
4. This guidance applies to police forces in England and Wales, as well as the British Transport Police, the Civil Nuclear Constabulary and the Ministry of Defence Police.

Terminology

5. The following terminology is used throughout this guidance:
 - SDPO – Serious Disruption Prevention Order.
 - Serious Disruption – Public order legislation sets out a number of specific actions which can be capable of causing serious disruption. This includes conduct which may occur during protest activity such as: tunnelling; locking on; disrupting access to essential goods or services including the supply of money, food, energy, fuel, communication systems, places of worship, transport facilities, educational institutions and services relating to health; hindering day-to-day activities (including the making of journeys) or maintenance works due to physical obstruction; and delaying or preventing the delivery of time sensitive products. However, there is no exhaustive definition of serious disruption. Other activity could be considered serious, depending on the circumstances, for example the disruption of major public events.

- Protest-related offence – An offence which is directly related to a protest. For example, locking on or tunnelling as specified in Part 1 of the Public Order Act 2023.
- Protest-related breach of an injunction – A breach of a High court, county court or youth court injunction, where the breach is directly related to a protest.

Chapter 1: What is a Serious Disruption Prevention Order?

1.1 Overview

Purpose	<p>An SDPO will allow courts to impose requirements or prohibitions on an individual which they consider necessary to prevent that individual from causing serious disruption arising from protest-related activities.</p> <p>An SDPO may impose requirements and prohibitions if necessary for the purpose of preventing an individual from:</p> <ol style="list-style-type: none">1. committing a protest-related offence or a protest-related breach of an injunction,2. carrying out activities related to a protest that result in, or are likely to result in, serious disruption to two or more individuals or to an organisation, in England and Wales, or3. causing or contributing to the commission by any other individual of a protest-related offence or a protest-related breach of an injunction, or the carrying out by any other individual of activities related to a protest that result in, or are likely to result in, serious disruption to two or more individuals, or to an organisation, in England and Wales. <p>An SDPO can also impose requirements and prohibitions to protect two or more individuals, or an organisation, in England and Wales from the risk of serious disruption arising from:</p> <ol style="list-style-type: none">1. a protest-related offence,2. a protest-related breach of an injunction, or3. activities related to a protest. <p>This may include, for example, prohibiting an individual from attending protests organised by a group which the individual's past conduct is associated with, for the duration of the order, or requiring an individual to attend a police station each day during a week of planned protest activity by that group.</p>
Applicants	<p>SDPOs can be applied for in two scenarios:</p> <ul style="list-style-type: none">• on conviction, or• on application by a chief officer of police or a chief constable of the British Transport Police, Civil Nuclear Constabulary or Ministry of Defence Police. <p>The prosecution can apply for an SDPO following conviction for a protest-related offence.</p> <p>A relevant chief officer of police or a chief constable of the British Transport Police, Civil Nuclear Constabulary or Ministry of Defence Police can apply to the magistrates' court for an SDPO made on application in certain circumstances.</p>

<p>Test for SDPOs made on conviction</p>	<p>Where an individual aged 18 or over is convicted of a protest-related offence, the prosecution may apply for an SDPO upon conviction.</p> <p>When considering the current offence, the court must be satisfied on the balance of probabilities that the offence is protest-related.</p> <p>The court must be satisfied on the balance of probabilities that within the last 5 years after Section 20 has come into force, the individual has, in relation to a different protest or on a different day, either:</p> <ul style="list-style-type: none"> • committed another protest-related offence for which the individual was convicted, or • committed a protest-related breach of an injunction for which the individual was found in contempt of court. <p>The court must consider it necessary to make the order for a purpose set out in the section of this overview titled “Purpose”.</p> <p>The court must <u>not</u> take into account any conduct that has been taken into account for the purposes of a previous SDPO imposed on the individual nor any conduct which took place when the individual was aged 15 or under. The court must also not take into account any conduct which occurred before the commencement of Section 20 of the Public Order Act 2023.</p>
<p>Test for SDPOs made on application</p>	<p>A chief officer of police, a chief constable of the British Transport Police, Civil Nuclear Constabulary or Ministry of Defence Police may apply by complaint to the magistrates’ court for an SDPO to be made against a person aged 18 or over.</p> <p>When considering the application, the court must be satisfied on the balance of probabilities that on <u>at least two occasions</u> within the last 5 years, after Section 21 has come into force the individual has, in relation to two different protests or on two different days, either:</p> <ul style="list-style-type: none"> • committed a protest-related offence for which the individual was convicted, or • committed a protest-related breach of an injunction for which the individual was found in contempt of court. <p>The court must consider it necessary to make the order for a purpose set out in the section of this overview titled “Purpose”.</p> <p>The court must not take into account any conduct that has been taken into account for the purposes of a previous SDPO imposed on the individual nor any conduct which took place when the individual was aged 15 or under. The court must also not take into account any conduct which occurred before the commencement of Section 21 of the Public Order Act 2023.</p>

Details	<p>The prohibitions and requirements of an SDPO are at the discretion of the court, as long as the court considers them necessary for a purpose set out in the section of this overview titled "Purpose".</p> <p>The order may be used to prohibit an individual from a range of activities including, but not limited to:</p> <ul style="list-style-type: none"> • being in or entering a particular place or area, • being in or entering a particular place or area between particular times on particular days, • being in or entering a particular place or area between particular times on any day, • being with particular individuals, • participating in particular activities, • having particular articles with them, or • using the internet to facilitate or encourage individuals to commit a protest-related offence or a protest-related breach of an injunction or carry out activities related to a protest that result in, or are likely to result in, serious disruption to two or more individuals or to an organisation, in England and Wales. <p>The order must impose requirements for the subject to notify the police of certain information by attending a police station in a police area where that person lives and giving oral notification to a police officer/authorised person within 3 days of the order taking effect, or their previous information changing. The information required is:</p> <ol style="list-style-type: none"> 1. the individual's name and, where the individual uses one or more other names on that day, each of those names, 2. the individual's home address on that day, and 3. the address of any other premises at which, on that day, the individual regularly resides or stays. <p>If an SDPO imposes a requirement, other than a notification requirement, the order must specify a person or organisation who is to be responsible for supervising compliance with this. This person, or representative from the organisation, will need to provide evidence to the court about the suitability and enforceability of any proposed requirements. For the purpose of this guidance, this person will be referred to as "the responsible person".</p>
Duration of Order and requirements	<p>An SDPO must be for a period between 1 week and 2 years and may specify periods for particular requirements or prohibitions to have effect.</p>
Penalty for Breach	<p>An individual commits an offence if, without reasonable excuse, they:</p> <ol style="list-style-type: none"> 1. fail to do anything they are required to do by the order, 2. do anything they are prohibited from doing by the order, 3. notify to the police, in purported compliance with the order, any information which they know to be false. <p>The penalty upon summary conviction of such an offence is currently imprisonment for a maximum of 6-months or a fine (unlimited) or both.</p>

Discharge, Variation and Renewal	<p>An application may be made for the variation, renewal or discharge of an SDPO to either the Crown Court or the magistrates' court, depending on which court made the original SDPO.</p> <p>An SDPO can be varied to include a new requirement or prohibition, or to extend the order for a particular requirement or prohibition.</p> <p>An SDPO can only be renewed once.</p> <p>The following people can apply to the courts to vary, renew or discharge an SDPO:</p> <ul style="list-style-type: none"> • the individual subject to an SDPO, • the chief officer of police for the police area in which the individual lives, • a chief officer of police who believes that the individual is in, or is intending to come to, their police area, • the chief officer or chief constable who made the original application for the SDPO, or • the chief officer of police for a police area in which the individual committed an offence on the basis of which the order was made.
Appeal	<p><u>SDPO made on conviction</u> An individual subject to an SDPO can appeal against the order as if the order were a sentence passed for the offence.</p> <p><u>SDPOs made on application</u> Appeals by an individual subject to an SDPO against an order made in the magistrates' court will be made to the Crown Court. A police officer who applied for an order on application in the magistrates' court may appeal to the Crown Court against a refusal to make an order.</p> <p><u>Appeals in respect of an application for an order varying, renewing or discharging an SDPO</u> Appeals can be made to the Court of Appeal if the application was made to the Crown Court. If the application was made to a magistrates' court, then the appeal will be made to the Crown Court. Appeals can be made by the individual who made the application to vary, renew, or discharge against a refusal to grant their application; by the individual subject to an order against the varying, renewing, or discharging of that order following an application by the police; and by those police officers set out in the section of this overview titled "Discharge, Variation and Renewal" against the varying, renewing, or discharging an order following the application of the individual subject to the order.</p>
The Legislation	Part 2 of the Public Order Act 2023 provides for SDPOs.

1.2 Background

Why have Serious Disruption Prevention Orders been introduced?

6. SDPOs have been introduced to prevent individuals from repeatedly causing serious disruption through protest activity. They will provide the police with additional powers to respond effectively to disruptive protests and take a proactive approach to prevent such disruption. This, in turn, will ensure that police can better balance the rights of protesters and the rights of others to go about their daily business and focus their resources on keeping the public safe.
7. There are two avenues to securing an SDPO: orders made on conviction and those made on application.

Serious Disruption Prevention Orders made on conviction

8. One way in which an SDPO may be imposed is when an individual is convicted of a protest-related offence. Where appropriate, the police can ask prosecutors to consider applying to the courts for an SDPO. In this scenario, the prosecution may apply for an SDPO.
9. To impose an SDPO on conviction the court must be satisfied on the balance of probabilities that the offence in question is protest-related. It must also be satisfied on the balance of probabilities that additional protest-related conduct by the individual has taken place within the last 5 years at either a different protest or at the same protest but on a different day. The conduct must only be taken into account for the purposes of the SDPO if the individual was aged 16 or over at the time of the conduct, and if it has not been taken into account for the purposes of any previously imposed SDPO. An order can only be imposed on individuals aged 18 or over.
10. The court must consider it necessary to make the order for a purpose set out in the section of this guidance titled "Purpose". Police forces should provide relevant evidence in support of any application to the prosecution. This evidence must demonstrate that individuals have met the threshold required for the imposition of an order. The police should provide a list of prohibitions and requirements that they consider relevant and appropriate for inclusion in the SDPO.
11. In all cases, the offence and past behaviour in question must have occurred after the coming into force of Part 2 of the Public Order Act 2023.

Serious Disruption Prevention Orders made on application

12. The second way in which an SDPO can be made is on application by the police.
13. When applying for an SDPO on application, a chief officer of police or a chief constable of the British Transport Police, Civil Nuclear Constabulary or Ministry of Defence Police, must apply by complaint to the magistrates' court.
14. To impose an SDPO following such an application, the court must be satisfied on the balance of probabilities that on at least two occasions within the last 5 years the individual has either:
 - committed a protest-related offence for which the individual was convicted, or
 - committed a protest-related breach of an injunction for which the individual was found in contempt of court.
15. The individual's conduct on the two occasions must relate to different protests or have taken place on different days. For example, an individual may have committed a protest-related offence on one day and a protest related breach of an injunction on another day whilst at the same protest. Alternatively, they may have committed two protest-related offences on the same day but at different protests.

16. The conduct must only be taken into account for the purposes of the SDPO if the individual was aged 16 or over at the time of the conduct, and if it has not been taken into account for the purposes of any previously imposed SDPO. An order can only be imposed on individuals aged 18 or over.
17. The court must consider it necessary to make the order for a purpose set out in the section of this overview titled "Purpose".
18. In all cases, the past behaviour in question must have occurred after the coming into force of Part 2 of the Public Order Act 2023.

1.3 The role of the Crown Prosecution Service and the Police

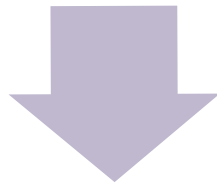
19. The Crown Prosecution Service (CPS) are responsible for applying for SDPOs in appropriate cases on conviction, based upon evidence and suggested requirements and prohibitions provided by the police. Their role in dealing with appeals, renewals and variations in respect of SDPOs (and other preventative civil orders) made upon conviction is strictly limited to dealing with variations "*following close on the heels*" of the making of the order and involving "*particular and unanticipated difficulties arising from the form and/or wording of the order*"¹.
20. The police are responsible for applying for SDPOs by way of complaint in the magistrates' court and dealing with appeals, variations etc. relating to those orders. These are civil proceedings which will be conducted by the police, and the CPS will have no role to play in respect of them. Except for in the limited circumstances outlined above, the police will also be responsible for dealing with renewals, variations etc. of SDPOs made upon conviction.

¹ *R v Terence Hoath [2011] EWCA Crim 274*

1.4 Orders on Conviction

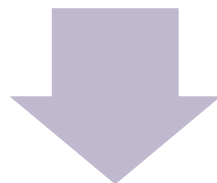
Application

- The prosecution may ask the court to consider an SDPO in the event that an individual, aged 18 or over, is convicted of a protest-related offence and the court is satisfied, on a balance of probabilities, that within the last 5 years and on or after the day the provisions come into force and when the individual was aged 16 years or over, the individual has either:
 - committed another protest-related offence for which the individual was convicted, or
 - committed a protest-related breach of an injunction for which the individual was found in contempt of court.
- Prior to conviction, the police must provide evidence to the CPS in order to support the application for an SDPO which can then be made at the sentencing hearing. This should include the draft terms of the order. This needs to be served on the defendant without waiting for a conviction.



Evidence

- The court then considers the evidence relating to relevant convictions or behaviour that the prosecution produces and evidence that the defendant puts forward.



Decision

- The court must consider it necessary to make the order for a purpose set out in the section of this overview titled "Purpose".
- The court must then decide, on the balance of probabilities, if additional conduct took place and whether or not to impose an SDPO. The court must then specify the reasons for making the order and the penalties for breach.
- The court must explain, in ordinary language, what the effects of the order are.

1.5 Orders on Application

Application

- The police may decide to apply for an SDPO to be imposed on an individual who is not currently being convicted of an offence. In this case, they may apply for an SDPO when the individual in question is aged 18 or over and has, on at least two occasions within the last 5 years while over the age of 16 and on or after the day the provisions come into force:
 - committed a protest-related offence for which they were convicted, or;
 - committed a protest-related breach of an injunction for which the individual was found in contempt of court.
- A chief officer of police of the area in which the individual lives or is believed by the chief officer to be in or intending to come to (the officer in this instance must apply to a magistrates' court acting for the relevant local justice area for their police force) or a chief constable of the British Transport Police, Civil Nuclear Constabulary or Ministry of Defence Police, must apply by complaint to the magistrates' court for an SDPO to be imposed on an individual.



Evidence

- The police must provide evidence to support the application and serve this with the application on the defendant.
- The court then considers the evidence of relevant convictions or behaviour that the police produce and evidence that the defendant puts forward.



Decision

- The court must be satisfied on the balance of probabilities that within the last 5 years, and on or after the day the provisions come into force and when the individual was aged 16 years or over, the individual has, on at least two occasions, either:
 - committed a protest-related offence for which the individual was convicted, **or**
 - committed a protest-related breach of an injunction for which the individual was found in contempt of court.
- The court must consider it necessary to make the order for a purpose set out in the section of this overview titled "Purpose".
- The court must then decide whether or not to impose an SDPO. The court must then specify the reasons for making the order and the penalties for breach.
- The court must explain, in ordinary language, what the effects of the order are.

Chapter 2: SDPO Process

2.1 Identification

21. It is intended that an SDPO will deter individuals from causing further serious disruption. It is a matter for the prosecution to decide to apply for an SDPO on conviction, and the courts have full discretion to decide whether it is necessary to make an SDPO. Police forces should support and advise the prosecution to make applications for SDPOs on conviction in relation to those who repeatedly cause serious disruption through protest-related activities.
22. Police forces should consider whether cases are eligible and appropriate (based on the statutory criteria) for an SDPO and, if so, provide supporting evidence to the CPS to support an application on conviction. This should be done at an early stage to enable an application to be made at the sentencing hearing. The decision should be based on information known about the case, the individual, the wider circumstances and local risk and crime factors.
23. For both SDPOs on conviction and on application, police forces should consider existing information and data on individuals for whom SDPOs might be appropriate.
24. The police should discuss the potential application for either type of SDPO with local multi-agency partnerships (such as local authorities, probation service, social services, etc). Other organisations such as the probation service or CPS may ask police to consider making an application for an SDPO.
25. Careful consideration should be given to the individual circumstances of each case, and interventions that are offered alongside the SDPO should be tailored to the individual case.

2.2 Authorisation of an SDPO

26. For orders on conviction, police should prepare the evidence to present to the prosecution who will consider whether to seek an SDPO. For orders on application, the police themselves should present the evidence to the court.
27. Police should ensure that the relevant evidence to prove the substantive offence and the application for the SDPO is contained within the file submitted to the CPS. Where an SDPO is sought on a case submitted to the CPS for charging, the request must comply with the requirements set out in the Directors Guidance on charging. Additionally, the police should flag on the PCA request that an application for an SDPO is requested and the supporting evidence, including the draft terms, have been provided.

28. When preparing the case, care should be taken to ensure that the evidence put forward is relevant and appropriate. This may involve:
- compilation of supporting evidence (gathered at the identification stage) such as why the SDPO is needed to protect the public in England and Wales from the risk of further serious disruption.
 - engagement with the local offender management teams.
 - completion of an application form.
29. Relevant documents will also need to be available. This will include:
- a statement summarising the individual's offending history and background information included as part of the case file.
 - reports from local offender management teams and other relevant agencies (e.g., social services, community safety partnerships etc.).
 - narrative antecedents in respect of previous protest-related offending within the past five years.
 - all other evidence demonstrating the purpose and conditions required by statute are met.
 - the draft terms for the court to consider.

2.3 Notification requirements

30. When an SDPO is made, it is mandatory for it to include notification requirements.
31. When an order is made, the police must update the Police National Computer (PNC).
32. The individual must notify the police of the following information within three days beginning with the day on which the order takes effect:
- their name, or names, on the day the notification is given. Where the individual uses one or more other names on that day, each of those names.
 - their home address on that day and any other address where, on that day, they regularly reside or stay.
33. The individual must also notify the police if they use a name which has not been previously notified to the police, change their home address or if they decide to live for a period of one month or more at an address not previously notified to the police. This information must be provided to the police within three days, beginning with the day the name is used, the home address is changed, or the individual decides to live at that premises.
34. The individual commits an offence if they knowingly notify the police with false information in purported compliance with the order (see section 2.8 for more details).

35. The individual must provide the information required in person by attending a police station in a police area in which the individual lives and by giving an oral notification to a police officer, or any individual authorised by the officer in charge of the station.
36. The police force which is notified of the change of name or address is responsible for updating the PNC and adding an operational information marker.

2.4 Prohibitions and Requirements

37. An SDPO may prevent the individual from a variety of behaviours including being at a particular place, being with particular people or carrying particular objects with them. For example, an individual may be prohibited from carrying an item that could assist them with carrying out a protest-related offence near the site of a planned protest, or they may be prohibited from travelling to a location where a protest is planned to take place.
38. The individual may also be required to carry out certain actions. They may be required, for example, to report to a police officer at the time when a protest organised by a group that the individual has previously been associated with is planned to take place.
39. The prohibitions and requirements which the SDPO imposes should be clear and enforceable. They should also be necessary and proportionate in order to achieve the stated purpose, taking into account the individual's past conduct, but they need not be limited to prevention of previous conduct. For example, the prohibitions and requirements imposed by an SDPO may be intended to address other tactics used by the same protest group that the individual has been associated with.

2.5 The responsible person

40. An SDPO which imposes a requirement, other than a notification requirement, must specify the person or organisation who is to be responsible for supervising compliance with that requirement. For the purposes of this guidance, they are referred to as "the responsible person". The Responsible Person is a person, role, or group of roles within a police force designated as being responsible for SDPOs by the chief officer.
41. In the case of an SDPO, the individual's local police force will be "the responsible person" and will monitor the individual's compliance with any requirements imposed on them by an SDPO.
42. It is intended that only the most prolific offenders are given an SDPO. This is to ensure that the number of people with an SDPO is small enough for all police forces in England and Wales to be able to readily identify them and enforce the orders. For example, if an SDPO prohibits an individual from being within a specific area during

specific times, local officers should be able to be briefed on the individual and their restrictions and enforce the SDPO.

2.6 Enforcement

43. The prohibitions and requirements which an SDPO may impose on an individual are listed in the “Details” section of the Overview of this guidance document.
44. Before including a requirement or prohibition, the court must consider evidence about its suitability and enforceability from the police force designated as the responsible person. The CPS must be provided with this information by the police when considering whether to make an application on conviction.
45. Where the individual is subject to a requirement, other than a notification requirement, the individual must keep in touch with the responsible person in relation to that requirement, in accordance with any instructions given by that person from time to time and notify that person of any change of the individual’s home address.
46. One of the potential requirements which may be imposed on an individual under an SDPO is conditions on their use of the internet. If such a requirement is imposed, the order should specify any necessary requirements to enable the police to monitor compliance, which could include the handing over of devices, passwords and/or social media credentials to allow for spot-checks to take place at certain times.
47. Another way in which the individual’s local police force may monitor the individual’s compliance with the requirements of their order is to require the individual to report to the local police station on certain days. For example, the individual may be required to report to their local police station every day during a week of planned protest action by a group their previous conduct was associated with.
48. The police are responsible for responding to any breaches of an SDPO. In the event that an individual breaches their SDPO outside of their local area and the local police force isn’t the force to respond to the breach, then the individual’s local police force must be alerted to the breach.

2.7 Duration of an SDPO

49. An SDPO must have effect for a fixed period of no less than 1 week and no more than 2 years. An SDPO takes effect on the day it is made.
50. If (a) the individual has been remanded in or committed to custody by an order of a court, (b) a custodial sentence has been imposed on the individual or the individual is serving or otherwise subject to such a sentence, or (c) the individual is on licence for part of the term of a custodial sentence, the court may order that the SDPO will not take effect until either (a) the individual is released from custody, (b) the individual

ceases to be subject to a custodial sentence, or (c) the individual ceases to be on licence.

2.8 Breach of an SDPO

51. An individual commits an offence if they:

- fail, without reasonable excuse, to do anything they are required to do by the order. For example, an individual may be required to present themselves to a police officer at midday each day during a week of planned protest action by the protest group their past conduct was associated with. If they fail to do this, without reasonable excuse, then the individual has breached their SDPO,
- do anything, without reasonable excuse, they are prohibited from doing by the order. For example, if they attend a protest organised by a particular group or meet with specified individuals they have been prohibited from meeting, then the individual has breached their SDPO, or
- notify the police, in purported compliance with the order, of any information which they know to be false.

52. The penalty for these offences is currently imprisonment for a term no longer than 6 months, a fine or both.

53. Breach of an SDPO is a summary-only offence, therefore proceedings must be brought within 6 months of the alleged breach.

54. The police will need to present a file of evidence relating to the breach to the CPS. This must demonstrate that there is sufficient evidence to provide a realistic prospect of conviction in respect of the breach of the SDPO, recognising that the CPS may only be involved with the case for the first time at this point if the SDPO was originally made on the application of the police.

2.9 Oversight of individuals subject to an SDPO

55. Individuals subject to an SDPO should be made aware, by the court, that their compliance with the order will be monitored (for example, via reporting requirements) and the police will be responsible for any action to be taken if there is a breach.

Chapter 3: Court Procedure

3.1 Court Responsibilities

56. An SDPO on conviction may be made by any court dealing with the offender for a relevant offence. An SDPO made on application may be made by a magistrates' court upon application by a relevant chief officer of police or the chief constable of the British Transport Police Force, Civil Nuclear Constabulary or Ministry of Defence Police. An SDPO can also be made by a Crown Court on appeal (see below).
57. SDPOs on conviction may only be made on application by the prosecution and in addition to a sentence imposed in respect of the relevant conviction or an order discharging the offender conditionally.
58. In all cases, the court may hear evidence from the individual and the prosecution or police when considering whether to make an SDPO at either a sentencing hearing or in a magistrates' court hearing.
59. In relation to SDPOs on conviction, the court may consider evidence that would not have been admissible in the criminal proceedings leading to the conviction.
60. The court must first decide whether there are grounds to make the order. If the court is satisfied that the prosecution or the police have proved on the balance of probabilities that the conditions are satisfied, it will determine whether to make an order. If an order is made the court must explain the effects of the order to the individual subject to it in ordinary language.

3.2 Variation, renewal, or discharge of an SDPO

61. See Section 1.3 for the role of the CPS and the police in relation to the variation, renewal, or discharge of an SDPO.
62. The following people can apply for an SDPO to be varied, renewed, or discharged:
 - the individual who is subject to an SDPO ("P"),
 - the chief officer of police for the police area in which P lives,
 - a chief officer of police who believes that P is in, or is intending to come to, their police area,
 - the chief officer or chief constable who made the original application for an SDPO, or
 - where an offence was committed, the chief officer of police for a police area in which P committed an offence on the basis of which the order was made.

63. The application to vary, renew, or discharge the SDPO must be made to the appropriate court:
- Where the Crown Court or the Court of Appeal made the order, the Crown Court,
 - Where a magistrates' court made the order, and the application is made by P or a constable of the British Transport Police Force, Civil Nuclear Constabulary or Ministry of Defence Police, that magistrates' court or a magistrates' court for the area in which the individual lives, or
 - Where a magistrates' court made the order and the application is made by a chief officer of police, that magistrates' court, a magistrates' court for the area in which P lives, or a magistrates' court acting for a local justice area that includes any part of the applying chief officer of police's police area.
64. When deciding whether to vary, renew or discharge an SDPO, the court must hear from the individual making the application, and any other individual listed in paragraph 62 of this guidance who wishes to be heard.
65. The court may vary, renew or discharge a serious disruption prevention order as it thinks appropriate.
66. However, the court must consider it necessary for particular purposes in order to make an order to renew an SDPO or to vary an SDPO to:
- extend the period for which the order has effect (subject to duration restrictions outlined in section 2.7 of this guidance),
 - extend the period for which a requirement or prohibition imposed by the order has effect, or impose an additional prohibition or requirement on the individual,
 - prevent the individual from committing a protest-related offence or a protest-related breach of an injunction,
 - prevent the individual from carrying out activities related to a protest that result in, or are likely to result in, serious disruption to two or more individuals, or to an organisation, in England and Wales,
 - prevent the individual from causing or contributing to:
 - the commission by any other individual of a protest-related offence or a protest-related breach of an injunction, or
 - the carrying out by any other individual of activities related to a protest that result in, or are likely to result in, serious disruption to two or more individuals, or to an organisation, in England and Wales, or
 - to protect two or more individuals, or an organisation, in England and Wales from the risk of serious disruption arising from:
 - a protest-related offence,
 - a protest-related breach of an injunction, or
 - activities related to a protest.

67. The particular purposes for which the court must consider it necessary to make an order as set out in paragraph 66, are to:

- prevent the individual from committing a protest-related offence or a protest-related breach of an injunction,
- prevent the individual from carrying out activities related to a protest that result in, or are likely to result in, serious disruption to two or more individuals, or to an organisation, in England and Wales,
- prevent the individual from causing or contributing to:
 - the commission by any other individual of a protest-related offence or a protest-related breach of an injunction, or
 - the carrying out by any other individual of activities related to a protest that result in, or are likely to result in, serious disruption to two or more individuals, or to an organisation, in England and Wales, or
- to protect two or more individuals, or an organisation, in England and Wales from the risk of serious disruption arising from:
 - a protest-related offence,
 - a protest-related breach of an injunction, or
 - activities related to a protest.

68. An SDPO can only be renewed once.

3.3 Appeals

69. Where an SDPO is made on conviction, the offender may appeal against the making of the order as if the order were a sentence passed on the individual for an offence.

70. Where an SDPO is made on application in the magistrates' court, the individual may appeal against the making of the order to the Crown Court.

71. A police officer who applied for an SDPO on application may appeal to the magistrates' court against a refusal to make an order by the magistrates' court.

72. Where an application is made for an SDPO to be varied, renewed, or discharged:

- the police officer or individual who made the application to vary, renew or discharge may appeal against a refusal to make an order,
- the individual subject to an SDPO may appeal against the making of an order to vary, renew or discharge which was made on the application of a police officer,
- a police officer specified in paragraph 62 may appeal against the making of an order to vary renew or discharge which was made on the application of the individual.

73. Such appeals should be made to the Crown Court if the application in question was made in the magistrates' court, or the Court of Appeal if the application in question was made in the Crown Court.

Chapter 4: How will SDPOs be monitored and scrutinised?

74. Police officers must record the date the SDPO was made and took effect and the court making the order. This data will then be shared with the Home Office and published via the Annual Data Requirement.
75. Individuals should be made aware by the court issuing the SDPO that their compliance with an SDPO will be monitored (e.g., via reporting requirements if imposed by the order) and that the police will be responsible for any action to be taken if there is a breach.

Chapter 5: Other Considerations

5.1 Territorial extent

76. The territorial extent of SDPOs is England and Wales.
77. An SDPO will continue to have effect for the duration of the period specified in the order and if the individual concerned has moved outside of England and Wales, the individual will be required to comply with the requirements and prohibitions imposed by it if that individual returns to England or Wales from elsewhere.

5.2 Consideration of the public sector equality duty and human rights

78. In exercising their functions in relation to SDPOs, constables, chief officers of police and the chief constable of the British Transport Police Force, the Civil Nuclear Constabulary and the Ministry of Defence Police are required, in accordance with section 149 of the Equality Act 2010, to have due regard to the need to eliminate discrimination, harassment and victimisation, and advance equality of opportunity regardless of factors such as age, disability, gender, race, religion or belief or sexual orientation.
79. Constables, chief officers of police and the chief constable of the British Transport Police Force, the Civil Nuclear Constabulary and the Ministry of Defence Police are also required by section 6 of the Human Rights Act 1998 to act compatibly with the Convention rights set out in Schedule 1 of that Act. They should also consider whether an SDPO, and the prohibitions and requirements attached to it, are necessary and proportionate in relation to the individual's past conduct.

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