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Research Briefing

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Police powers: Protests



Summary

1 The right to peaceful protest
2 Police powers to restrict protests
3 Criminal offences related to protest
4 Police tactics for managing protests
5 Injunctions, civil remedies and other powers

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Summary

What are the current protest laws in the UK?

An individual's right to freedom of expression and assembly are protected by Articles 10 and 11 of the European Convention on Human Rights, which is enshrined in UK law. Together, the Articles safeguard the right to peaceful protest.

However, these rights are not absolute. The state can implement laws that restrict the right to protest to maintain public order or to protect the rights and freedoms of others.

In the UK, the Public Order Act 1986 allows the police to place restrictions and conditions on protests. These powers were strengthened by part 3 of the Police, Crime, Sentencing and Courts Act 2022 and part 10 of the Crime and Policing Act 2026.

The Public Order Act 2023 established several protest-related criminal offences, including causing serious disruption by 'locking on' (attaching yourself to another person, an object or to land), serious disruption by tunnelling underground, obstructing major transport works and interfering with key national infrastructure.

The Crime and Policing Act 2026 also introduced new criminal offences of concealing your face at a protest, climbing on war memorials and possessing pyrotechnics at a protest.

What other rules can apply to protests?

Businesses and organisations can apply for court orders against protesters to stop them from engaging in protests that affect their operations.

Part 2 of the Public Order Act 2023 created Serious Disruption Prevention Orders (SDPOs). SDPOs are civil orders that enable courts to place conditions on an adult to prevent them from engaging in disruptive protest-related activity. Breaching an SDPO is a criminal offence.

There are several criminal offences that could apply to a person's conduct during a protest, despite not being offences that are specific to protests. These include wilful obstruction of a highway, public nuisance, and aggravated trespass.

How have protest laws changed?

In recent years, the government has initiated major legislative reforms in response to concerns about peaceful but disruptive protests.

Taken as a whole, the reforms under the Police, Crime, Sentencing and Courts Act 2022, the Public Order Act 2023, and the Crime and Policing Act 2026 have increased police powers to intervene in disruptive protests, introduced a range of new protest-related criminal offences and increased penalties for people involved in organising and carrying out disruptive protests.

This legislative agenda has been controversial. In its legislative scrutiny of the Crime and Policing Act 2026, the Joint Committee on Human Rights (JCHR) said:

> This is the third piece of primary legislation changing the law on public order on which the JCHR has reported in less than five years. Given the importance of free expression and free assembly to a healthy democracy, the Joint Committee on Human Rights is concerned by the volume of recent change to the law on protest.

In response to the committee's report, the government said that:

> [...] recent legislative changes have been essential to address evolving protest tactics causing significant disruption to vital services and threatening public safety. New measures respond directly to operational gaps identified by law enforcement agencies, and to better balance the rights of protesters against the rights of others to go about their daily business without disruption or alarm.

The government established the Independent Review of Public Order and Hate Crime Legislation in December 2025, which is chaired by Lord Macdonald of River Glaven KC, a former Director of Public Prosecutions. The review will examine whether the law on public order and hate crime "remains fit for purpose" and "whether thresholds and safeguards are right and effective". It will make recommendations to the Home Secretary.

1 The right to peaceful protest

An individual's right to freedom of expression and assembly are not absolute. The state can implement laws that restrict the right to protest to maintain public order or to protect the rights and freedoms of others.

1.1 Convention rights

An individual's right to freedom of expression and assembly are protected by Articles 10 and 11 of the European Convention on Human Rights (ECHR). Together, these rights ensure that people can protest peacefully.

Article 10 provides for the right to "freedom of expression", meaning the "freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers." Article 11 provides for the "freedom of peaceful assembly and freedom of association with others."[1]

Articles 10 and 11 are "qualified rights" rather than "absolute rights". This means that restricting or interfering with these rights may be justified if:

- the basis for doing so is clearly set out by the law;
- it is necessary in pursuit of a legitimate aim such as national security, public safety, the prevention of crime or disorder or the protection of the rights and freedoms of others; and
- the level of interference with Articles 10 and 11 is proportionate to those aims.

The Human Rights Act 1998 gave domestic effect to the ECHR.[2] It means individuals can bring claims based on breaches of ECHR rights before the UK courts.[3]

1 Schedule 1, Human Rights Act 1998
2 House of Commons Library, The European Convention on Human Rights and the Human Rights Act 1998, 2 June 2026
3 Section 2, Human Rights Act 1998 requires that UK courts 'take account' of judgments of the European Court of Human Rights when considering claims that Convention rights have been breached but they are not bound to follow its judgments.

When policing protests, the police have two key duties with regards to Articles 10 and 11:[4]

- a "negative duty" not to prevent, hinder or restrict peaceful assembly except to the extent allowed by ECHR; and
- a "positive duty" to protect those exercising their right to protest peacefully.

The police must only exercise their powers to restrict a protest if it is considered proportionate, in accordance with the law and in pursuit of a "legitimate aim". Police are expected to use the least restrictive means available to them.[5]

The police must also balance the rights of others who may be impacted by protests. Operational advice published by the College of Policing and National Police Chiefs' Council (NPCC) (August 2023, PDF) provides advice on how the police should consider competing rights.[6]

1.2 Balancing the rights of protesters with the rights of others

Legislative reform

In recent years, there have been concerns over the impact of non-violent disruptive protest tactics by environmental campaigners and an increased frequency in large protest marches.

Policing bodies and other commentators have expressed concerns that the rights of protesters are being favoured over the rights of other members of the public and have called for a rebalancing of the scales.[7] Parliamentarians and the police have also raised concerns about the impact of regular large protests on police resources.[8]

4 College of Policing, APP Public order public safety: Legal framework and legislation, last updated 8 June 2023
5 As above
6 College of Policing and NPCC, National protest operational advice (PDF), August 2023
7 See, for example: HMICFRS, Getting the balance right? An inspection of how effectively the police deal with protests, 11 March 2021; Lord Walney, Protecting our democracy from coercion, 21 May 2024; Policy Exchange, 'Might is Right?', 9 September 2024
8 See, for example: Home Affairs Committee, Protests causing unsustainable pressure on policing resources, 27 February 2024; Lord Walney, Protecting our democracy from coercion, last updated 21 May 2024, para 6.146

In response to these concerns, there has been three major updates to protest-related legislation in recent years:

- part 3 of the Police, Crime, Sentencing and Courts Act 2022
- the Public Order Act 2023
- part 10 of the Crime and Policing Act 2026

Taken together, these reforms have increased police powers to intervene in disruptive protests, introduced new protest-related criminal offences and increased penalties for people involved in organising and carrying out disruptive protests. This legislation is discussed in more detail throughout this briefing.

Concerns over legislative changes

This programme of legislative reform has been opposed by campaigners who have questioned the compatibility of reforms with human rights legislation.[9] Both the UN Special Rapporteur on Environmental Defenders under the Aarhus Convention and the Commissioner for Human Rights of the Council of Europe have publicly raised concerns about the changing legislative framework on protests.[10]

In its pre-legislative scrutiny of the Public Order Act 2023, the Joint Committee on Human Rights (JCHR) warned that the government was introducing "sweeping restrictions on peaceful protest, having already introduced measures we considered to be inconsistent with the right to protest in the Police, Crime, Sentencing and Courts Act 2022."[11] It said that the measures would "threaten the overall balance struck between respect for the right to protest and protecting other parts of the public from disruption."[12]

In its legislative scrutiny of the Crime and Policing Act 2026, the JCHR said:

> This is the third piece of primary legislation changing the law on public order on which the JCHR has reported in less than five years. Given the importance of free expression and free assembly to a healthy democracy, the Joint Committee on Human Rights is concerned by the volume of recent change to the law on protest. [13]

9 See, for example: Human Rights Watch, UK: Protest Crackdowns Undermine Democracy, 7 January 2026; Amnesty International, UK: Alarming Crime and Policing Bill yet another assault on the right to peacefully protest, 10 March 2025

10 Michel Forst, Visit to London, United Kingdom of Great Britain and Northern Ireland, 10-12 January 2024 End of mission statement (PDF), 23 January 2024; Letter from the Commissioner for Human Rights of the Council of Europe to the Home Secretary (PDF), 23 September 2025

11 JCHR, Legislative Scrutiny: Public Order Bill, 17 June 2022

12 The government argued that existing human rights legislation provides appropriate safeguards. See: Home Office, Legislative scrutiny: Public Order Bill: government response to the Committee's first report (PDF), 7 September 2022, p3

13 JCHR, Legislative Scrutiny: Crime and Policing Bill, 7 July 2025

In response to the committee's report, the government said:

> The Government acknowledges the Committee's concern but considers that recent legislative changes have been essential to address evolving protest tactics causing significant disruption to vital services and threatening public safety. New measures respond directly to operational gaps identified by law enforcement agencies, and to better balance the rights of protesters against the rights of others to go about their daily business without disruption or alarm. As with any primary legislation, they have been subject to full parliamentary scrutiny.
>
> While the right to protest remains a cornerstone of our democracy, the legal framework must evolve to ensure that this right does not come at the expense of public order and the rights of others. [14]

In June 2026, the Home Office published post-legislative scrutiny of the Public Order Act 2023, which provided data on the number of arrests and charges for the new offences under the act.[15] The government has also committed to publish post-legislative scrutiny of the 2022 act.[16]

The government has also established the Independent Review of Public Order and Hate Crime Legislation, chaired by Lord Macdonald of River Glaven KC, a former Director of Public Prosecutions. The review will examine whether the law on public order and hate crime (including legislation related to protests) "remains fit for purpose" and "whether thresholds and safeguards are right and effective". It will make recommendations to the Home Secretary.[17]

14 JCHR, Crime and Policing Bill: Government Response, 10 November 2025

15 Home Office, Post-legislative scrutiny of the Public Order Act 2023, 18 June 2026. Note: The post-legislative scrutiny was published as a memorandum to the Home Affairs Committee.

16 PQ 44175 [Police, Crime, Sentencing and Courts Act 2022], answered 22 April 2025

17 Home Office, Independent Review of Public Order and Hate Crime Legislation: terms of reference, 8 December 2025

2 Police powers to restrict protests

The Public Order Act 1986 provides the police with powers to restrict protests in England and Wales. These powers were expanded by part 3 of the Police, Crime, Sentencing and Courts Act 2022 and part 10 of the Crime and Policing Act 2026.

1 Types of protest

Part II of the Public Order Act 1986 defines three types of protest:

- public assemblies: static protests that involve a gathering of "two or more people that is wholly or partly open to the air"
- public processions: protest marches intended to demonstrate support or opposition for a particular view, publicise a campaign or commemorate an event
- one-person protests: protests carried out by one individual in a public place

2.1 Advanced notification of protest marches

Anyone organising a public procession must notify the police in advance.[18] The notice must be in writing and specify the date, time and route of the proposed march as well as the details of those organising it. The notice must be given at least six days prior to the march unless it is "not reasonably practicable" to do so.[19]

The government provides advice on notifying the police of a protest march.[20] It is a criminal offence to organise a protest march without notifying the police. It is also an offence for the organiser(s) to change the route, date or time from what the police have been told. These are summary offences that can result in a fine of up to £1,000.

18 Section 11, Public Order Act 1986
19 Section 11(1) and 11(6), Public Order Act 1986
20 Gov.uk, Protests and marches: letting the police know (undated). Most police forces also provide information on their own websites.

There is no requirement to notify the police in advance of plans to conduct a public assembly (static protest).

2.2 Placing conditions on protests

When conditions can be imposed

Under the Public Order Act 1986, the police can impose conditions on planned or ongoing public processions or assemblies if they "reasonably believe" that any of the following may apply:

- The protest may result in "serious public disorder", "serious damage" to property or "serious disruption to the life of the community."[21]
- The noise generated by the protest may result in "serious disruption" to an organisation's activities in the area. This is defined as "any persons connected with the organisation not being reasonably able, for a prolonged period of time, to carry on" any of the organisation's activities.[22]
- The noise generated by the protest may result in a "significant relevant impact". This is defined as causing possible intimidation, harassment, harm or distress to people in the area. The police must consider the number of people that could be impacted and the duration and intensity of the impact.
- The purpose of those organising the protest is to intimidate others into not doing something that they have the right to do (or into doing something that they have the right not to do).

The Crime and Policing Act 2026 has further amended the Public Order Act 1986 to establish additional circumstances under which the police can impose conditions. Firstly, section 164 allows the police to impose conditions on protests that are held "in the vicinity of a place of worship" and may "intimidate" people to such an extent that they are deterred from accessing or carrying out religious activities at that place of worship.[23] This came into force on 29 June 2026.

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21 The Police, Crime, Sentencing and Courts Act 2022 gives delegated powers to the Home Secretary to provide further definition of what may or may not constitute "serious disruption to life of a community" in secondary legislation (subject to affirmative procedure).

22 This was introduced the Police, Crime, Sentencing and Courts Act 2022 and criticised by several organisations, see for example: The Good Law Project, PCSC Bill Briefing for MPs, 15 March 2021.

23 The government said it had introduced the measure in support of Jewish people who had felt fearful of attending synagogue due to large demonstrations held nearby. See: Home Office, Places of worship to be protected from intimidating protests, 27 March 2025. See also pages 63 to 64 of the Library briefing Crime and Policing Bill 2024-26: Progress of the bill, June 2025 for more information.

Secondly, under section 165, when considering placing conditions on a protest, the police "must take into account any relevant cumulative disruption". Relevant cumulative disruption can result from any other protest that was held, is being held or is intended to be held in the same area. It does not matter whether that protest was organised by the same person, attended by any of the same people or held at the same time. This came into force on 29 June 2026. Section 165 replaced similar legislation that was previously introduced via statutory instrument in June 2023 but was subsequently quashed (see box 2).[24]

2 'Serious disruption to the life of the community'

The Public Order Act 1986 (Serious Disruption to the Life of the Community) Regulations 2023 reduced the threshold at which a static protest would be considered to cause "serious disruption to the life of the community". The government said the change empowered the police to intervene and break up "slow marching tactics" used by protesters to halt or slow traffic.[25]

In May 2024, the High Court found the legislation to be unlawful and ordered it to be quashed.[26] The courts found that the government had acted beyond the scope of powers given to it under the primary legislation.[27]

The statutory instrument had also clarified that when the police are deciding whether to impose conditions on a protest, they should consider "cumulative disruption".[28] However, this was quashed with the wider instrument. The measure on cumulative disruption was returned (with modifications) via section 165 of the Crime and Policing Act 2026.

24 The government first announced its intention to legislate for cumulative disruption in October 2025 in response to the mass-arrest protests held to oppose the proscription of Palestine Action as a terrorist organisation.

25 Home Office, Government acts to stop highly disruptive slow walking tactics, 28 April 2023; Home Office, Police given clarity to act quickly on disruptive slow marching, 14 June 2023

26 *National Council for Civil Liberties v Secretary of State for the Home Department* [2024] EWHC 1181

27 *National Council for Civil Liberties v Secretary of State for the Home Department* [2024] EWHC 1181 *National Council for Civil Liberties v Secretary of State for the Home Department* [2025] EWCA Civ 571

28 Explanatory memorandum, the Public Order Act 1986 (Serious Disruption to the Life of the Community) Regulations 2023

What conditions can be imposed

The police can impose any conditions on those organising or taking part in the protest that they consider necessary to prevent "disorder, damage, disruption, impact or intimidation". This could include prescribing what route a protest march must take, banning a protest from entering certain public places, or setting out when the protest must end. Conditions can be imposed both in advance of a protest or on a protest that is ongoing.

A "senior police officer" can authorise conditions. This is either the chief constable of the police force (when imposing restrictions in advance of a planned protest) or the most senior police officer present at the scene.

Section 166 of the Crime and Policing Act 2026 extends the power to place conditions on a protest to any police officer authorised by the chief constable. The government said that this would allow for an officer leading a public order operation from a control room to impose conditions remotely (rather than needing to be present at the scene).[29] This came into force on 29 June 2026.

Anyone that doesn't comply with a condition that they should "know or ought to have known" about, could be committing a criminal offence.[30] The penalty for a person who organises a protest and fails to comply with a condition is up to 51 weeks' imprisonment, a £2,500 fine or both.[31] The penalty for a person who attends a protest and fails to comply conditions is a £2,500 fine only.[32]

Those organising or participating in a protest can challenge conditions that police have imposed in advance of a protest by seeking a judicial review.

One-person protests

Under section 147A of the Public Order Act 1986 (as amended by the Police, Crime, Sentencing and Courts Act 2022), the police can impose conditions on one-person protests.[33] The police can only place conditions on a one-person protest if they reasonably believe that the protester might generate noise capable of causing significant disruption to the activities of an organisation in the vicinity, or has a "significant relevant impact" on individuals in the area.[34]

29 Home Office, Letter to the public bill committee (PDF), 25 April 2025, page 4

30 Section 75, Police, Crime, Sentencing and Courts Act 2022 changed the legal test from someone "knowingly" breaches a condition, to someone knew about, or "ought" to have known about a condition. The government said this was to close a loophole which allowed for protesters to cover their ears or tear up written notices of conditions handed to them by the police, to claim that they did not know that the conditions had been imposed.

31 Section 12(4), Public Order Act 1986

32 Section 12(5), Public Order Act 1986

33 Section 14ZA of the 1986 act was inserted by section 79 of the 2022 act. Prior to this, the police could only place conditions on protests involving at least two people.

34 "Relevant impact" has the same meaning as for public processions and assemblies.

2.3 Stopping protests from going ahead

Prohibiting a protest march

To ban a public procession from going ahead completely, a chief constable must reasonably believe that their powers to impose conditions are not sufficient to manage the risk of serious public disorder. They can then apply to the local authority for an order that would prohibit all protest marches, or a specific type of march, from taking place in the area for a period of up to three months at a time.[35] Before granting the order, the local authority must get the Home Secretary's approval. In London, the Metropolitan Police Service and the City of London Police must apply directly to the Home Secretary.[36]

It is a criminal offence to continue organising a protest march that has been prohibited. This is a summary offence with a maximum penalty of up to three months' imprisonment, a £2,500 fine, or both.[37]

Data on when protest marches have been banned are not routinely published. An FOI response from 2014 shows that between 2005 and 2012 the Home Office approved 12 banning orders, including 10 for marches by far-right political groups.[38]

Prohibiting a static protest

There is a higher threshold to ban a public assembly (static protest). This requires that a chief constable reasonably believes that the protest would involve trespass and may result in "serious disruption to the community" or "significant damage" to land, a building, or a monument that is of historical, architectural, or scientific importance.[39]

The local authority must first get the Home Secretary's approval before implementing a banning order.[40] The order can't be issued for a period exceeding four days or be applied to an area larger than a five-mile radius. The police have powers to stop those they believe are on their way to a banned assembly and direct them not to attend. Failure to follow an officer's direction is a criminal offence punishable by a fine of up to £1,000.[41]

35 Section 13, Public Order Act 1986
36 Section 13(3)-(4), Public Order Act 1986
37 Note: It is not an offence to take part in a protest march that has been banned if the individual was not involved in planning the march.
38 Home Office, FOI release: Applications for a banning order under section 13 of the Public Order Act 1986, 6 June 2014
39 Section 14, Public Order Act 1968
40 As with section 13 orders that prohibit protest marches, the Met and City of London Police must apply directly to the Home Secretary to approve a section 14A order.
41 Section 14C, Public Order Act 1986

3 Other methods for prohibiting protests

Private organisations, local authorities and public bodies have used civil injunctions to prevent protests in designated areas or to prevent people from engaging in certain protest-related activities. These are discussed in section 5.1 of this briefing.

2.4 Protests around Parliament: additional restrictions

Protests around Parliament are subject to additional restrictions. The Police Reform and Social Responsibility Act 2011 established a "controlled area" around Parliament. Within this area certain activities are prohibited, including the unauthorised use of loudspeakers, tents and sleeping equipment, and obstruction of vehicles coming in and out of the parliamentary estate.[42] Officers can direct anyone undertaking a prohibited activity within the controlled area to stop what they are doing. It is a criminal offence not to comply with an officer's direction, punishable by a fine of up to £5,000.

Byelaws of the Greater London Authority (GLA) also require protesters to seek written permission from the GLA to hold a demonstration on Parliament Square Garden. It is a criminal offence to break the byelaws, punishable by a fine.[43]

[42] Sections 142-149A, Police Reform and Social Responsibility Act 2011. The PCSC Act 2022 expanded the size of the 'controlled area' around parliament and added obstructing the passage of a vehicle into or out of the parliamentary Estate to the list of prohibited activities. See section 3 of the Library briefing, Police, Crime, Sentencing and Courts Bill 2019-21: Part 3 and 4- Public order and unauthorised encampments, March 2021.

[43] Greater London Authority, Visiting Parliament Square Garden: byelaws of Parliament Square Garden (PDF) (undated)

3 Criminal offences related to protest

The Public Order Act 2023 and the Crime and Policing Act 2026 created several protest-related offences.

There are also range of other offences that are not specifically targeted at protest situations but can be relevant to protests, such as aggravated trespass, obstruction of a highway and criminal damage. The Crown Prosecution Service (CPS) has issued guidance on offences during protests, demonstrations and campaigns.

3.1 Locking-on and tunnelling

Locking-on

Section 1 of the Public Order Act 2023 established a criminal offence of causing "serious disruption" to an organisation or two or more individuals by "locking-on". A locking on offence could involve a person attaching:

- themselves to another person, an object or to land;
- someone else to another person, object, or land, or;
- an object to another object or land.

The legislation does not define what counts as "attaching" for the offence. Lord Sharpe, the then Parliamentary Under-Secretary of State at the Home Office said the legislation purposely does not specify methods of attachment or types of equipment used in locking-on so that the offence can remain future-proof as protesters "create new methods of locking on."[44]

The offence carries a maximum sentence of six months' imprisonment, an unlimited fine, or both.

Section 1 came into force on 3 May 2023. Post-legislative scrutiny of the Public Order Act 2023, published by the Home Office, reported that between 2023 to 2025, 169 people were arrested for a locking-on offence, of which 104 were charged.[45]

[44] Lord Sharpe at HL Deb, Public Order Bill: committee stage 1st sitting, 16 November 2022, c935

[45] Home Office, Post-legislative scrutiny of the Public Order Act 2023, 18 June 2026. Note: 14 of the 40 forces that returned data (including the BTP) reported arrests and charges for this offence.

Being equipped to lock-on

Under section 2 of the 2023 act it is also an offence to be equipped to lock-on. This would involve an individual being found to have an object with them that is intended to be used to lock-on, or relates to the commission of a locking-on offence. The offence applies to an individual even if the object they have on them is intended for use by someone else to lock-on or was used by someone else to lock-on. The penalty for this offence is an unlimited fine.

Section 2 came into force on 3 May 2023. Post-legislative scrutiny of the Public Order Act 2023 reported that between 2023 and 2025, 55 people were arrested for an offence of being equipped to lock on, of which 25 were charged.[46]

Tunnelling

Under section 3 of the 2023 act it is an offence to participate in creating a tunnel that causes, or could cause, "serious disruption" to an organisation or two or more individuals. Section 4 provides an offence of causing serious disruption by being present in a tunnel (regardless of whether the individual was involved in creating it).[47]

Both are "either way" offences, meaning they can be tried in either a magistrates' or a crown court. The maximum penalty in a magistrates' court is 12 months' imprisonment, an unlimited fine, or both. The maximum penalty in a crown court is 3 years' imprisonment, an unlimited fine, or both.

Section 5 makes it an offence for an individual to have an "object" with them that may be used to commit a tunnelling offence. A person could be guilty of the offence whether the item is intended to be used, or has been used, by themselves directly or by someone else. This offence has a maximum penalty of six months' imprisonment, a fine, or both.

Section 5 came into force on 2 July 2023. The post-legislative scrutiny of the Public Order Act 2023 reported that there were no recorded arrests for tunnelling between 2023 to 2025.[48]

46 Home Office, Post-legislative scrutiny of the Public Order Act 2023, 18 June 2026. 12 police forces in England and Wales (including the British Transport Police) returned data for this offence.

47 "Tunnel" refers to excavation that goes beneath land, regardless of whether it is big enough for an individual to enter or whether it leads to a particular destination. Any excavation which is created with the intention that it will become or connect with a tunnel is to be treated as a tunnel.

48 Home Office, Post-legislative scrutiny of the Public Order Act 2023, 18 June 2026. Note: there were no reported arrests or charges from the 40 forces that returned data (including the BTP).

4 Meaning of "serious disruption" under the Public Order Act 2023

For offences related to tunnelling and locking on, the meaning of "serious disruption" is that which hinders individuals or organisations to "more than a minor degree" from carrying out a range of day-to-day activities.[49] The 2023 act provides a non-exhaustive list of situations that may apply, such as actions that can hinder someone from conducting construction or maintenance work, making a journey, delivering a product or accessing essential services. Police officers are not limited to the examples listed in the act when deciding whether serious disruption may be, or has been, caused.

3.2 Interfering with transport works and key infrastructure

Obstruction of major transport works

Under section 6 of the 2023 act it is an offence to obstruct major transport works by: [50]

- obstructing someone from setting out the lines of any major transport works or from carrying out work in relation to constructing or maintaining the works, or;
- interfering with, moving or removing any "apparatus" that is related to the construction or maintenance of the works, or that belongs to someone who is working on its construction or maintenance.

This offence carries a maximum sentence of six months' imprisonment, an unlimited fine, or both.

The provision came into force on 3 May 2023. The post-legislative scrutiny of the Public Order Act 2023 reported that there were no recorded arrests for a section 6 offence between 2023 to 2025.[51]

49 Section 34, Public Order Act 2023

50 "Major transport works" include those with legislative authority for their construction and/or maintenance (such as HS2) and nationally significant infrastructure projects that have been granted 'development consent orders' under section 114 of the Planning Act 2008.

51 Home Office, Post-legislative scrutiny of the Public Order Act 2023, 18 June 2026. Note: there were no reported arrests or charges from the 40 forces who returned data (including the BTP).

Interfering with key national infrastructure

Section 7 of the 2023 act details an offence for committing an act that interferes with the use or operation of key national infrastructure.[52] "Interference" is defined as:

- preventing the infrastructure from being used or operated "to any extent" for its intended purpose; or
- "significantly" delaying the infrastructure from being used or operated.

The offence is triable either way. In a magistrates' court the maximum penalty is six months' imprisonment, an unlimited fine or both. In a crown court, the maximum penalty is up to 12 months' imprisonment, a fine or both.

Section 7 came into force on 2 May 2023. Post-legislative scrutiny of the Public Order Act 2023 reported that 612 people were arrested for interfering with key national infrastructure between 2023 to 2025, of which 222 were charged.[53]

3.3 Concealing identity at a protest

Under sections 157 to 159 of the Crime and Policing Act 2026, someone commits an offence if they are "wearing or otherwise using an item that conceals their identity or another person's identity" in a "designated place". A place could be designated by a police officer of rank of inspector or above if the officer reasonably believes that a protest will take place, and offences are likely to be committed. The offence carries a maximum penalty of one month imprisonment and a £1,000 fine.

The act provides for defences for a person charged with an offence of wearing a face covering to prove that they "wore or otherwise used the item" for a purpose relating to their health, religion or work.[54]

This new offence is in addition to existing police powers to force people to remove face coverings in places where a designation is made under section 60AA of the Criminal Justice and Public Order Act 1994, or if a section 60 order is in place.

Under these powers, a police officer can request that an individual removes a face covering if they reasonably believe that offences may be committed in that locality, and the face covering is being used to conceal their identity.

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52 Key national infrastructure includes road, rail, and air transport infrastructure; oil, gas, and electricity infrastructure; newspaper printing infrastructure; and "life sciences" infrastructure. The Home Secretary has regulation-making powers to define further sites as key national infrastructure via secondary legislation (subject to affirmative procedure).

53 Home Office, Post-legislative scrutiny of the Public Order Act 2023, 18 June 2026. 40 police forces returned data (including the British Transport Police).

54 Section 157(2), Crime and Policing Act 2026

Authorisation can only be given for a specific locality and for a maximum of 24 hours. The maximum penalty for refusing to comply with an order to remove a face covering is one month imprisonment, a fine or both.[55]

The police have said that when using powers under the 1994 act, protesters sometimes remove their face covering when initially asked to do so by the police, but re-join the crowd and put the face covering back on.[56] The wider offence under the 2026 act is aimed to bridge this gap.

During the passage of the bill, civil liberties groups claimed the new offence was unnecessary given the existing powers under the 1994 act and pro-democracy Hong Kong campaigners expressed fear that they could be more easily monitored by agents of the Chinese state if they were not allowed to wear face coverings.[57] The JCHR also expressed concerns over the measures.[58]

3.4 Damaging and climbing on war memorials

In schedule 2 to the Magistrates' Courts Act 1980, a criminal damage offence should be considered summary only (meaning it can only be tried at a magistrates' court) where the value of the damage is estimated to be less than £5,000. Such offences have a maximum penalty of up to three months' imprisonment.

Under section 50 of the of the Police, Crime, Sentencing and Courts Act 2022, damage to a 'memorial' was exempted from this provision, so that regardless of the cost of damage incurred, an offence of criminal damage of a memorial can be tried either way (meaning it can be tried in either a magistrates' or crown court), with a maximum penalty of six months' imprisonment upon conviction at magistrates' court, or 10 years' imprisonment in a crown court.

The definition of 'memorials' provided under the 2022 act is broad:

> "memorial" means –
>
> (a) a building or other structure, or any other thing, erected or installed on land (or in or on any building or other structure on land), or
>
> (b) a garden or any other thing planted or grown on land, which has a commemorative purpose.

55 Section 60AA, Criminal Justice and Public Order Act 1994

56 UK Government, Crime and Policing Bill Explanatory Notes (PDF), 25 February 2025, para 115

57 For more information, see the Library briefing Crime and Policing Bill 2024-26: Progress of the bill, 9 June 2025, pages 61-63

58 JCHR, Legislative Scrutiny: Crime and Policing Bill, 7 July 2025

Something has a "commemorative purpose" if:

> at least one of its purposes is to commemorate –
>
> (i) one or more individuals or animals (or a particular description of individuals or animals), or
>
> (ii) an event or a series of events (such as an armed conflict).

It also includes any "moveable thing (such as a bunch of flowers) placed on the memorial" that has a "commemorative purpose".

The civil liberties group Liberty criticised this broad definition and described the maximum sentences introduced under the 2022 act as "vastly disproportionate".[59]

Section 161 of the Crime and Policing Act 2026 established a new standalone offence of climbing on a war memorial with a maximum penalty of three months' imprisonment, a fine or both.[60] This only applies to specified war memorials in schedule 17 of the act. The Secretary of State can specify further memorials via secondary legislation.[61] It is a summary offence, with a maximum penalty of three months' imprisonment, a fine, or both. This came into force on 29 June 2026.

3.5 Protesting outside politicians' homes

It is a criminal offence to:

- harass two or more people in order to persuade them not to do something (sections 1 and 2 of the Protection from Harassment Act 1997)
- harass or to cause "alarm or distress" to someone in their home in order to persuade them not to do something (section 42A of the Criminal Justice and Police Act 2001)
- harass or to cause "alarm or distress" to someone in their home in order to persuade them not to do something and fail to comply with a police direction to leave (section 42 of the 2001 act)

In some circumstances, these offences could apply to protesters targeting politicians and other people in their homes. However, there have been

59 Liberty, Briefing on the police, crime, sentencing and courts bill for second reading in the house of commons (PDF), March 2021

60 The specified war memorials to which this applies are listed as a schedule to the bill. Section 11 of the Library briefing Crime and Policing Bill 2024-26, March 2025 provides more information on this provision.

61 Section 161(5), Crime and Policing Act 2026

concerns over whether this legislation is effective at addressing such circumstances.

In particular, sections 42 and 42A only relate to circumstances where protesters are trying to dissuade people from doing something in the future. They don't apply to circumstances where people are protesting something that the person has done in the past.

Section 169 of the Crime and Policing Act 2026 expands the circumstances under which sections 42 and 42A of the 2001 act could apply, to include circumstances where the harassment or intimidation of protesters relates to past conduct.[62]

In addition, section 162 of the 2026 act creates a standalone offence of carrying out a protest outside the home of a public official for the purpose of representing to them to do (or not to do) something in the future, or protesting about something they have done (or did not do) in the past. This would only apply to residential addresses, not to official residences (such as 10 Downing Street) nor constituency offices.

Section 162 and 169 came into force on 29 June 2026.

3.6 Public nuisance

Section 78 of the Police, Crime, Sentencing and Courts Act 2022 established a statutory offence of public nuisance and abolished its common law predecessor.[63] Public nuisance is a broad offence designed to capture a wide range of acts or behaviour that either:

- risk, or cause, "serious harm" to the public or a section of the public (serious harm includes death or personal injury; damage/loss of property; serious distress, annoyance, or inconvenience; or loss of amenity); or
- obstructs (a section of) the public from enjoying/exercising rights that should be enjoyed by the public at large.

In recognition of the potential breadth of this offence, the offence is triable either way. At a magistrates' court, an individual could receive a custodial sentence of up to 12 months, an unlimited fine or both. At a crown court, an individual could face up to ten years' imprisonment, a fine or both.

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62 Section 5.2 of the Library briefing Crime and Policing Bill 2024-26: Lords amendments, April 2026 provides background information.

63 Section 78, Police, Crime, Sentencing and Courts Act 2022. For more background on the former common law offence of public nuisance and its use, see section 4 of the Library briefing: Police, Crime, Sentencing and Courts Bill 2019-21: Part 3 and 4- Public order and unauthorised encampments, March 2021

When questioned in December 2022 on the police's response to disruptive protests, Sir Mark Rowley, Commissioner of the Met, told the Home Affairs Committee that "putting public nuisance on the statute book was helpful" because it has allowed charges to be brought that reflect the seriousness of the disruption caused by some protesters.[64]

However, Lord Carlile of Berriew (crossbench peer) has previously raised concerns about there being "two sets of legislation" that could be used for the same act in relation to protest. He argued that the penalties for the offences are very different which creates "ambiguity and inconsistency".[65]

Since coming into force, protesters have been arrested under the statutory public nuisance offence. In April 2023, it was reported that over 100 animal rights activists were arrested for public nuisance and criminal damage offences for trying to interrupt the Grand National.[66]

In July 2024, five Just Stop Oil protesters were convicted and sentenced for conspiracy to cause public nuisance, for their involvement in planning a protest where activists disrupted traffic by climbing gantries above the M25 motorway in November 2022.[67] Four protesters received a sentence of four years' imprisonment and one protester received a sentence of five years' imprisonment.[68] Michel Forst, UN Special Rapporteur on environmental defenders under the Aarhus Convention, criticised the length of the prison sentence passed to one of the protesters, stating: "How a sentence of this magnitude can be either reasonable, proportional or serve a legitimate public purpose is beyond comprehension".[69]

3.7 Possessing pyrotechnics

Section 160 of the Crime and Policing Act 2026 creates an offence of possessing a pyrotechnic article (such as flares, firecrackers and fireworks) during a protest. It carries a maximum penalty of a £1,000 fine.[70] This came into force on 29 June 2026.

64 Sir Mark Rowley at HC 635, Home Affairs Committee Oral Evidence: Policing priorities, 14 December 2022

65 Lord Carlile at HL Deb, Public Order Bill: Committee stage (1st Day), 16 November 2022, c912

66 Metro News, Over 100 animal rights activists arrested following Grand National protests, 16 April 2023

67 Conspiracy offences involve the planning of the crime, rather than the actual committing of that crime, under part 1, Criminal Law Act 1977. The maximum penalty for conspiracy to cause public nuisance is the same as the penalty for a public nuisance offence.

68 *Rex v Hallam and others*, sentencing remarks, Crown Court at Southwark, 19 July 2024

69 Michel Forst, Statement regarding the four-year prison sentence imposed on Mr. Daniel Shaw for his involvement in peaceful environmental protest in the United Kingdom (PDF), 18 July 2024

70 Section 11 of the Library briefing Crime and Policing Bill 2024-26, March 2025 provides background information.

It is a defence for a person charged with an offence under this section to show that they had a "reasonable excuse" to possess the item, or that they possessed the item in connection with their work. No offence is committed if the person is taking part "in a cultural or religious event of a kind at which pyrotechnic articles are customarily used" (for example, Diwali).

3.8 Aggravated trespass

Trespass is normally a civil issue. The police therefore usually do not have the power to arrest individuals committing trespass, though they may assist landowners in seeking to remove trespassers from their land.

"Aggravated trespass" is an offence under section 68 of the Criminal Justice and Public Order Act 1994. It occurs when one or more people trespass on land and intimidate the landowner (or others who are lawfully on the land) or deter or disrupt them from carrying out lawful activity on the land. The maximum penalty is up to three months' imprisonment, a £2,500 fine, or both.[71] The police can direct those they "reasonably believe" are committing or intending to commit aggravated trespass to leave the land. Failure to comply with the police's direction is an offence.[72]

The police have previously used their powers associated with aggravated trespass to disrupt direct action protests. For example, in 2013 six anti-fracking protesters, including Caroline Lucas (then an MP and leader of the Green Party), were arrested for aggravated trespass, after staging a 'sit-in' at the offices of a company associated with fracking.[73]

3.9 Obstructing a highway

Under section 137 of the Highways Act 1980 it is an offence to "wilfully obstruct the free passage along a highway" without "lawful authority or excuse".[74] The offence can still apply regardless of whether the police or another authority has already closed or restricted access to the highway. Obstructing a highway carries a maximum penalty of six months' imprisonment, an unlimited fine, or both.[75]

71 Section 68(1)-(3), Criminal Justice and Public Order Act 1994

72 Section 69, Criminal Justice and Public Order Act 1994

73 BBC News, Green MP Caroline Lucas arrested at climate protest, 19 August 2013

74 Section 137(1), Highways Act 1980

75 The PCSC Act 2022 raised the maximum punishment for wilful of obstruction of a highway. Prior to this the maximum penalty was £1,000 and the offence could not result in imprisonment.

3.10 Protest-related search powers

The police have powers under sections 10 and 11 of the Public Order Act 2023 to stop and search people for items related to the following protest-related offences:[76]

- locking on, tunnelling, obstruction of major transport works and interference with key national infrastructure (all under the 2023 act)
- intentionally or recklessly causing public nuisance, under section 78 of the Police, Crime, Sentencing and Courts Act 2022
- wilful obstruction of a highway, under section 137 of the Highways Act 1980

In most instances, the police need to have "reasonable grounds" to stop and search individuals. Section 10 of the Public Order Act 2023 amends section 1 of the Police and Criminal Evidence Act 1984, to extend stop and search powers explicitly to circumstances where officers have "reasonable grounds" for suspecting that they will find an article in relation to the protest-related offences specific above.

However, in some cases the police can also conduct searches without grounds for suspicion. Section 11 of the Public Order Act 2023 allows senior officers (of or above the rank of inspector) to pre-authorise uniformed officers to stop and search anyone if they "reasonably believe" that the above protest-related offences may be committed within a specific area. This authorisation can only last for an initial 24 hours, extending to 48 hours if authorised by an officer of or above the rank of superintendent. Once authorisation is given, officers can search any person in that area for objects that may be intended to be used in protest-related offences (without needing to have reasonable grounds to suspect that specific individual).

Under section 14 it is an offence for a person to intentionally obstruct the police from carrying out a search under section 11. The maximum penalty on summary conviction is imprisonment for one month, a fine up to £1,000 or both. During the passage of the legislation through Parliament, the government stated that these additional stop and search powers would help the police to prevent disruption.[77] However, parliamentarians suggested that the powers would be disproportionate and intrusive.[78]

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[76] All stop and searches powers are subject to PACE Code A (a form of statutory guidance). The Library briefing, Police powers: Stop and search, July 2022 discusses general police search powers in more detail.

[77] Home Office, Public Order Bill: factsheet, 11 May 2022

[78] For example: JCHR, Legislative Scrutiny: Public Order Bill, 8 June 2022; and Lord Paddick at HL Deb, Public Order Bill: report stage (2nd day), 7 February 2023, c1098

Sections 10-14 came into force on 20 December 2023. The post-legislative scrutiny of the Public Order Act 2023 reported that in 2024 and 2025, a total of 16 people were arrest for this offence, of which 7 were charged.[79]

3.11 Other public order offences

Whilst this briefing focusses on peaceful protests, part I of the Public Order Act 1986 also includes offences relevant to protests involving violence or threatening behaviour, such as violent disorder, rioting, causing "intentional harassment, alarm or distress" and using threatening and abusive words.[80] The more serious offences are punishable by lengthy prison sentences.[81] Other offences could also be committed at violent protests, such as criminal damage and assault.[82]

A public order offence can also be considered a hate crime if it can be shown that the person was motivated by prejudice towards certain protected characteristics.[83] There are also specific offences in the 1986 act associated with "stirring up" racial or religious hatred and hatred on the grounds of sexual orientation.[84] The CPS has published further guidance on public order offences.

In December 2025, the Met and Greater Manchester Police jointly announced they would be more assertive in policing words and chants used in protests, in the context of increased antisemitic attacks in the UK and overseas.[85] This followed criticism that the police had failed to arrest people for possible public order offences in relation to displaying certain symbols and slogans at protests held about the Israel-Hamas conflict.[86]

79 Home Office, Post-legislative scrutiny of the Public Order Act 2023, 18 June 2026. 3 of the 40 forces that returned data (including the BTP) reported arrests or charges for this offence.

80 Sections 1, 4A and 5 of the Public Order Act 1986.

81 For example, the offence of riot carries a maximum sentence of 10 years' imprisonment. Some people involved in the summer 2024 disorder were convicted of rioting. See, for example: CPS, First riot sentencing following Tamworth Holiday Inn violence, 17 October 2024. See also, the Library article, Policing response to the 2024 summer riots, 9 September 2024

82 CPS guidance Offences against the Person, incorporating the Charging Standard, last updated 26 February 2026 provides more information on offences of assault and assaulting an emergency worker.

83 See the following guidance from the CPS: Racist and Religious Hate Crime; Homophobic, Biphobic and Transphobic Hate Crime; Disability Hate Crime and other crimes against Disabled people.

84 Parts 3 and 3A of the Public Order Act 1986

85 The Met, Joint Statement from the Commissioner of the Metropolitan Police and the Chief Constable of Greater Manchester Police, 17 December 2025

86 For example, in October 2023, Suella Braverman, the then Home Secretary, asked police forces to consider whether the chant "from the river to the sea, Palestine will be free" may amount to a racially aggravated public order offence in certain circumstances. Both the then Policing Minister and Prime Minister criticised the Met for not intervening to prevent the projection of the same phrase onto Elizabeth Tower during a protest.

4 Police tactics for managing protests

The College of Policing issues guidance, known as Authorised Professional Practice (APP), on public order policing. In June 2023, the College of Policing and NPCC also jointly produced national operational advice for the police on responding to protests (PDF). Together, these documents set the standard for how officers should police protests.

Police forces are not required to follow either guidance by law and officers may deviate from it where there is a legitimate reason to do so. Officers must balance the rights of demonstrators with their duty to maintain public order and protect the rights of others.

4.1 Planning the policing response

Some protests require no policing presence at all, whilst others involve large complex policing operations.

To manage both pre-planned and spontaneous public order events, forces should ensure that they have appropriately trained and accredited public order public safety (POPS) commanders and POPS advisers.[87]

POPS commanders are responsible for the planning and control of any protest and the police's operation for it, and are expected to "set the policing standards, style and tone at the start of the planning phase of an operation." These should be recorded and communicated to the officers deployed to the event.[88] POPS commanders need to consider how to balance the rights of all individuals and groups that may be attending or otherwise impacted by an event, as well as the impact that their decision making has on crowd dynamics and public perception.[89]

POPS advisers can assist POPS commanders by providing specialist advice, including information on public order legislation and relevant national or regional operational policy. POPS commanders are expected to seek the specialist advice of POPS advisors "at every phase" of a public order operation.[90]

87 College of Policing, Public order public safety APP: command structure and role profiles, last updated 8 June 2023
88 As above
89 As above
90 As above

Responsibilities for planning and command

POPS command teams should consist of a three-tier command structure. Each public order operation should have: [91]

- a gold commander responsible and accountable for the overall policing of the event or operation.
- a silver commander responsible for tactical decision-making, in line with the strategic objectives set by the gold commander
- bronze operational commanders to implement the relevant part of the silver commander's plan by using appropriate tactics within their area of responsibility

Police intelligence

The National Police Coordination Centre, hosted by the National Police Chief's Council, provides additional support and intelligence to local forces managing major public order events. It also monitors and coordinates national capacity and capability for police responses to public order events and provides the central point for mobilisation of mutual aid across forces (the 'lending' of police officers and other resources from one force to another).

4.2 Specialist roles

All police forces are expected to maintain units of specially trained officers that can be deployed to public order events where specialist tactics may be required. Officers deployed to police protests on the frontline are expected to have received at least level two public order training, and a smaller number should have received level three training.[92]

Officers can also receive training to fulfil several other specialist roles related to public order. Police guidance provides more information on specialist public order roles.[93]

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91 College of Policing, Public order public safety APP: command structure and role profiles, last updated 8 June 2023

92 Training requirements are set out in the National Police Public Order Public Safety Training Curriculum, which is overseen by the College of Policing.

93 College of Policing, Public order public safety APP: command structure and role profiles, last updated 8 June 2023; NPCC and College of Policing, National protest operational advice (PDF), June 2023, pp38-41.

These roles include:

- police liaison team officers, who aim to maintain constructive communication with protesters
- protest removal teams, who are trained to remove protesters who use devices or substances to affix themselves to structures, surfaces or each other
- forward intelligence team officers, who are deployed to identify and gather information on groups and individuals who may encourage disorder or violence at a public order event
- evidence gathering team officers, who are responsible for producing evidential quality video footage prior to, during and after a public order event
- mounted officers, who are deployed on horseback for crowd control purposes

In 2021, HMICFRS raised concerns that police forces did not have "a consistent way" of determining the number of trained officers that they needed (PDF) and the number of specialist officers varied widely throughout England and Wales. It recommended that the police should develop "a stronger rationale for determine the number of commanders, specialist officers and staff needed to police protests" on a national, regional and local basis.[94]

4.3 Use of police powers

The police have numerous tactical options available to them during a protest, and POPS commanders are advised to minimise the use of force where possible.[95] Some police tactics are more controversial than others. Those that typically attract the greatest criticism and controversy are tactics involving the use of force, including containing protesters in a specific area before dispersing (commonly known as 'kettling').[96] The APP provides a series of questions to help commanders consider whether certain tactics are appropriate and proportionate.[97]

94 HMICFRS, Getting the balance right? An inspection of how effectively the police deal with protests, 11 March 2021
95 College of Policing, Public order public safety APP: approaches to POPS, last updated 8 June 2023
96 The Law Society Gazette, Police practice of kettling protesters needs review, 20 January 2011
97 College of Policing, Public order public safety APP: Deployment, last updated 8 June 2023

5 Injunctions, civil remedies and other powers

Injunctions and civil orders can be used to prevent people from engaging in certain protest-related activity or preventing certain activities from taking place in certain areas.

5.1 Injunctions

Civil injunctions are court orders that private persons (individuals and businesses) can seek out to stop people from undertaking activity or behaviour that is having a negative impact on them. The order can contain any terms and conditions that the court considers appropriate to prevent the activity or behaviour.

Civil injunctions do not automatically give the police the power to arrest people for actions prohibited by the injunction. However, the courts can attach a power of arrest to an injunction. This is usually only done where there is a concern that the individual served with the injunction is threatening or using violence.

Breach of a civil injunction itself is not a criminal offence. However, someone who breaches the provisions of an injunction could be found in contempt of court, which can carry a penalty of imprisonment, a fine, or both.

The party who has sought the civil injunction can seek damages to compensate them for losses incurred due to the defendant's actions. They can also seek to recover their legal costs by way of a costs order made by the court.

Use of civil injunctions in protest cases

Orders issued against protesters usually prohibit them from participating in protests that affect the organisation that has sought the injunction. Injunctions can also be issued against 'persons unknown'. This means they apply to anyone undertaking activity prohibited by the injunction's terms and conditions even if they are not named on the court order.

When injunctions are granted against protesters, courts need to consider the proportionality of making a costs order with any interference it may have with the protester's rights under Articles 10 and 11.[98]

Several businesses, local authorities and non-departmental public bodies have sought injunctions against protesters (including against persons unknown) in recent years, including: [99]

- petroleum and gas companies, to prevent disruption at drilling sites
- National Highways to prevent protesters from occupying the M25
- the Jockey Club to prevent animal rights protesters disrupting horseracing events

Policing stakeholders have supported the use of injunctions. For example, at committee stage of the Public Order Bill (now Public Order Act 2023), Chief Constable Chris Noble, protest lead at the NPCC called injunctions a "key tool". He said that the NPCC had been working with private businesses to encourage their uptake and argued it was important for private industries to take "on the responsibility along-side the police service for trying to target [protesters] harder and prevent protest."[100]

Others have criticised the use of injunctions. In January 2024, the UN Special Rapporteur on Environmental Defenders under the Aarhus Convention stated that he was "deeply troubled at the use of civil injunctions to ban protest in certain areas, including on public roadways."[101] In 2022, Caroline Lucas, former Green Party leader and MP, said that "expansive civil injunctions are being used with growing and alarming frequency to clamp down on direct action tactics, with a wider, chilling effect on the right to protest."[102]

Injunctions in protest cases have been challenged in the courts with mixed results. There are several examples of courts upholding injunctions.[103] However, injunctions preventing anti-fracking campaigners demonstrating at a fracking site were overturned in 2019.[104]

In November 2023, the Supreme Court ruled that there should be some limits to the use of civil injunctions against Gypsies and Travellers, to protect their

98 *Secretary of State for Transport v Cuciurean*, [2022] 1 W.L.R. 3847, 5 May 2022.

99 BBC, 'Slow-walk' protests banned at 1,200 locations, 2 July 2024; The Independent, Surge in oil and gas companies using injunctions to block protesters at UK sites, 13 January 2019; HC Deb, Injunction to Protect the M25, 22 September 2021; BBC News, Epsom Derby: Jockey Club wins injunction to stop protests, 26 May 2023

100 Chris Noble (NPCC) at HC PBC Deb, Public Order Bill (First sitting), 9 June 2022, c8

101 Michel Forst, Visit to London, United Kingdom of Great Britain and Northern Ireland, 10-12 January 2024 End of mission statement (PDF), 23 January 2024

102 Caroline Lucas at HC Deb, Public Order Bill: report stage, 18 October 2022, c596

103 *University of Oxford and Ors v Broughton and Ors*, [2008] EWHC 75 (QB), 25 January 2008; CMS Law-Now, High Court grants final injunction restricting disruptive environmental protest actions for five years, 19 May 2023

104 *Boyd & Anor v Ineos Upstream Ltd & Ors*, [2019] EWCA Civ 515, 03 April 2019

nomadic way of life. However, the court ruled that these limits do not apply to protest-related injunctions and injunctions can continue to be used against persons unknown.[105]

In May 2024, Friends of the Earth, the environmental charity, announced it had filed an application with the European Court of Human Rights to challenge the use of protest-related injunctions against persons unknown in the UK, in response to what it describes as "the rapid and widespread increase in their use since 2017."[106]

5 Government injunctions against protesters

Section 18 of the Public Order Act 2023 would give the Home Secretary the power to apply to the courts for injunctions against protesters. At the time of writing, this provision has not been brought into force.

Some concerns were raised that this would shift the responsibility and legal costs of applying for injunctions from the private sector to the public sector, with costs ultimately falling to the taxpayer.[107] Caroline Lucas said that enabling the Home Secretary to apply for precautionary injunctions with a power of arrest would give "the government the ability to create new public order offences as and when they choose".[108]

In practice: injunctions against protesters across multiple sites

HS2 Ltd has taken out several injunctions against protesters but it argued this has been costly and time-consuming, with one injunction costing £380,000 in legal fees.[109] It also argued that the large geographical scale of the HS2 project made injunctions ineffective, as injunctions simply displaced protesters to another part of the land that was not covered by the court order.[110]

To avoid this challenge, HS2 Ltd applied for an injunction against protesters that would apply across the whole of the planned HS2 route. This was granted by the High Court in September 2022 against almost 60 named individuals as

105 *Wolverhampton City Council v London Gypsies and Travellers*, [2022] UKSC 47, 29 November 2023

106 Friends of the Earth, Legal challenge against anti-protest injunctions goes to human rights court, 24 May 2024

107 Sarah Jones at HC Deb, Public Order Bill: report stage, 18 October 2022, c578

108 Caroline Lucas at HC Deb, Public Order Bill: report stage, 18 October 2022, c596

109 John Groves (Chief Security and Resilience Officer) on behalf of High Speed 2 Ltd, Public Order Bill: written evidence to Public Bill Committee, 1 June 2022, para 34

110 As above, para 33

well as 'persons unknown'.[111] The order covers a range of scenarios, including people "interfering with" access to the land and "delaying or hindering" any HS2 work.

The large geographical extent of the injunction was unusual. Mr Justice Julian Knowles said he had "anxiously considered" whether it should be more limited in size but concluded that "such an extensive injunction [was] appropriate" because, amongst other reasons, the area was "of sufficient size that it is not practicable to police the whole area with security personnel or to fence it or make it otherwise inaccessible".[112]

5.2 Serious Disruption Prevention Orders

Part 2 of the Public Order Act 2023 established Serious Disruption Prevention Orders (SDPOs), a court order aimed at targeting protesters who are deemed to be repeatedly causing disruption.[113] There are two types of SPDO:

1. SDPO issued on conviction: where a person is convicted of a "protest-related" offence, the prosecution can apply to the courts to also issue the offender with a SDPO. The court must be satisfied on the balance of probabilities that in the last five years the offender had also: (1) been convicted of another protest-related offence; or (2) committed a protest-related breach of an injunction and been found in contempt of court.

2. SDPO issued on application: the police can apply to a magistrates' court to issue an SDPO to someone who in the last five years has, on at least two occasions, been convicted of a protest-related offence or been found in contempt of court for breaching an injunction in relation to protest. Under this provision, the individual does not need to be facing conviction for an offence to receive an SDPO.

SDPOs enable the courts to impose conditions that require someone from doing, not doing, certain things (for example, preventing someone from being in a certain place, participating in certain activities, or meeting certain people). SDPOs can only be used for individuals aged 18 or over and initially only for two years. The police can apply to the courts for the SDPO to be renewed once.

Although SDPOs are a civil order, breach of an SDPO is a criminal offence. Breach could attract a sentence of up to six months' imprisonment, an unlimited fine, or both.

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111 The Independent, Injunction granted to block protests along entire planned HS2 route, 20 September 2022

112 *High Speed Two (HS2) Ltd & Anor v Four Categories of Persons Unknown & Ors*, [2022] EWHC 2360, 20 September 2022, para 215

113 Part 2 of the 2023 act was brought into force in April 2024

The government stated that SDPOs are necessary to "tackle protesters who are determined to repeatedly cause disruption to the public."[114] It argued that the measures "back the police to take proactive action" to prevent disruption.[115]

However, the proposals drew concerns from many commentators.[116] The Joint Committee on Human Rights (JCHR) argued that prohibitions and requirements that made it difficult to participate in further protests could prevent the future legitimate exercise of their rights under the ECHR.[117] The JCHR also suggested that conditions for imposing an SDPO are too wide and vague.[118]

5.3 Non-harassment orders

Under the Protection from Harassment Act 1997, people can seek a "non-harassment order" from the High Court against someone who is harassing them (section 3). These orders are designed for people who are harassing the same individual repeatedly. The individual who has sought out the order can also seek damages resulting from the harassment.[119]

Under the 1997 act, the High Court can also serve an injunction to anyone arrested or convicted of conduct involving the harassment of two or more persons in order to persuade them "not to do what they are entitled or required to do" (or do something they are entitled not to do) (section 3A).[120]

It is a criminal offence to breach a non-harassment order, with a maximum penalty of up to six months' imprisonment, a fine, or both in a magistrates' court, and up to five years' imprisonment, a fine or both in a crown court.[121]

In 2009, the JCHR raised concern that the 1997 act had not been "designed to deal with protesters" but had "developed over time to encompass this area of activity." The committee was concerned about "the potential for overbroad and disproportionate application" of protection from harassment injunctions against protesters and recommended that the 1997 act should not normally be used in relation to protests.[122]

114 Home Office, Government cracking down on highly disruptive protest tactics, 2 December 2021
115 Home Office, Public Order Bill: factsheet, 11 May 2022
116 I News, Priti Patel has been stuffing even more punitive anti-protest powers into the policing bill, 25 November 2021
117 Harriet Harman MP, Proposed government amendments to the Police Crime, Sentencing and Courts Bill (PDF), 29 November 2021
118 As above
119 Section 3, Protection from Harassment Act 1997
120 Section 3A, Protection from Harassment Act 1997 (as amended by section 125(5), Serious Organised Crime and Police Act 2005)
121 Sections 3(3)-(9) and section 3A(3), Protection from Harassment Act 1997
122 JCHR, Demonstrating respect for rights? A human rights approach to policing protest, 3 March 2009

Where it is used for protest cases, the committee said the process should be adapted (for example, by holding hearings in public and ensuring that individuals named on the proposed injunction are given sufficient notice to contest it) to ensure the use of non-harassment orders in this way was "necessary and proportionate within the context of the rights to freedom of speech and peaceful assembly."[123]

In 2011, Harlan Laboratories – a company which breeds animals for medical and clinical research purposes – applied for permanent injunctions under both sections 3 and 3A of the 1997 act against animal rights activist groups. The company asserted that members of these groups had been verbally abusive to staff and clients as they entered and left its premises, photographed staff, surrounded and blocked vehicles on the premises in a threatening manner and trespassed on the company's property.[124]

The High Court granted the application in 2012. The court order allowed protests to still take place in a "Designated Protest Area" but limited them to one three-hour protest a week attended by no more than 25 people. The court found the restrictions were not "unduly restrictive" and were "proportionate to the legitimate aim of preventing crime and disorder." It concluded a balance had been achieved between the right to protest and "those who wish to travel to and from work without being subjected to a daily ordeal."[125]

5.4 Public Space Protection Orders

Local authorities have the power to issue Public Space Protection Orders (PSPOs) which can prohibit activity associated with anti-social behaviour in a specified place to prevent it from (re)occurring. PSPOs can also impose curfews or restrict access to a public right of way (if the right of way is not 'strategically valuable').[126]

When deciding whether to issue a PSPO, local authorities must "have particular regard to the rights of freedom of expression and freedom of assembly."[127] Local authorities must also consult with the relevant police force before issuing or amending a PSPO.[128]

PSPOs initially have effect for up to three years but local authorities can extend them by three years at a time. There is no statutory limit to the number of times a PSPO can be extended.

123 JCHR, Demonstrating respect for rights? A human rights approach to policing protest, 3 March 2009
124 *Harlan Laboratories UK Ltd & Anor v Stop Huntingdon Animal Cruelty ("SHAC") & Anor*, [2012] EWHC 3408 (QB)
125 As above, para 70
126 Chapter 2, Anti-social Behaviour, Crime and Policing Act 2014
127 Section 72(1), Anti-social Behaviour, Crime and Policing Act 2014
128 Section 72(3)-(6), Anti-social Behaviour, Crime and Policing Act 2014

It is a criminal offence to fail to comply with a PSPO, with a penalty of a Fixed Penalty Notices (FPN) of up to £100, or a fine of up to £1,000 if found guilty at a magistrates' court. Section 4 of the Crime and Policing Act 2026 will increase the maximum fixed penalty notice to £500, though this had not been commenced at the time of writing.

The Police, Crime, Sentencing and Courts Act 2022 introduced the power for local authorities to make an "expedited" PSPO without consultation, for a period of no more than six months.[129] These can only be imposed:

- on spaces within the vicinity of a school where the activities being carried out may have a detrimental effect on pupils or staff; or
- on spaces providing NHS vaccination services where activities being carried out are intended to harass or intimidate or impede people's access.[130]

5.5 Abortion clinic safe access zones

Parliament legislated to introduce a new criminal offence of interfering with access to, or provision of, abortion services under section 9 of the Public Order Act 2023. This came into force on 31 October 2024.[131]

The provision makes it an offence for a person to be within 150-metres of an abortion clinic (referred to as a "safe access zone") and acts in a way that they intend will:

- influence a person's decision to access, provide or facilitate the provision of abortion services;
- obstruct or impede a person from accessing, providing, or facilitating the provision of abortion services; or
- cause harassment, alarm or distress to someone in connection with a decision to access, provide, or facilitate the provision of abortion services.[132]

The College of Policing has published information to help police forces enforce safe access zones.[133]

129 Section 59A and 60A, Anti-social Behaviour, Crime and Policing Act 2014 (as amended by section 82 of the Police, Crime, Sentencing and Courts Act 2022).

130 The provision was introduced due to concerns about the anti-vaccination protests during the Covid-19 pandemic.

131 Public Order Act 2023 (Commencement No. 5) (England and Wales) Regulations 2024

132 The offence does not apply to those inside a "dwelling" or place of worship if the person affected is also inside the same place, or to anyone accompanying a person accessing an abortion service.

133 College of Policing, Section 9 – Public Order Act 2023 (PDF), October 2024

Prior to section 9 coming into force, several local authorities had used PSPOs to create so-called "buffer zones" outside of abortion clinics, prohibiting a range of protest related activity. In 2018, the PSPO implemented by Ealing Council restricting activity outside abortion clinics was challenged in the courts.[134] The High Court determined that protests could cause a "detrimental effect" to the lives of those in locality and therefore PSPOs could be used to regulate them and in this particular case, that the rights of those attending the clinic were being fairly balanced with the rights of protesters.[135] This ruling was appealed but in 2019, the Court of Appeal upheld the High Court's judgment and again found in favour of Ealing Council.[136] The commencement of section 9 of the 2023 act should replace the need for councils to use PSPOs to protect abortion clinics.

5.6 Dispersal orders

Part 3 of the Anti-social Behaviour, Crime and Policing Act 2014 gives the police the power, for up to 48 hours, to disperse those participating in (or likely to participate in) anti-social behaviour from a designated public area.

Dispersal powers are only available to the police. An officer of at least the rank of inspector must authorise their use. This authorisation must be given in writing and can only last for 48 hours.

Inspectors must have "reasonable grounds" to believe that the power is necessary to reduce the likelihood of people in the locality being harassed, alarmed or distressed, or the occurrence of crime or disorder. Once authorised, any police officer can direct anyone aged ten or older to leave the designated area if:

- they reasonably believe they have contributed to anti-social behaviour or crime; and,
- their dispersal is necessary to remove or reduce the likelihood of antisocial behaviour or crime.

It is a criminal offence to fail to comply, with a penalty of up to three months' imprisonment, a £2,500 fine, or both.

Section 35 powers have been used to address behaviour associated with protests that are deemed to be unlawful or are taking place outside of agreed conditions. For example, Liberty has reported that section 35 powers have been used to disperse people following the end of planned protest marches.[137]

134 The Independent, Council becomes first in UK to ban protests outside abortion clinic, 10 April 2018

135 *Dulgheriu & Anor v The London Borough Of Ealing*, [2018] EWHC 1667 (Admin)

136 The Guardian, Council ban on protests outside abortion clinic upheld by appeal court, 21 August 2019

137 Liberty, Explainer: Palestine solidarity protests (undated)

Before authorising the use of the dispersal power for a protest, the authorising officer must have regard to the protester's rights under Article 10 and 11 of the ECHR to freedom of expression and assembly.

Section 3 of the Crime and Policing Act 2026 increases the time the police can designate an exclusion period from 48 hours to 72 hours. This came into force on 29 June 2026.

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