

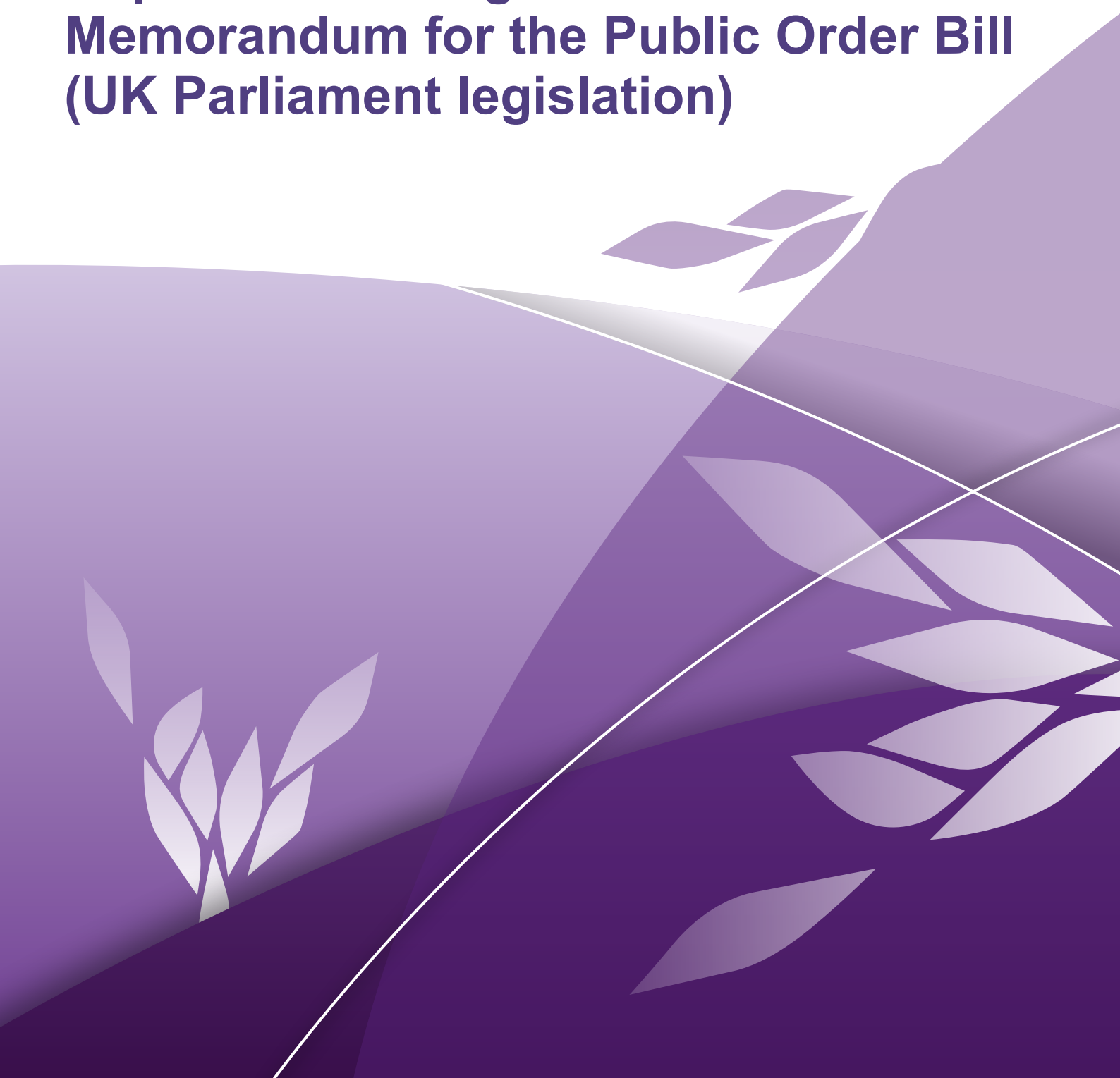


The Scottish Parliament
Pàrlamaid na h-Alba

Published 16 January 2023
SP Paper 295
2nd Report, 2023 (Session 6)

Criminal Justice Committee

Report on the Legislative Consent Memorandum for the Public Order Bill (UK Parliament legislation)



Published in Scotland by the Scottish Parliamentary Corporate Body.

All documents are available on the Scottish
Parliament website at:
[http://www.parliament.scot/abouttheparliament/
91279.aspx](http://www.parliament.scot/abouttheparliament/91279.aspx)

For information on the Scottish Parliament contact
Public Information on:
Telephone: 0131 348 5000
Textphone: 0800 092 7100
Email: sp.info@parliament.scot

Contents

Introduction	1
Outline of the UK Bill	2
Consideration by the Delegated Powers and Law Reform Committee	3
Consideration by the Committee and recommendation	4



Criminal Justice Committee

To consider and report on matters relating to criminal justice falling within the responsibility of the Cabinet Secretary for Justice and Veterans, and functions of the Lord Advocate other than as head of the systems of criminal prosecution and investigation of deaths in Scotland.



justice.committee@parliament.scot

Committee Membership

 <div>Convener Audrey Nicoll Scottish National Party</div>	 <div>Deputy Convener Russell Findlay Scottish Conservative and Unionist Party</div>
 <div>Katy Clark Scottish Labour</div>	 <div>Jamie Greene Scottish Conservative and Unionist Party</div>
 <div>Fulton MacGregor Scottish National Party</div>	 <div>Rona Mackay Scottish National Party</div>
 <div>Pauline McNeill Scottish Labour</div>	 <div>Collette Stevenson Scottish National Party</div>

Introduction

1. At its meeting on Wednesday 11 January 2023, the Criminal Justice Committee considered a Legislative Consent Memorandum ("LCM") from the Scottish Government on the Public Order Bill (UK Parliament).
2. The LCM can be found [here](#).

Outline of the UK Bill

3. The [Public Order Bill](#) was introduced in the House of Commons on 11 May 2022. It is scheduled for Report Stage in the House of Lords shortly.
4. The Bill's purpose is to:
 - make provision for new offences relating to public order;
 - make provision about stop and search powers;
 - make provision about the exercise of police functions relating to public order;
 - make provision about proceedings by the Secretary of State relating to protest-related activities;
 - make provision about serious disruption prevention orders; and,
 - for connected purposes.
5. The policy aim of the Bill is to strengthen police powers to tackle dangerous and highly disruptive tactics employed by a minority of protesters. This includes provisions to protect major transport projects and key national infrastructure from being targeted by protesters, causing significant delays to the travelling public, preventing the distribution of critical goods such as fuel, and causing costly delays in construction.
6. The provisions in the Bill which the Scottish Government has requested be extended to Scotland extend powers in Part II Processions and Assemblies of the Public Order Act 1986 to the British Transport Police ("BTP") for policing public processions and 2 assemblies in England and Wales. The Scottish Government has requested that these powers be extended by amendment to the BTP in Scotland as well.
7. These powers are currently already available to Police Scotland and are not being strengthened or amended. The purpose of this amendment is to address an anomaly whereby territorial police forces, including Police Scotland, can use these existing powers on the railway, but BTP, who are responsible for policing the railway, are not currently able to do so.
8. A Legislative Consent Memorandum was lodged by Keith Brown MSP, Cabinet Secretary for Justice and Veterans, on 23 November 2022.
9. After consideration of the proposed purpose of the Bill, and the clauses requiring Legislative Consent Motions, Scottish Ministers have decided to recommend to the Parliament that it passes a motion consenting to the Bill (see paragraph 14 and 15 of the LCM).

Consideration by the Delegated Powers and Law Reform Committee

10. The Delegated Powers and Law Reform Committee ("DPLR Committee") published its [report](#) on the LCM on 21 December.
11. The DPLR Committee stated it was content with the relevant provisions.

Consideration by the Committee and recommendation

12. The Committee considered the LCM at its meeting on 11 January 2023. Members raised no issues of concern.

The Committee agreed to recommend to Parliament that consent be given to the relevant amendments of the Public Order Bill, introduced in the House of Lords on 9 November 2022, relating to the extension of existing powers at Part II of the Public Order Act 1986 to the British Transport Police (BTP) in Scotland for policing public processions and assemblies on the railway, so far as these matters fall within the legislative competence of the Scottish Parliament.

