Guide to the Crime and Policing Act 2026

This guide was written through the collaboration of Green and Black Cross (GBC) and the Activist Court Aid Brigade (ACAB). There has been much public discussion about the Crime and Policing Act 2026 (C&P Act). so we have produced this guide to distribute practical and simple information about what the Act says, how it might work, and what to do about it. This guide only covers the parts of the C&P Act that we believe are likely to be relevant in protest situations – it does not cover everything the Act changes.

Introduction

On the 29th April 2026, the Crime and Policing Act passed into law. The sections affecting protest came into force on 29th June 2026.

New restrictions include: giving the police new powers to stop you from concealing your identity at a protest; making it easier to impose restrictions on protests because of the "cumulative disruption" other protests have caused in the past; criminalising the possession of flares and other pyrotechnics; making it illegal to protest near an MPs home or place of worship; and a new offense of climbing on particular statues and monuments – such as Winston Churchill's in Parliament Square, which was formerly rather a national tradition.

All sentences quoted are the maximums- what you'd get is likely to be less, and because of the Sentencing Act 2026, prison sentences of less than 12 months should now be suspended other than in exceptional circumstances. Note anything which carries a prison sentences can also mean you can get a "community order sentence". Defenses mentioned are the 'statutory' ones in the Act. General defenses such as preventing crime, acting in self defense etc apply to all criminal charges. Having a defense may not prevent an arrest, but if charged it can certainly be used at your trial.

The sections likely to affect protest are:

Concealing Identity at Protests (Section 157)

Banning Pyrotechnics at Protests (Section 160)

Climbing on a Memorial (Section 161)

Banning Protests Outside Politicians' Homes (Section 162)

Restrictions on protests near places of worship (Section 164)

Cumulative Disruption (Section 165)

and we have an summary of the offences in this A5 leaflet

Concealing Identity at Protests (Section 157)

Summary:

Section 157(1) creates a new power for the police to designate an area, for a period of time, where it will be an offence to cover your face or conceal your identity, punishable by up to one month in prison or a fine of up to £1000 (a level 3 fine).

Details:

A person commits an offence if they wear "or otherwise use an item that conceals their identity or another person's identity" in an area designated by an Inspector.

Procedure for Designation

A police officer of the rank of inspector or above may designate a locality for not exceeding 24 hours if they "reasonably believe that":

(a) a public assembly, or public procession, *which constitutes a protest* **may take place or is taking place in the locality,**

(b) the protest is likely to involve or has involved the commission of offences, and

(c) it is expedient, in order to prevent or limit the commission of offences, to designate the locality under this section.

The designation must be in writing and specify the grounds on which it is made.

Alternatively, where it is not possible for a designation to be made in writing, an oral designation may be made. The police officer making the designation still must state the reasons for the designation and record it in writing as soon as reasonably practicable. The requirement to notify the public of the designation still remains.

Requirement to Notify the Public

The police must ensure that "all reasonable steps are taken … to notify the public of":

(a) the fact that the designation has been made,

(b) the nature of the offence created by section 157,

(c) the locality to which the designation applies, and

(d) the period during which the designation will be in force.

Extending the Duration of the Ban

The designation may be extended for a further 24 hours by a police officer of the rank of superintendent, "if it appears expedient to do so, having regard to offences which – (a) have been committed in connection with the protest in respect of which the designation was made, or (b) are reasonably suspected to have been so committed".

The police must ensure that "all reasonable steps are taken" to notify the public that the designation will continue, the nature of the offence, the area it applies to, and the period it will be in force.

Sentence:

On summary conviction to imprisonment for a term not exceeding one month or a fine not exceeding level 3 on the standard scale (or both).

Defences:

It would be a defence for the person charged to prove that they wore the item for:

(a) the health of the person or others,

(b) religious observance, or

(c) relating to the person's work.

Comments:

It is unclear at this point if the Courts will interpret it as an offence of strict liability. That is, whether people do not be need to be individually told by the police to remove the item before being arrested.

Banning Pyrotechnics at Protests (Section 160)

Extent:

UK-wide

Summary:

Section 160(1) makes it an offence to have in your possession a "pyrotechnic article", such as a flare, when taking part in a protest.

Details:

It is an offence to have a "pyrotechnic article" in one's possession at any time when taking part in:

(a) a public procession which constitutes a protest,

(b) a public assembly which constitutes a protest, or

(c) a one-person protest.

Pyrotechnics are defined as “an article that contains explosive substances, or an explosive mixture of substances, designed to produce heat, light, sound, gas or smoke, or a combination of such effects, through self-sustained exothermic chemical reactions”

Matches are not considered pyrotechnics. The Home Secretary can also draw up a list of articles which will not be considered pyrotechnics.

Sentence:

on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1000)

Defences:

It is a defence to show you had “a reasonable excuse” for possessing the pyrotechnic. For example, it is used in connection to your work.

It is not an offence if the pyrotechnic is for a “cultural or religious event of a kind at which pyrotechnic articles are customarily used”.

Comments:.

Smoke flares are the obvious target. Hard to judge how it will policed, The cops may let it go in otherwise legal protests but it provides a pretext for them to wade in should they wish to kick things off.

Climbing on a Memorial (Section 161)

Extent:

England and Wales

Summary:

Section 161(1) makes it an offence to climb on a ‘specified memorial’, such as the statue of Sir Winston Churchill, punishable by up to three months in prison and/or a fine up to £1000 (level 3 fine).

Details:

It will be an offence to climb on, or climb on part of, a specified memorial.

The Home Secretary will create a schedule of specified memorials on which it will be an offence to climb. There must be “significant public interest” in adding the memorial to the list.

A memorial is defined as a building, structure, or any other thing erected or installed on land (or in a building) which has the purpose to commemorate individuals, animals, or events.

Schedule 17 of the Act contains a list of “specified memorials”, the majority of which are war memorials (see below). The Home Secretary may amended this list to add or remove memorials.

Sentence: on summary conviction up to three months imprisonment and/or a fine not exceeding level 3 on the standard scale.

Defences:

It will be a defence if the person can prove they:

(a) had a good reason for climbing on the specified memorial,

(b) were the owner or occupier of the memorial, or

(c) had the consent of the owner/occupier, or had other lawful authority, to climb on it.

List of Memorials as at September 2026, check schedule 17 for the latest list

- **Arch of Remembrance, Leicester.**
- **Cenotaph, Whitehall, London.**

- **Charles Church, Plymouth (being the entire derelict structure of that church).**
- **Chatham Naval War Memorial.**
- **Edith Cavell Memorial, St Martin's Place, London.**
- **Eleanor Cross, Sledmere.**
- **Hall of Memory, Centenary Square, Birmingham.**
- **Guards Memorial, Horse Guards Parade, London.**
- **Liverpool Cenotaph.**
- **Merchant Navy Memorial, Tower Hill, London.**
- **Plymouth Naval War Memorial.**
- **Port Sunlight War Memorial.**
- **Portsmouth Naval War Memorial.**
- **Preston War Memorial.**
- **The Response, Newcastle upon Tyne.**
- **Rochdale Cenotaph.**
- **Royal Artillery Memorial, Hyde Park Corner, London.**
- **Southampton Cenotaph.**
- **Spalding War Memorial.**
- **Statue of Captain Albert Ball, Nottingham Castle Gardens, Nottingham.**
- **Town and County War Memorial, Northampton.**
- **Wagoners' Memorial, Sledmere.**
- **Ely War Memorial (and the wall in which it is situated, extending east from the Almonry to the west end of No. 2 Fore Hill).**
- **Monument to the Women of World War II, Whitehall, London**
- **The external walls and roof of Alcester Town Hall, and any fixtures attached to any of those walls or that roof.**
- **Statue of Sir Winston Churchill, Parliament Square, London.**
- **Holocaust Memorial Garden, Hyde Park, London.**

Banning Protests Outside Politicians' Homes (Section 162)

Extent:

England and Wales.

Summary:

Section 162(1) makes it an offence for a person (alone or in a group) to protest outside, or in the vicinity, of a politician's home, punishable by up to six months in prison and/or a fine up to £2,500 (level 4 fine).

Details:

It is an offence to carry on a protest outside, or in the vicinity of, the dwelling of a public office-holder.

A protest is defined as "for the purpose of representing to, or persuading, the public office-holder that they – (i) should or should not do something, or (ii) should or should not have done something".

It applies to a group protest, or just a single person.

A "public office holder" means UK government ministers, welsh ministers, members of the House of Lords, House of Commons, the Senedd, local councillors, mayors, Police and Crime Commissioners, or a candidate in an election.

It would not apply to "official residences", such as 10 Downing Street. Section 162(11) lists the official residences as:

- **10, 11 and 12 Downing Street, London;**
- **Admiralty House, Whitehall, London;**
- **1 Carlton Gardens, London; (***The residence of the Foreign Secretary***)**
- **the Palace of Westminster, London; (***AKA. The Houses of Parliament***)**
- **Chequers, Missenden Road, Aylesbury, Buckinghamshire (***The Prime Minister's Country House)*
- **Dorneywood, Dorneywood Road, Burnham, Buckinghamshire**
- **Chevening House, Chevening, Sevenoaks, Kent.**

Sentence: on summary conviction, "a term not exceeding the maximum term for summary offences or a fine not exceeding level 4 on the standard scale (or both)." Currently up to 6 months.

Defences:

It is a defence for the person charged to show that they did not know the premises were used by the public office-holder as a dwelling.

Comments:.

There is already legislation against ‘home demos’. Sections 42 & 42A of the Criminal Justice and Police Act 2001. This power does not require the cops to assess the actual situation but again it’s questionable if they can get convictions without individually telling people to leave.

Cumulative Disruption (Section 165)

Extent:

UK-wide, but sentences are different (less) in Scotland.

Summary:

The police must take into account any disruption caused by previous protests, regardless of who they were organised by, when deciding whether to impose restrictions on a protest.

This gives the police new and broad powers to further restrict protests. Failing to comply with the conditions will be punishable with a fine up to £2,500.

Details:

This amends Section 12 and Section 14 of the Public Order Act 1986, which give the police the power to impose conditions on a protest.

A senior police officer must take into account “any relevant cumulative disruption” resulting from protests when imposing conditions on them.

“Relevant cumulative disruption” means the “cumulative disruption to the life of the community” resulting from any assembly or procession held in the past in the same area. It does not matter if they are organised by the same person, attended by the same people, or intended to be held at the same time.

An “area” is broadly defined, meaning “such area as the senior police officer considers appropriate, having regard to the nature and extent of the disruption that may result from the procession or assembly.”.

The Current Law (Public Order Act 1986)

Currently sections 12, 14, and 14ZA of the Public Order Act allow for the police to impose conditions on protests and assemblies. The most senior police officer present may impose conditions if they “reasonably believe” that, amongst other things, the protest “may result in serious public disorder, serious damage to property or serious disruption to the life of the community”.

The conditions the police can impose are any that “appear to him necessary to prevent such disorder, damage, disruption, impact, or intimidation, including conditions as to the route of the procession or prohibiting it from entering any public place specified in the directions.”

It is an offence for someone taking part in the protest to fail to comply with these conditions, where the person knows or ought to know that the condition has been imposed. It is punishable on summary conviction to a fine not exceeding level 4 on the standard scale (currently £2,500).

It is an offence for the organiser of the protest if they fail to comply the conditions, punishable on summary conviction to 6 months imprisonment, or a fine not exceeding level 4 on the standard scale (currently £2,500).

It is an offence to incite (encourage) people not to comply with the conditions, punishable on summary conviction to 6 months imprisonment, or a fine not exceeding level 4 on the standard scale (currently £2,500).

Defences

The current defence will remain, namely, the person charged with the offence can “prove that the failure arose from circumstances beyond his control”.

Comments:.

We’re not sure that this gives the cops much more leeway than they already have given the Courts reluctance to rule conditions they impose unlawful either on Judicial Review or in Criminal Trials.

Restrictions on protests near places of worship (Section 164)

Extent:

UK (sentences are different in Scotland)

Summary:

The police may impose restrictions on a protest near a place of worship if they reasonably believe it will be intimidatory. Failing to comply with the conditions will be punishable with a fine up to £2,500 (level 4 fine).

Details:

S.12 and S.14 of the Public Order Act 1986 are amended such that conditions may be imposed on a protest if it is in "the vicinity of a place of worship" and "may intimidate persons of reasonable firmness" being deterred from accessing the place or worship, or carrying out religious activities at the place of worship.

Comments:.

Rather similar to the above. The Met in particular have been using the excuse of demos being near synagogues to impose conditions for some time. Like many laws looks like it's put in for political point scoring rather than practical reasons. Taken literally, it's very hard to have protests in big cities that aren't near places of worship – for exmple, Trafalgar and Parliament Squares would both be out.