3. Conditions on a Protest - including Section 12/14 of the Public Order Act

Sections 12 and 14 of the Public Order Act (1986) allow conditions to be imposed on ‘public processions’ and ‘public assemblies’.

Name of the law: Sections 12 and 14 of the Public Order Act (1986)

Relevant to: Anyone planning or participating in a protest.

Summary: Allows the police to impose conditions on ‘public processions’ and ‘public assemblies’, and makes it an offence for protesters to not comply with conditions they know about or ought to know about.

Explanation:

Legally, a ‘**public procession**’ is **any number of people** (the law does not specify a minimum) **moving along a route**. This is what most people usually refer to as a protest march.

A ‘**public assembly**’ is when **any number of people** (can be just one) are gathered in a **public place**. Public places include:

- Highways
- Parks
- Shopping precincts
- Shops
- Offices
- Restaurants and pubs

And any other place which the public have access or partial access to.

Section 12 deals with **processions** and Section 14 deals with **assemblies**.

Conditions can be set in **advance** of a protest or by the senior police officer **at the protest** whilst it is taking place.

The law states that the police impose conditions ‘as they appear necessary’ to prevent:

- ‘Serious public disorder’
- ‘Serious damage to property’
- ‘Serious disruption to the life of the community’
- ‘Intimidation that is intended to compel someone to not do an act they have a right to do, or to do an act they have the right not to do’

Conditions can also be imposed based on the prospect of **noise** generated by the procession or assembly causing:

- ‘Serious disruption’ to an organisation located nearby, which means the people in the organisation are ‘not reasonably able’ to do their usual activities ‘for a prolonged period of time’.
- ‘Intimidation, harassment, alarm or distress’ to people nearby the protest.

The Crime and Policing Act 2026 **adds two more issues that the police can take into consideration:**

- **the proximity of a place of worship to the protest (Section 164)**
- **the cummulative disruption caused by previous actions at that location (Section 165)**

There are lots of things the police are supposed to take into account before they set conditions, including Article 10 and Article 11 rights to freedom of expression and assembly. These powers do not give a free pass to the police in all situations. However, as you can see, these regulations are pretty vague! Which means that often it comes down to how the police interpret a protest and how they are feeling on that day.

When You’ve Broken the Law

The **offences** under these laws are:

- **Taking par**t in a protest and failing to comply with a condition you **know** or **ought to know** has been imposed.
- **Organising** a protest which breaks a condition you **know** or **ought to know** has been imposed.
- **Inciting** others to take part in a protest which breaks a condition you **know** or **ought to know** has been imposed.

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As you can see, there are **two parts** to breaking these laws: what you **physically do** (eg. leaving the prescribed route or area), and what you were **thinking** (eg. you **knew** you were breaking the conditions and did it on **purpose**).

People are often arrested just for stepping out of the prescribed area, but to actually be convicted (found guilty in court), both parts have to be proved.

Maximum Penalty

The maximum penalties for being convicted (found guilty in court) are:

- **Taking part** in a procession or assembly: A fine of maximum £2500. First time offenders would be likely to receive a conditional discharge or fine, both with costs. Total ranging from £100 to £1000.
- **Organising** a procession or assembly: Imprisonment for up to 6 months or a fine of up to £2500 or both. First time offenders would be likely to receive a fine or a Community Order.

For both of the above, it is a defence for the person to prove that the failure to comply arose from circumstances beyond their control.

- **Inciting others** to take part in a procession or assembly and not comply with s12 or 14 conditions: Imprisonment for up to 6 months or a fine of up to £2500 or both. First time offenders would be likely to receive a fine or a Community Order.

Examples of conditions:

Examples of conditions set by police under these laws include:

- Restricting the location of the protest, which can include setting up a ‘protest pen’ and asking you to move into it.
- Restricting the duration of the protest.
- Restricting the numbers of people allowed at the protest.
- Restricting the route of a procession.

What happens when conditions are imposed?

When conditions are imposed on a protest, the police then have the job of publicising them, in order for them to be able to prove that the protesters **know** or **ought to know** about the conditions. They may do this by:

- Making announcements, sometimes over a loudspeaker.
- Putting up posters with details of the conditions.
- Handing out leaflets with details of the conditions.
- Sharing information about the conditions on social media.
- Emailing or calling individuals or groups with details of the conditions.

The police have the power to **move you**, using force if necessary, in order to make you comply with conditions.

How to approach dealing with this law:

How can I reduce the likelihood that conditions will be imposed?

In our experience we have found that conditions are **more likely** to be imposed if you **talk to the police** ahead of your action. For this reason we generally recommend not informing the police in advance of protests. If you or your group are considering talking to the police about your protest, please read our guide on notifying the police of actions.

A lot of people read the law and are very concerned about **noise**. What you need to know is:

- Legally, conditions can’t just be imposed because you are or are planning to make a bit of noise – the noise must be causing or thought to be going to cause ‘**serious disruption**’ to an organisation located nearby or ‘**intimidation, harassment, alarm or distress**’ to people nearby the protest (see above).
- We have *(as of early June 2023)* not seen anyone have conditions imposed on the basis of noise, so there isn’t precedent to show us how these vague terms will be defined.
- For now, our understanding is that a protest would have to be extremely and persistently noisy to meet these noise thresholds, and people planning a small or average protest shouldn’t need to take measures to limit their noise. If you are given or threatened with conditions limiting the noise of your protest please call our Protest Support Line (07946 541 511) to talk through your options.

What should I do if conditions are imposed?

If your protest has been affected by Section 12 or 14 conditions, please ring our **Protest Support Line** (07946 541 511) to talk through your options. Section 12 and 14 orders have previously been successfully challenged in court, leading all charges connected to them to be dropped.

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Remember: In order to be **found guilty of an offence** under sections 12 or 14, it must be proved that you **knew**, or **ought to have known**, that the conditions had been imposed and then **broke them anyway**.

To reduce the likelihood of people being found guilty, **it is crucial that you do not share, spread or pass on any information you hear or see about conditions that have been imposed**. Passing on information is doing the police's work for them – it is often very difficult to hear, or comply with, conditions, but by passing on the message you make people more likely to be found guilty.

Our guidance is the opposite of the British Transport Police: Don't see it, Don't Say it, Don't hear it.

Do not:

- Pass on leaflets with information about conditions on them.
- Make announcements about conditions.
- Post on social media about conditions under Section 12 or 14, either explaining the conditions or encouraging people to break them. Remember: It is also an offence to **organise or incite people to break the conditions**.

Still got questions? Ring our Protest Support Line at 07946 541 511 or email courtsupport@protonmail.com.