EXPLANATORY MEMORANDUM TO

THE PUBLIC ORDER ACT 2023 (INTERFERENCE WITH USE OR OPERATION OF KEY NATIONAL INFRASTRUCTURE) REGULATIONS 2026

2026 No. 112

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Home Office and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Sarah Jones, Minister for Policing and Crime at the Home Office, confirms that this Explanatory Memorandum meets the required standard.

2.2 The Head of the Police Powers Unit at the Home Office confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 The Police Powers Unit at the Home Office can be contacted by email at the following address with any queries regarding the instrument: ContactPPU@homeoffice.gov.uk. Alternatively, the department can be contacted by telephone: 02070354646.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument amends the Public Order Act 2023 to designate the Life Sciences sector as key national infrastructure, extending the offence in Section 7 to make powers available to the police to take action against disruptive protest activity. An increase in the police's powers to tackle activity targeting the Life Sciences sector is necessary to protect the UK's ability to respond to a medical crisis, such as a pandemic, in line with requirements under the National Risk Register, and ability to produce vaccines.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales.

5. Policy Context

What is being done and why?

5.1 The Life Sciences sector is being targeted by protestors who oppose current clinical research methods. This includes repeated obstruction of access to and from essential sites, which poses a risk to public safety and impedes operations. Existing powers available to the police have proven inadequate in effectively managing this ongoing disruptive activity. In response, this instrument amends Section 7 of the Public Order Act 2023 to designate the Life Sciences sector as key national infrastructure. Under the provisions of Section 7, a person commits an offence if they engage in conduct that interferes with the use or operation of key national infrastructure in England and Wales, and they either intend to cause such interference or are reckless as to whether it will occur. Through this amendment, that offence will apply to the Life Sciences sector as key national infrastructure. This will enable enforcement action against those who commit the offence within Section 7.

5.2 For the purposes of this instrument, 'Life sciences infrastructure' means infrastructure—

(a) the primary purpose of which is facilitating—

(i) pharmaceutical research or development, or;

(ii) the manufacturing of pharmaceutical products for medical use, or

(b) used for or in connection with activities authorised by a licence under the Animals (Scientific Procedures) Act 1986.

5.3 Protecting the Life Sciences sector is critical for ensuring drug safety testing and the UK's pandemic preparedness. There is sufficient evidence to suggest that if protest activity is not addressed it may give rise to a wider retreat of companies across the Life Sciences sector from UK operations. Losing this capability would damage national security, disrupt supply chains, and erode confidence in the UK as a central hub for the Life Sciences industry.

5.4 The objective of this instrument is therefore to safeguard the long-term viability of the sector. By increasing the powers available to the police to address disruptive protest activity, the legislation is expected to act as a deterrent to this behaviour. In turn, this will reduce supply chain interference, protect the Life Sciences sector's ability to operate in the UK and ultimately support the UK's pandemic preparedness per the key risk of pandemic on the National Risk Register, which outlines the most serious risks facing the UK.

5.5 The measure is a targeted response to a clearly evidenced problem that has been raised repeatedly by key stakeholders across the Life Sciences industry, as well as in engagement with law enforcement partners. It reflects a proportionate and necessary change to existing legislation in light of the impact of disruption and the strategic importance of the sector.

What was the previous policy, how is this different?

5.6 Section 7 of the Public Order Act 2023 currently includes the following list of key national infrastructure: road and air transport, rail, harbour, downstream oil and gas, onshore oil and gas exploration and production, onshore electricity generation, and newspaper printing infrastructure. Through this instrument, the Life Sciences sector will be added to this list. As a result, any activity within scope of the Act's offence and that relates to the Life Sciences sector, will bring criminal sanctions. Examples may include, but are not limited to, deliberate physical obstruction or sabotage.

5.7 There are existing powers available to the police to manage general protest activity. Sections 12 and 14 of the Public Order Act 1986 give powers to the police to impose conditions on marches and static protests to prevent serious disorder, damage, or disruption. These powers are insufficient to tackle the evolving nature of protest tactics that are being deployed to threaten the viability of the UK Life Sciences sector. The tactics being used are impeding the operation of the sector through their impact but do not meet the statutory thresholds in sections 12 and 14 of the Public Order Act 1986 for the police to impose conditions. It is for these reasons that we are legislating, as existing powers are not sufficient for the police to tackle the style of protest activity that is threatening the sector.

6. Legislative and Legal Context

How has the law changed?

6.1 Primary legislation will be amended by this statutory instrument to include the Life Sciences sector within the definition of "key national infrastructure" contained in section 7(6) of the Public Order Act 2023. The Life Sciences sector will be defined through an amendment to section 8 of the Public Order Act 2023. This will mean that any person undertaking activity towards the Life Sciences sector in scope of the offence contained at section 7(1) within the Act could be subject to criminal sanctions.

6.2 The legal effect of this instrument is to expand the scope of the offence in section 7(1) of the Public Order Act 2023 to a new sector, which will be inserted into the definition of "key national infrastructure" in section 7(6) of the same Act.

6.3 Prior to pursuing amendment to Section 7 of the Public Order Act 2023, a range of existing options to strengthen the police's ability to take action against disruptive protest activity targeting the Life Sciences sector have been extensively considered. These have been informed through close engagement with key operational partners, including the National Police Chiefs' Council, the National Police Coordination Centre, local police forces, and the Crown Prosecution Service. These potential options included application of existing powers available to the police to tackle disruptive protest activity, including the powers available under the Public Order Act 1986 and the Serious Organised Crime and Policing Act 2005. It has been concluded that these powers are insufficient to tackle the risk to the Life Sciences sector and the broader national security pandemic preparedness risk.

Why was this approach taken to change the law?

6.4 This approach to changing the law was taken in response to the risk to the viability of the UK Life Sciences sector posed by current protest tactics. Existing police powers were not sufficient to tackle this activity, and other legislative options would not sufficiently allow law enforcement to take action against those responsible for these tactics. An increase in the police's powers per this instrument will strengthen law enforcement's ability to tackle this activity. In turn, this will protect the UK's pandemic preparedness and ability to produce vaccines, per the National Risk Register. Losing this capability would damage national security, disrupt supply chains, and erode confidence in the UK as a central hub for the life sciences industry.

6.5 Amending Section 7 of the Public Order Act 2023 through affirmative instrument was the only viable legislative vehicle to grant the police these additional powers.

7. Consultation

Summary of consultation outcome and methodology

7.1 Consultation for the option of amending Section 7 has taken place informally via engagement with key stakeholders, including the National Police Chiefs' Council, the National Police Coordination Centre, and local police forces who regularly police protest activity targeting the Life Sciences sector. Stakeholders were clear that existing powers did not go far enough to tackle the behaviour threatening the viability of the sector to continue to operate in the UK. The option to amend Section 7 of the Public Order Act 2023 was the key outcome of the engagement. The affected parties are clear that once this amendment comes into force it will have a positive operational impact.

7.2 Consultation for this amendment took place informally due to the urgency of the threat to the Life Sciences sector as a result of disruptive protest activity.

8. Applicable Guidance

8.1 There is not a statutory requirement to produce guidance for this instrument. However, the Home Office will work with the police, including the NPCC and the College of Policing, as the regulations are implemented to ensure forces understand operational requirements.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Economic Note has been prepared and published alongside the instrument on the legislation.gov.uk website.

9.2 There is a small cost of familiarising police officers and criminal defence solicitors. This has been estimated at £163,000 and will be incurred in the first year only.

9.3 The ongoing costs are to policing and the criminal justice system of processing criminal cases and any subsequent legal aid and prison costs. Annual costs to policing were estimated to be £16,500, and annual costs to the criminal justice system are estimated to be £145,000. They occur for the whole 10 year appraisal period.

9.4 The total costs from 2025/26 to 2034/35 are £1.44 million Present Value (PV). There are no monetised benefits. Therefore, the Net Present Social Value (NPSV) for this amendment is -£1.44 million. Whilst the NPSV is negative, there is a non-monetised benefit of reduction in disruption to a key sector and so the NPSV does not reflect the full impact of the amendment.

Impact on businesses, charities and voluntary bodies

9.5 The legislation does not impact small or micro businesses. There is also no impact on charities or voluntary bodies.

9.6 The amendment aims to prevent disruption to the life sciences sector. This amendment will increase the powers available to the police to tackle disruptive protest activity and will strengthen the viability of the sector's ongoing operation in the UK.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The Home Office will keep this legislation under constant review, along with all public order legislation.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 There are no matters of special interest to Parliament.

12. European Convention on Human Rights

12.1 The Minister for Policing has made the following statement regarding Human Rights:
"In my view the provisions of the Public Order Act 2023 (Interference With Use or Operation of Key National Infrastructure) Regulations 2026 are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").