

**SECTION 59 ANTI-SOCIAL BEHAVIOUR AND POLICING ACT 2014**

**PUBLIC SPACES PROTECTION ORDER**

The Mayor and Commonalty and Citizens of the City of London ("the City") being satisfied that the conditions as set out in section 59(2) and (3) of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act") are met hereby makes the following order :

1. This order shall be cited as...City of London Marathon Protection Space Protection Order.
2. This order shall come into force on..... and shall remain in place for a period of three years unless extended by further orders.
3. The prohibitions contained in this order shall only apply between the hours of 00.01 to 23.59 on the day of the London Marathon.
4. This order applies to the streets, highways and public spaces detailed in Schedule 1 to this Order and shown delineated by a red line on the plan contained in Schedule 2 to this order hereinafter referred to as "the Designated Area".
5. Prohibitions
  - i) No person shall act (either individually or in a group of two or more people) in a manner likely to cause nuisance, harassment, alarm or distress in the Designated Area. Any person instructed by a constable or authorised person to leave the designated area must leave without delay and shall not return to the designated area for a period of 12 hours.
  - ii) Persons shall not within the Designated Area :
    - (a) continue to consume alcohol when required to stop by a constable or an authorised person, or

(b) fail to surrender any alcohol in their possession when required to do so by a constable or an authorised person

(iii) Persons shall not within the Designated Area :

(a) continue to ingest, inhale, inject smoke or otherwise use psychoactive substances when required to stop by a constable or an authorised person, or

(b) fail to surrender any psychoactive substance in their possession when required to do so by a constable or an authorised person

A “psychoactive substance” is defined as “a substance with the capacity to stimulate or depress the central nervous system” and, for the purposes of this Order, is deemed to include nitrous oxide.

6. An “authorised person” means a person authorised by the City for the purposes of s of Part 4, Chapter 2 of the Act
7. Any person who, without reasonable excuse, fails to comply with the prohibitions set out in paragraph 5 above commits an offence.
8. Any person guilty of an offence under paragraphs 5(i) and (iii) shall be liable on summary conviction to a fine not exceeding Level 3\* on the Standard Scale.
9. Any person guilty of an offence under paragraph 5(ii) shall be liable on summary conviction to a fine not exceeding Level 2\*\* on the Standard Scale.
10. A constable or authorised person may issue a fixed penalty notice (“FPN”) to any person believed to have committed an offence under paragraph 5. A person issued with a FPN will have 14 days to pay the fixed penalty of £100.00. Failure to pay the FPN may result in prosecution for the offence.
11. In accordance with the provisions of section 66 of the Act, any challenge to this Order must be made in the High Court by an interested person within 6 weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the Designated Area. This means that only those who are directly affected by the restrictions have the right to challenge.

Interested persons can challenge the Order on two grounds; (1) that the City did not have the power to make the Order or to include particular prohibitions or requirements; or (2) that one of the requirements of the legislation, for instance consultation, has not been complied with.

Where an application is made, the High Court can decide to suspend the operation of the Order pending the Court's decision, in part or in whole. The High Court can uphold, quash, or vary the Order.

*\* - Currently up to £1,000*

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