

REVIEW - RESTRICTED

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Chapter 15: SUMMARY OF RECOMMENDATIONSChapter 11

We recommend that the following fundamental principles should form the basis for the development of processes and procedures to address the issue of conflict over parades.

- a) the right to peaceful free assembly should (subject to certain qualifications) be protected;
- b) the exercise of that right brings with it certain responsibilities; in particular, those seeking to exercise that right should take account of the likely effect on their relationships with other parts of the community and be prepared to temper their approach accordingly;
- c) all those involved should work towards resolution of difficulties through local accommodation;
- d) in the exercise of their rights and responsibilities, those involved must neither commit nor condone criminal acts or offensive behaviour;
- e) the legislation and its application must comply with the United Kingdom's obligations under international law, and provide no encouragement for those who seek to promote disorder;
- f) the structure for and process of adjudication of disputes over individual parades should be clear and applied consistently with as much openness as possible;
- g) any procedures for handling disputes over parades and the enforcement of subsequent decisions should be proportional to the issues at stake.

Chapter 11, para 19

Chapter 12

We recommend the creation of an independent body that would

- a) allow interested parties to put their views forward about proposed parades,
- b) encourage them to settle difficulties locally, and
- c) allow for a determination to be made on contentious parades after an appropriately transparent process of examination of all the relevant issues against the background of reformed legal provisions.

Chapter 12, para 21

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We recommend that the new body should be given legal powers to issue determinations in respect of contentious parades.

Chapter 12, para 35

We recommend that legislative provision is made so that:

- a) If the Chief Constable has reason to be seriously concerned about a determination of the independent body ahead of a proposed procession, he may furnish the Secretary of State with the information which gives rise to his concern;
- b) It would then be open to the Secretary of State to reconsider the body's determination under the same statutory criteria as the body had applied;
- c) Before the Secretary of State issued a revised determination, he should wherever practical consult both with the body and with the relevant committee of the Police Authority.

Chapter 12, para 39

We recommend that an additional offence should be created to penalise the conduct of individuals who set out deliberately through force of numbers or threat of disorder to contravene the legal determination of the new body, in defiance of its authority.

Chapter 12, para 46

We recommend that it should be called the **Parades Commission**.

Chapter 12, para 47

We recommend that the **Parades Commission** should be appointed by the **Secretary of State** and should consist of a chairperson and four other members.

Chapter 12, para 53

We recommend that the new body should have each of the following tasks:

- a) education, ie working for greater understanding at the local level,
- b) promoting and facilitating mediation and the search for local accommodation in respect of contentious marches,
- c) considering what conditions might be imposed in respect of individual parades where these are merited under the statutory criteria, and, after consultation, issuing determinations,
- d) arranging for contentious parades and protests to be monitored,
- e) keeping under review and amending the Code of Conduct that we shall also propose.

Chapter 12, para 54

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We recommend that the Commission should contribute to the development of mediation through establishing a register of groups and individuals who can act as mediators, and itself work with other bodies in practical ways to support mediation.

Chapter 12, para 63

We recommend that there should be three means by which cases are brought to the Commission's attention

- a) first by the police,
- b) second by the Commission itself approaching interested parties, and
- c) third by the public, and that the Government should consider what the level of public representation which should be required to trigger action by the Commission, through this route.

Chapter 12, para 75

We recommend that the statutory criteria which are now set down in Article 4(1) of the 1987 Order and which would in future be applied by the Commission rather than the RUC, should be amended to require that in addition consideration is given to the wider impact on relationships within the community. In line with this proposal, we also recommend that the statutory criteria set down in Article 5 relating to the exercise of the Secretary of State's powers in relation to public processions (but not open-air public meetings) should be similarly amended.

Chapter 12, para 82

We recommend that the Commission should be empowered to issue determinations for one or more parades in an area and to do so where appropriate over a period longer than one year.

Chapter 12, para 83

We recommend that the Commission should have the power to review its own determinations.

Chapter 12, para 84

We recommend that the period for the submission of notice of a parade to the police should be extended from not less than 7 to not less than 21 days.

Chapter 12, para 93

We recommend that the legislation shall require parade organisers who give notice to the police less than 21 days before the proposed procession, to state the reason why it was not given in time.

Chapter 12, para 94

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We recommend that there should not be different periods of notice for different categories of parade.

Chapter 12, para 99

We recommend that the Commission addresses the issue of publication of notices of those parades which may merit wider local publicity and whether it would be right for the Commission, rather than the organisers, to pay for such publications.

Chapter 12, para 105

We recommend that the Commission submits a publicly available annual report to the Secretary of State.

Chapter 12, para 107

We recommend that the Commission reviews the position regularly and makes recommendations for the introduction of a notice regime for open-air public meetings if the situation developed so as to cause concern or to interfere with the determinations of the Commission.

Chapter 12, para 113

Chapter 13

We recommend that:

- a) Guidelines should be prepared setting out the factors which the Commission will take into account;
- b) The factors should include:-
(i) the physical location and the route, (ii) the impact on the local community, (iii) the purpose of the parade, (iv) features particular to that parade, (v) the willingness of the interested parties to reach an accommodation with regard to contentious parades;
- c) The Commission should be responsible for the preparation and promulgation of the guidelines in future, subject to the Secretary of State's agreement;
- d) In view of the urgency, the Government may wish to consider preparing draft guidelines which could be issued for public consultation ahead of the establishment of the Commission.

Chapter 13, para 33

We recommend that one of the early tasks of the Commission is to prepare public guidance on the procedures, not just that it will itself follow, but also those that are to be followed by the police and the organisers of processions, open-air public meetings and protests.

Chapter 13, para 35

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We recommend that a Code of Conduct should be introduced, covering both the behaviour of participants in a parade, and of protesters.

Chapter 13, para 39

It would be sensible that the Code should also cover open-air public meetings even though in the absence of a notice requirement, such meetings are not so directly covered by the Commission's remit.

Chapter 13, para 39

We recommend that the Commission should take ownership of the Code of Conduct, keep it under review and propose such amendments as it sees fit.

Chapter 13, para 40

We recommend that the Code of Conduct with which all parties must comply, should have an appropriate statutory basis.

Chapter 13, para 45

We recommend that it should be for the Commission, in respect of a procession or protest, either to satisfy itself that an organisation had an effective internal code which covered the relevant points, or to require an organisation to adopt and comply with the Code.

Chapter 13, para 47

We recommend that the Commission should be required to address the question of monitors.

Chapter 13, para 50

We recommend that the Commission have regard in considering any parade proposal to any evidence of previous breaches of the Code of Conduct whether by organisers, participants or protesters.

Chapter 13, para 51**Chapter 14**

We recommend that the written notice should be "on a prescribed form and signed by the organiser" and that Article 3 is amended accordingly.

Chapter 14, para 3

We recommend the deletion of the words "where reasonably practicable" and likely" from Article 3(2)(a).

Chapter 14, para 4

We recommend that the Commission should pay close attention to stewarding and take such steps to improve standards of stewarding in both parading and protesting organisations as it deems necessary.

Chapter 14, para 5**REVIEW - RESTRICTED**

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We recommend that no substantial amendment of Article 4(1)(b) is necessary, but that consideration of revision of the terminology of the provision be entrusted to the Office of Law Reform in Northern Ireland.

Chapter 14, para 11

We recommend that no change to Article 5 is necessary, other than the amendment to the statutory criteria that we proposed in paragraph 82 of chapter 12.

Chapter 14, para 16

We recommend that further consideration be given by the Office of Law Reform in Northern Ireland to the effectiveness of Article 7 of the Order and of any need for amendment

Chapter 14, para 22

We recommend that the Secretary of State and the Chief Constable should, in consultation with the appropriate authorities, give active consideration to the introduction of a registration scheme [for bands].

Chapter 14, para 27

We recommend that it would not be appropriate to require organisers of parades to post bonds or to provide proof of insurance cover.

Chapter 14, para 43

We recommend that no steps be taken to seek a contribution to policing costs from parade organisers or protesters.

Chapter 14, para 47

We recommend that fines not be imposed by the Commission for breaches of the Code of Conduct.

Chapter 14, para 50

We recommend that in the provisions in Great Britain for control of alcohol being taken to sporting events be extended to Northern Ireland in respect of those travelling to both processions and open-air public meetings.

Chapter 14, para 53

We recommend that the RUC record information on parades in more detail, in particular identifying the organisation which holds the parade and the purpose of the parade.

Chapter 14, para 54

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