

**Proposal for a Draft Order in Council  
under paragraph 1 of Schedule 1 of the  
Northern Ireland Act 1974**

**1997 No. (N.I. )**

**NORTHERN IRELAND  
The Public Order (Northern Ireland) Order  
(Amendment) Order 1997**

Made

Coming into operation

At the Court at ..... the ..... day of ..... 1997

Present

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:-

**Title and commencement**

1.-(1) This Order may be cited as the Public Order (Northern Ireland) Order (Amendment) Order 1997.

(2) This Order shall come into operation on the expiration of one month from the day on which it is made.

**Interpretation**

2.-(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order "the principal Order" means the Public Order (Northern Ireland) Order 1987.

(3) This Order shall be construed as one with the principal Order; and accordingly Article 2(2) of the principal Order, in so far as it relates to the definition of words or expressions used in that Order and in this Order, shall apply for the purposes of this Order as it applies for the purposes of that Order.

### **Parades Commission**

3. After Article 2 of the principal Order there shall be inserted the following Articles-

"The Parades Commission

2A.- (1) There shall be established a body to be known as the Parades Commission (in this Order referred to as the Commission) which shall perform the functions conferred on it in this Order.

(2) Schedule 1 shall have effect with respect to the Commission.

### **Functions of the Commission**

2B.- (1) The Commission shall-

- (a) work for greater understanding on issues relating to parades within the community at local level;
- (b) promote and facilitate mediation and the search for local accommodation in respect of contentious parades;
- (c) establish a register of individuals and bodies who may act as mediators or otherwise assist in the process of mediation;
- (d) if mediation fails, make determinations in respect of individual parades as provided in article 4;
- (e) prepare, publish and keep under review Guidelines on the manner in which it will exercise its powers and a Code of Conduct for all persons organising, taking part in or protesting about public processions;
- (f) arrange for contentious parades and protests to be monitored.

### **Grants to the Commission**

2C.- (1) The Commission shall submit to the Secretary of State for each financial year an estimate of the expenditure required to carry out its statutory functions.

(2) The Secretary of State shall pay to the Commission an annual grant equal to approved expenditure in carrying out those functions."



### **Advance notice of public processions**

- 4.- (1) In paragraph (1) of Article 3 of the principal Order after the words "written notice" there shall be inserted the words "on a prescribed form and signed by the organiser".
- (2) In sub-paragraph (2)(d) of that Article the words "where reasonably practicable" and "likely" shall be deleted.
- (3) For paragraph (3) of that Article there shall be substituted-  
 "(3) Notice under paragraph (1) shall be given not less than 21 days before the date when the procession is to be held, and if that is not reasonably practicable the notice shall be given as soon as is reasonably practicable and the reason why the notice was not given in time shall be stated."

[(4) after paragraph (4) there shall be inserted the following paragraph-

"(4A) The officer to whom a notice under this Article is given shall as soon as is reasonably practicable send a copy of the notice to the Commission."]

### **References to the Commission**

5. After Article 3 of the principal Order there shall be inserted the following Articles-

#### **"References to the Commission**

- 3A.- (1) Where a senior officer of police, having regard to the time or place at which and the circumstances in which any public procession is intended to be held and to its proposed route reasonably believes that -
  - (a) it may result in serious public disorder, serious damage to property or serious disruption to the life of the community; or
  - (b) it may cause serious damage to relationships within the community, or
  - (c) it is intended to or is likely to seriously intimidate persons living in the area,

s/he shall as soon as s/he comes to that belief [and in any case not less than seven days before the date of the proposed procession] inform the Commission of the proposed procession and of the reasons for which s/he has come to the said belief.



- (2) Where at least [20] persons residing on the route of the proposed procession or the persons organising the procession, having regard to the time or place at which and the circumstances in which any public procession is intended to be held and to its proposed route, reasonably believe that-
  - (a) it may result in serious public disorder, serious damage to property or serious disruption to the life of the community, or
  - (b) it may cause serious damage to relationships within the community, or
  - (c) it is intended to or is likely to seriously intimidate persons living in the area,

they may make written representations to that effect to the Commission.

### **Consideration by the Commission**

- 3B.- (1) Where the Commission receives information or representations under Article 3A in respect of a proposed procession, or where as a result of information otherwise at its disposal, it reasonably believes that-
- (a) it may result in serious public disorder, serious damage to property or serious disruption to the life of the community, or
  - (b) it may cause serious damage to relationships within the community,
  - (c) it is intended to or is likely to seriously intimidate persons living in the area,

it shall as soon as is practicable inform the persons organising the procession, those who have made representations and a senior police officer in the area and other persons as it considers appropriate that the Commission has taken the proposed procession into its consideration.

- (2) The Commission may if it considers it appropriate take into consideration other processions which have been proposed or may be proposed in the same area for a stated period of up to twelve months and in such cases it shall inform all those mentioned in paragraph (1) of its intention to consider the issues on that basis.
- (3) The Commission shall use its best endeavours to find a local accommodation under which any proposed procession or other processions which it has taken into its consideration may take place and may, if it considers it appropriate, refer the parties to one or more registered mediators.
- (4) The Commission shall prepare and publish procedural rules under which interested parties and mediators may take part in the



consideration of the route and conditions under which the proposed procession or other processions may take place."

### **Imposing conditions on public processions and open-air meetings**

5. For Article 4 of the principal Order there shall be substituted the following Articles-

#### **Imposing conditions on public processions**

"4.- (1) If the Commission, having regard to the representations made during its consideration, reasonably believes that it is necessary in order to avoid-

- (a) serious public disorder, serious damage to property or serious disruption to the life of the community; or
- (b) serious damage to relationships within the community; or
- (c) serious intimidation of persons living in the area,

it may give directions as to the route and conditions under which a proposed procession, or other processions taken into consideration under paragraph (2) of Article 3B of this Order, may be held.

- (2) In making directions under this Article the Commission shall have regard to the provisions of the Guidelines and Code of Conduct provided for under Article 2B of this Order and may take into account evidence of compliance with or non-compliance with the provisions of the Code of Conduct in respect of previous processions by the persons organising or taking part in the proposed procession, or other processions taken into consideration under paragraph (2) of Article 3B of this Order.
- (3) The Commission may at any time review, amend or withdraw directions given under this Article, provided that where it is practicable to do so it shall reopen its consideration of the relevant procession or processions under Article 3B of this Order.
- (4) Directions given by virtue of paragraph (1) shall be given in writing.
- (5) A person who knowingly fails to comply with a [direction] imposed under this Article shall be guilty of an offence, but it is a defence for him to prove that the failure arose from circumstances beyond his control.
- (6) A person guilty of an offence under paragraph (5) shall be liable-



(a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both; or

(b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.

4A.- (1) If the Chief Constable has reason to be seriously concerned that the implementation of any direction given by the Commission under Article 4 is likely to result in serious public disorder or serious damage to property, s/he may furnish the Secretary of State with the information which gives rise to his/her concern.

(2) On receipt of information under paragraph (1), the Secretary of State shall review the direction given by the Commission and shall have the power by order to amend, annul or replace any such direction where s/he is satisfied that it is necessary to do so in order to prevent such disorder, damage, disruption or intimidation as is referred to in paragraph (1) of Article 4.

(3) Wherever practicable, the Secretary of State shall, before making an order under paragraph (2), consult the Commission and the committee of the Police Authority for Northern Ireland constituted under paragraph 15(2) of Schedule 1 to the Police Act (Northern Ireland) 1970; but nothing in this paragraph shall affect the validity of any such order.

(4) If it appears to a member of the Royal Ulster Constabulary not below the rank of inspector that a direction by the Commission under Article 4 is being or is about to be defied and that it is necessary to do so in order to prevent serious public disorder or serious damage to property, s/he may give directions imposing on the persons organising, assembling for or taking part in the meeting such directions as appear to him necessary to prevent such disorder or damage, including conditions as to the route of the procession or prohibiting it from entering any place specified in the directions.

(5) A person who knowingly fails to comply with a [direction] imposed under this Article shall be guilty of an offence, but it is a defence for him to prove that the failure arose from circumstances beyond his control.

(6) A person guilty of an offence under paragraph (5) shall be liable-

(a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both; or

(b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.



### **Imposing conditions on open-air meetings**

4B.- (1) If a senior police officer, having regard to the time or place at which or the circumstances in which any open-air public meeting is being held or is intended to be held, reasonably believes that-

- (a) it may result in serious public disorder, serious damage to property or serious disruption to the life of the community; or
- (b) it is intended to or is likely to seriously intimidate other persons,

s/he may give directions imposing on the persons organising or taking part in the meeting such conditions as to the place at which the meeting may be (or continue to be) held, its maximum duration, or the maximum number of persons who may constitute it, as appear to him necessary to prevent such disorder, damage, disruption or intimidation.

(2) In paragraph (1) "a senior police officer" means-

- (a) in relation to an open-air public meeting being held, or intended to be held in a case where persons are assembling with a view to taking part in it, a member of the Royal Ulster Constabulary not below the rank of inspector;
- (b) in relation to an open-air public meeting intended to be held in a case where sub- paragraph (a) does not apply, a member of the Royal Ulster Constabulary not below the rank of superintendent.

(3) Directions given by virtue of paragraph (2)(b) shall be given in writing.

(4) A person who knowing fails to comply with a [direction] imposed under this Article shall be guilty of an offence, but it is a defence for him to prove that the failure arose from circumstances beyond his control.

(5) A person guilty of an offence under paragraph (5) shall be liable-

- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both; or
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both."

### **Prohibiting public processions and open-air public meetings**

6.- For paragraphs 5(1) and 5(2) of the principal Order there shall be substituted the following paragraphs-



"(1) If at any time the Secretary of State is of the opinion, in consequence of information furnished to him/her by the Chief Constable or the Commission or for any other reason, that-

- (a) the exercise of the powers conferred by Articles 4, 4A or 4B in any area will not be sufficient to prevent such disorder, damage, disruption or intimidation as is referred to in paragraph (1) of those Articles; or
- (b) the holding in any area or place of any public procession or any open-air public meeting is likely to cause-
  - (i) serious public disorder;
  - (ii) serious disruption to the life of the community;
  - (iii) serious damage to relationships within the community; or
  - (iv) undue demands to be made upon the police or military forces,

s/he may make an order-

- (A) prohibiting, for such period not exceeding 3 months as may be specified in the order, the holding in that area or place of all public processions or open-air meetings or of such classes of public procession or open-air public meeting as may be so specified; or
  - (B) permitting the holding in an area or place of a public procession or open-air public meeting specified in the order and prohibiting, for such period not exceeding one month as may be specified in the order, the holding in that area or place of any other public procession or open-air public meeting or of any class of public procession or open-air public meeting specified in the order.
- (2) Wherever practicable, the Secretary of State shall, before making an order under paragraph (2), consult the Commission and the committee of the Police Authority for Northern Ireland constituted under paragraph 15(2) of Schedule 1 to the Police Act (Northern Ireland) 1970; but nothing in this paragraph shall affect the validity of any such order."

#### **Endeavouring to contravene the determinations of the Commission**

7.- After Article 7 of the principal Order there shall be inserted the following article-

#### **"Endeavouring to contravene the determinations of the Commission**

7A.- (1) A person who for the purpose of defying the authority of the Commission endeavours through force of numbers or threat of disorder to contravene any determination of the Commission shall be guilty of an offence.



- (2) A person guilty of an offence under paragraph (1) shall be liable-
- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both; or
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both."

[to follow: Articles on control of alcohol at processions]

## **Schedule 1**

### **The Parades Commission**

1.- (1) The Commission shall be a body corporate to which, subject to the following provisions of this Schedule, section 19 of the Interpretation Act (Northern Ireland) 1954 shall apply.

(2) The Commission shall not be regarded as a servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and its property shall not be regarded as property of, or property held on behalf of, the Crown.

2.- (1) The Commission shall consist of a chairperson and four other persons appointed by the Secretary of State.

(2) Of the members of the Commission at least 40% shall be of either gender

(3) In making appointments to the Commission the Secretary of State shall have regard to the principles of merit, independent scrutiny, openness and transparency, equal opportunity and proportionality.

3.- (1) Subject to this paragraph, a member of the Commission shall hold and vacate office in accordance with the terms of his appointment.

(2) The term of any appointment shall be at least three years and not more than five years and may be renewed from time to time.

(3) A member of the Commission may resign his membership at any time.

(4) The Secretary of State may, by notice in writing addressed to a member, terminate his appointment if he has reasonable grounds to



believe that he is unfit to continue in office or incapable of carrying out his duties as member.

- 4.- (1) The Commission shall draw up and publish rules to govern its proceedings.
- (2) The proceedings of the Commission shall not be invalidated by any vacancy in its membership or by any defect in the appointment of a member.
- 5.- (1) The right of the Commission under section 19(1)(a)(vi) of the Interpretation Act (Northern Ireland) 1954 to employ staff shall be exercised subject to any directions which may be given by the Department of Finance and Personnel with respect to the number and conditions of service of the persons employed or to be employed.
- 6.- The Commission may pay to its members such remuneration and other allowances as the Department of Finance and Personnel may approve.