

POLICE, PUBLIC ORDER AND CRIMINAL JUSTICE (SCOTLAND) ACT 2006 (ASP 10)

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Public Order Etc.

Chapter Two: Public Processions

Section 70 – Notification of public processions

119. This section makes amendments to section 62 of the Civic Government (Scotland) Act 1982 (“the 1982 Act”). The section extends the notice period before which the procession organiser must notify the local authority of their intention to process from 7 days to 28 days, to give local authorities and the police more time to consider applications; removes the ability of local authorities to grant exemptions from the requirement to notify them of a procession; and provides that section 62 does not apply to funeral processions organised by funeral directors. It also provides that the Scottish Ministers can prescribe, by order made by statutory instrument subject to negative resolution procedure, other processions to be exempt from the notification requirements. This section also allows local authorities to waive the 28-day notification requirement in exceptional circumstances.

Section 71 – Powers and duties of local authorities

120. This section makes amendments to section 63 of the 1982 Act. It enables local authorities to consider a wider range of issues when deciding whether a procession should take place or if conditions should be placed on it, such as the risk of damage to property or disruption to the life of the community and whether the procession would place an excessive burden on the police. This section makes it clear that local authorities can impose conditions on funeral processions and any processions which are specified in an order made by the Scottish Ministers under section 62(11B)(b) of the 1982 Act. Processions which are specified in such an order can also be prohibited by local authority). This section also requires local authorities to maintain lists of processions held and prohibited in their areas and make them available to the public, and provide any information about processions to any member of the public who requests it.

Section 72 – Minor amendments of 1982 Act

121. This section makes some minor amendments to the 1982 Act including the addition of a new section 65A to require local authorities to have regard to guidance issued by the Scottish Ministers when carrying out their functions under Part V of the 1982 Act which contains the law on public processions in Scotland.
122. Annex A contains a copy of Part V of the 1982 Act as amended by this Act.