
STATUTORY INSTRUMENTS

1987 No. 463

The Public Order (Northern Ireland) Order 1987

PART V

MISCELLANEOUS AND GENERAL

General provisions relating to offences

Powers of arrest

24.—(1) A constable in uniform may arrest without warrant anyone he reasonably suspects is committing an offence under part II.

(2) A constable may arrest without warrant anyone he reasonably suspects is committing or has committed an offence under Article 9 or part IV.

(3) If a constable reasonably suspects any person of committing or being about to commit or having committed an offence under Article 7(1) or (2), 20(1) or 21(1), he may require that person to declare to him immediately his name and address, and if that person refuses or fails to do so or gives a false name or address he shall be guilty of an offence.

(4) A person guilty of an offence under paragraph (3) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Consent to prosecution

25. A prosecution for an offence under part III or Article 21(1) shall not be instituted except by or with the consent of the Attorney General.

Forfeiture

26.—(1) A court by or before which a person is convicted of an offence under Article 9, 10, 11, 13, 19(1) or 22(1) may make an order for the forfeiture, destruction or disposal of any relevant article.

(2) In paragraph (1) “relevant article” means—

- (a) in relation to an offence under Article 9, 10, 11 or 13, any written material or recording shown to the satisfaction of the court to be written material or a recording to which the offence relates;
- (b) in relation to an offence under Article 19(1), any thing in respect of which the offence was committed;
- (c) in relation to an offence under Article 22(1), any weapon in respect of which the offence was committed.

(3) An order made under paragraph (1) shall not take effect until the expiry of the ordinary time within which an appeal may be instituted or, where an appeal is duly instituted, until it is finally decided or abandoned; and for this purpose—

- (a) an application for a case to be stated or for leave to appeal shall be treated as the institution of an appeal; and
- (b) where a decision on appeal is subject to a further appeal, the appeal is not finally decided until the expiry of the ordinary time within which a further appeal may be instituted or, where a further appeal is duly instituted, until the further appeal is finally decided or abandoned.

Repeal of Flags and Emblems (Display) Act (Northern Ireland) 1954

Repeal of Flags and Emblems (Display) Act (Northern Ireland) 1954

27. The Flags and Emblems (Display) Act (Northern Ireland) 1954 shall cease to have effect.

Supplementary

Amendments, savings, transitional provisions and repeals

28.—(1) The statutory provisions set out in Schedule 1 shall have effect subject to the amendments specified in that Schedule.

(2) Nothing in this Order affects the common law powers in Northern Ireland to deal with or prevent a breach of the peace.

(3) Nothing in this Order applies in relation to an offence committed or act done before this Order comes into operation.

(4) In relation to any public procession to be held on or before the sixth day after the day on which this Order comes into operation, Article 3(3) shall have effect with the substitution for the words “7 days before the date when the procession is to be held” of the words “120 hours before the proposed time of commencement of the procession”.

(5) The statutory provisions set out in columns 1 and 2 of Schedule 2 are hereby repealed to the extent specified in the third column of that Schedule.