
STATUTORY INSTRUMENTS

1987 No. 463

The Public Order (Northern Ireland) Order 1987

PART II

PROCESSIONS AND MEETINGS

Advance notice of public processions

3.—(1) A person proposing to organise a public procession shall give written notice of that proposal in accordance with paragraphs (2) and (3) to a member of the Royal Ulster Constabulary not below the rank of sergeant by leaving the notice with him at the police station nearest to the proposed place of commencement of that procession.

(2) The notice to be given under paragraph (1) shall specify—

- (a) the date and time when the procession is to be held;
- (b) its route;
- (c) the number of persons likely to take part in it;
- (d) the number and, where reasonably practicable, the names of any bands likely to take part in it;
- (e) the arrangements for its control being made by the person proposing to organise it; and
- (f) the name and address of that person.

(3) Notice under paragraph (1) shall be given not less than 7 days before the date when the procession is to be held or, if that is not reasonably practicable, as soon as it is reasonably practicable to give such notice.

(4) Paragraph (1) does not apply where the procession is—

- (a) a funeral procession; or
- (b) a procession of a class or description specified by an order made by the Secretary of State.

(5) A person who organises or takes part in a public procession—

- (a) in respect of which the requirements of this Article as to notice have not been satisfied; or
- (b) which is held on a date, at a time or along a route which differs from the date, time or route specified in relation to it in the notice given under paragraph (1), shall be guilty of an offence.

(6) In proceedings for an offence under paragraph (5) it is a defence for the accused to prove that he did not know of, and neither suspected nor had reason to suspect, the failure to satisfy the requirements or (as the case may be) the difference of date, time or route.

(7) To the extent that an alleged offence under paragraph (5) turns on a difference of date, time or route it is a defence for the accused to prove that the difference arose from—

- (a) circumstances beyond his control;
- (b) something done in compliance with conditions imposed under Article 4(1); or

(c) something done with the agreement of a member of the Royal Ulster Constabulary not below the rank of inspector.

(8) A person guilty of an offence under paragraph (5) shall be liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding level 5 on the standard scale, or to both.

(9) An order made under paragraph (4) by the Secretary of State shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.

Imposing conditions on public processions and open-air public meetings

4.—(1) If a senior police officer, having regard to the time or place at which and the circumstances in which any public procession is being held or is intended to be held and to its route or 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) the purpose of the persons organising it is the intimidation of others with a view to compelling them not to do an act they have a right to do, or to do an act they have a right not to do, he may give directions imposing on the persons organising or taking part in the procession such conditions as appear to him necessary to prevent such disorder, damage, disruption or intimidation, including conditions as to the route of the procession or prohibiting it from entering any place specified in the directions.

(2) If a senior police officer, having regard to the time or place at which and 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) the purpose of the persons organising it is the intimidation of others with a view to compelling them not to do an act they have a right to do, or to do an act they have a right not to do, 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.

(3) In paragraphs (1) and (2) “a senior police officer” means—

- (a) in relation to a procession or open-air public meeting being held, or to a procession or open-air public meeting 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 a procession or 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.

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

(5) A person who knowingly fails to comply with a condition 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.

Prohibiting public processions and open-air public meetings

5.—(1) If at any time the Secretary of State is of the opinion, in consequence of information furnished to him by the Chief Constable or for any other reason, that—

- (a) the exercise of the powers conferred by Article 4 in any area will not be sufficient to prevent such disorder, damage, disruption or intimidation as is referred to in paragraphs (1) and (2) of that Article; 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; or
 - (iii) undue demands to be made upon the police or military forces,

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 public 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 (1), consult 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.

(3) A recital in an order made by the Secretary of State under paragraph (1) as to his opinion and the information upon which that opinion was formed shall be conclusive evidence of the matters stated therein.

(4) The Chief Constable may delegate, to such extent and subject to such conditions as he may specify, his functions under paragraph (1) to a member of the Royal Ulster Constabulary not below the rank of Assistant Chief Constable.

- (5) A person who—
 - (a) organises a public procession or open-air public meeting the holding of which he knows is prohibited by virtue of an order under this Article; or
 - (b) takes part in a public procession or open-air public meeting the holding of which he knows is prohibited by virtue of an order under this Article, shall be guilty of an offence.
- (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.

Taking part in public procession as member of unregistered band

- 6.—(1) The Secretary of State may by order provide for the registration of bands.
- (2) Without prejudice to the generality of paragraph (1), an order under that paragraph may—
- (a) provide for registration to be subject to such conditions as may be specified in the order;
 - (b) exclude from its operation such bands or bands of such descriptions as may be so specified.
- (3) A person who knowingly takes part in a public procession as a member of a band which—
- (a) is required by an order under paragraph (1) to be registered, but is not so registered; or
 - (b) does not comply with any condition subject to which it is registered under such an order, shall be guilty of an offence.
- (4) A person guilty of an offence under paragraph (3) shall be liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding level 5 on the standard scale, or to both.
- (5) An order made under paragraph (1) by the Secretary of State shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.

Endeavours to break up public processions or public meetings

- 7.—(1) A person who for the purpose of preventing or hindering any lawful public procession or of annoying persons taking part in or endeavouring to take part in any such procession hinders, molests, obstructs or acts in a disorderly manner towards, or behaves offensively and abusively towards, those persons or any of them shall be guilty of an offence.
- (2) A person who at a lawful public meeting acts in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together shall be guilty of an offence.
- (3) Subject to paragraph (4), a person guilty of an offence under paragraph (1) or (2) shall be liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding level 5 on the standard scale, or to both.
- (4) Paragraph (3) does not apply to a person who commits an offence under paragraph (2) at a meeting referred to in paragraph 13 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 or in section 97(2) of the Representation of the People Act 1983.