



# Public Processions (Northern Ireland) Act 1998

## 1998 CHAPTER 2

### *General regulation of public processions*

#### **12 Registration of bands taking part in public processions.**

- (1) The Secretary of State may by order provide for the registration of bands.
- (2) Without prejudice to the generality of subsection (1), an order under that subsection may provide for—
  - (a) applications for registration or the renewal of registration to be made to such court or other body or person as may be specified in the order;
  - (b) the procedure for the making and hearing of such applications (including the making and hearing of objections);
  - (c) the grounds on which such applications may be refused;
  - (d) the issue and duration of certificates of registration;
  - (e) appeals against decisions made in relation to such applications;
  - (f) the cancellation of registration and the procedure in relation thereto;
  - (g) registration to be subject to such conditions as may be specified in or determined under the order;
  - (h) the order not to apply to such bands or bands of such descriptions as may be specified in or determined under the order;
  - (i) such other matters as appear to the Secretary of State to be necessary or expedient for the proper functioning of the system of registration provided for by the order.
- (3) Any power to make rules of court regulating the practice or procedure of a court specified as mentioned in subsection (2)(a) includes power to make such provision as may be necessary or expedient for carrying into effect the provisions of an order under subsection (1).
- (4) A person who knowingly takes part in a public procession as a member of a band which—

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- (a) is one to which an order under subsection (1) applies, but is not registered under that order; or
- (b) does not comply with any condition subject to which it is registered under such an order,

shall be guilty of an offence.

- (5) A person guilty of an offence under subsection (4) 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.

### **13 Control of alcohol at public processions.**

- (1) Where a constable in uniform reasonably suspects that a person to whom this subsection applies is consuming intoxicating liquor, the constable may require that person—

- (a) to surrender anything in his possession which is, or which the constable reasonably believes to be, intoxicating liquor; and
- (b) to state his name and address.

- (2) Subsection (1) applies to a person—

- (a) who is taking part in a public procession; or
- (b) who is among those who have assembled with a view to taking part in a public procession; or
- (c) who—
  - (i) is otherwise present at, or is in the vicinity of, a place on the route or proposed route of a public procession; and
  - (ii) is in a public place, other than licensed premises.

- (3) Where a constable in uniform reasonably suspects that a person to whom this subsection applies is in possession of intoxicating liquor, the constable may require that person—

- (a) to surrender anything in his possession which is, or which the constable reasonably believes to be, intoxicating liquor; and
- (b) to state his name and address.

- (4) Subsection (3) applies to a person who is in a passenger vehicle which is being used for the principal purpose of carrying passengers for the whole or any part of a journey to a place in the vicinity of the route or proposed route of a public procession.

- (5) A constable may dispose of anything surrendered to him under this section in such manner as he considers appropriate.

- (6) A person who fails without reasonable cause to comply with a requirement imposed on him under subsection (1) or (3) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

- (7) A constable who imposes a requirement on a person under subsection (1) or (3) shall inform that person of his suspicion and that failing without reasonable cause to comply with a requirement imposed under that subsection is an offence.

- (8) A constable in uniform may—

- (a) stop a passenger vehicle; and
- (b) search the vehicle and any person in the vehicle,

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if he has reasonable grounds to suspect that intoxicating liquor is being carried on the vehicle and that the vehicle is being used for the principal purpose mentioned in subsection (4).

- (9) The powers of a constable under this section may only be exercised in relation to a particular public procession in the period—
- (a) beginning 6 hours before the proposed starting time of that procession; and
  - (b) ending at midnight on the day on which the persons taking part in the procession disperse.
- (10) Where a proposed public procession does not take place but persons have assembled with a view to taking part in the procession, subsection (9) shall have effect as if for the reference in paragraph (b) to the persons taking part in the procession there were substituted reference to the persons assembled with a view to taking part in the procession.

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**Modifications etc. (not altering text)**

- C1** S. 13 extended by [Police \(Northern Ireland\) Act 2003 \(c. 6\), Sch. 2A para. 5](#) (as inserted (prosp.) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), arts. 1(2)(3), 7, [Sch. 5](#))

## 14 Breaking up public procession.

- (1) A person who for the purpose of preventing or hindering any lawful public procession [<sup>F1</sup>or protest meeting]<sup>F1</sup> or of annoying persons taking part in or endeavouring to take part in any such procession [<sup>F1</sup>or protest meeting]<sup>F1</sup>—
- (a) hinders, molests or obstructs those persons or any of them;
  - (b) acts in a disorderly way towards those persons or any of them; or
  - (c) behaves offensively and abusively towards those persons or any of them,
- shall be guilty of an offence.
- (2) A person guilty of an offence under subsection (1) 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.

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**Textual Amendments**

- F1** Words in s. 14(1) inserted (23.3.2005 with application as mentioned in art. 1(2) of the amending S.I.) by [The Public Processions \(Amendment\) \(Northern Ireland\) Order 2005 \(S.I. 2005/857 \(N.I. 2\)\)](#), [art. 6\(1\)](#)

**Changes to legislation:**

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