



Public Processions (Northern Ireland) Act 1998

1998 CHAPTER 2

Secretary of State's powers to prohibit public processions

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- (1) If, in the case of any proposed public procession, the Secretary of State is of the opinion that, having regard to—
- (a) any serious public disorder or serious damage to property which may result from the procession;
 - (b) any serious disruption to the life of the community which the procession may cause;
 - (c) any serious impact which the procession may have on relationships within the community; and
 - (d) any undue demands which the procession may cause to be made on the police or military forces,
- it is necessary in the public interest to do so, he may by order prohibit the holding of that procession.
- (2) If, in relation to any area and any period of time not exceeding 28 days, the Secretary of State is of the opinion that, having regard to—
- (a) any serious public disorder or serious damage to property which may result from public processions of a particular class or description in that area in that period;
 - (b) any serious disruption to the life of the community which such processions may cause;
 - (c) any serious impact which such processions may have on relationships within the community;
 - (d) any undue demands which such processions may cause to be made on the police or military forces; and
 - (e) the extent of the powers exercisable under subsection (1),

it is necessary in the public interest to do so, he may by order prohibit the holding of all public processions of that class or description in that area in that period.

(3) If, in relation to any area and any period of time not exceeding 28 days, the Secretary of State is of the opinion that, having regard to—

- (a) any serious public disorder or serious damage to property which may result from public processions in that area in that period;
- (b) any serious disruption to the life of the community which such processions may cause;
- (c) any serious impact which such processions may have on relationships within the community;
- (d) any undue demands which such processions may cause to be made on the police or military forces; and
- (e) the extent of the powers exercisable under subsections (1) and (2),

it is necessary in the public interest to do so, he may by order prohibit the holding of all public processions in that area in that period.

(4) An order under subsection (2) or (3) may exempt any procession, or any procession of any class or description, specified in the order.

(5) Wherever practicable the Secretary of State shall before making an order under this section consult—

- (a) the Commission; and
- (b) the Chief Constable,

but nothing in this subsection shall affect the validity of any such order.

(6) The power to make an order under this section includes power to revoke or amend any such order.

(7) An order made under subsection (1) in relation to a public procession has effect to revoke any previous determination made by the Commission under section 8 in relation to that procession, and an order made under subsection (2) or (3) has effect to revoke any previous determination made by the Commission under that section in relation to any public procession the holding of which is prohibited by the order.

(8) A person who organises or takes part in a public procession the holding of which he knows is prohibited by an order under this section shall be guilty of an offence.

(9) A person guilty of an offence under subsection (8) 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.