



Public Processions (Northern Ireland) Act 1998

1998 CHAPTER 2

Supplementary

15 Powers of arrest.

^{F1}

Textual Amendments

F1 S. 15 repealed (1.3.2007) by [The Police and Criminal Evidence \(Amendment\) \(Northern Ireland\) Order 2007 \(S.I. 2007/288 \(N.I. 6\)\)](#), arts. 1(2)-(4), 15, 41, Sch. 1 para. 32, [Sch. 2](#)

16 Regulations and orders.

- (1) Any power of the Secretary of State to make orders or regulations under this Act, except an order under section 11 [^{F2}or 11A]^{F2}, shall be exercised by statutory instrument.
- (2) A statutory instrument containing any regulations under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) A statutory instrument containing an order under paragraph 4 of Schedule 2 shall not be made unless a draft has been laid before, and approved by resolution of, each House of Parliament.
- (4) A statutory instrument containing—
 - (a) an order under paragraph 8 of Schedule 2 made without a draft having been laid before, and approved by resolution of, each House of Parliament; or
 - (b) an order under section 6(5)(b) or 12(1) or paragraph 2(2) or 12(6) of Schedule 1,

Changes to legislation: There are currently no known outstanding effects for the Public Processions (Northern Ireland) Act 1998, Cross Heading: Supplementary. (See end of Document for details)

shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) An order or regulations under this Act—

- (a) may make different provision for different cases, circumstances or areas; and
- (b) may contain such incidental, supplemental or transitional provisions and savings as the Secretary of State considers appropriate.

Textual Amendments

F2 Words in s. 16(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. 5\(2\)](#)

17 Interpretation.

(1) In this Act—

“area” means the whole or any part of Northern Ireland;

“band” means a group of two or more persons who carry for the purpose of playing or sounding, or engage in the playing or sounding of, musical instruments;

“the Code of Conduct” has the meaning assigned by section 3(1);

“the Commission” means the Parades Commission for Northern Ireland;

“constable” means a member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve;

“the guidelines” has the meaning assigned by section 5(1);

“intoxicating liquor” and “licensed premises” have the same meanings as in the ^{M1}Licensing (Northern Ireland) Order 1996;

“passenger vehicle” means a motor vehicle (within the meaning of the ^{M2}Road Traffic (Northern Ireland) Order 1995) which is adapted to carry more than 8 passengers;

“the procedural rules” has the meaning assigned by section 4(1);

“protest meeting” means an open-air public meeting (within the meaning of the ^{M3}Public Order (Northern Ireland) Order 1987)—

(a) which is, or is to be, held—

(i) at a place which is on or in the vicinity of the route or proposed route of a public procession; and

(ii) at or about the same time as the procession is being or is to be held; and

(b) the purpose (or one of the purposes) of which is to demonstrate opposition to the holding of that procession on that route or proposed route;

“public place” means—

(a) any road within the meaning of the ^{M4}Roads (Northern Ireland) Order 1993; and

(b) any place to which at the material time the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission;

“public procession” means a procession in a public place, whether or not involving the use of vehicles or other conveyances.

Changes to legislation: There are currently no known outstanding effects for the Public Processions (Northern Ireland) Act 1998, Cross Heading: Supplementary. (See end of Document for details)

(2) For the purposes of this Act a protest meeting is “related” to a public procession if the purpose (or one of the purposes) of the meeting is to demonstrate opposition to the holding of that procession on its route or proposed route.

[^{F3}(2A) For the purposes of this Act a person supports a public procession if (and only if) at any time when the procession is being held—

- (a) he is in a public place and (subject to subsection (2B)) in close proximity to persons taking part in the procession; and
- (b) in all the circumstances (including his conduct) his presence in that place may reasonably be taken as expressing support for the holding of the procession.

(2B) For the purposes of subsection (2A) a person shall not be regarded as ceasing to be in close proximity to persons taking part in a public procession where he temporarily moves out of such proximity in compliance with —

- (a) conditions imposed by a determination under section 8; or
- (b) a direction given by a member of the Police Service of Northern Ireland not below the rank of inspector.]

^{F3}(3) References in this Act to the Chief Constable are to the Chief Constable of the Royal Ulster Constabulary; but the Chief Constable may delegate, to such extent and subject to such conditions as he may specify, any of his functions under this Act to a member of the Royal Ulster Constabulary not below the rank of Assistant Chief Constable.

Textual Amendments

F3 S. 17(2A)(2B) 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. 3(4)**

Marginal Citations

M1 1996 NI 22.
M2 1995 NI 18.
M3 1987 NI 7.
M4 1993 NI 15.

18 Amendments and repeals.

- (1) The enactments set out in Schedule 3 shall have effect subject to the amendments specified in that Schedule.
- (2) The enactments set out in Schedule 4 are hereby repealed to the extent specified in column 3 of that Schedule.

Extent Information

E1 Except for s.18(1) which extends to UK, s. 18 extends to NI only as mentioned in s.19(5)

Commencement Information

I1 S.18 wholly in force at 2.3.1998: s. 18(1) wholly in force at Royal Assent and s. 18(2) in force 2.3.1998 by [S.I. 1998/717](#)

Changes to legislation: There are currently no known outstanding effects for the Public Processions (Northern Ireland) Act 1998, Cross Heading: Supplementary. (See end of Document for details)

19 Short title, commencement, transitional provision and extent.

- (1) This Act may be cited as the Public Processions (Northern Ireland) Act 1998.
- (2) Subject to subsection (3), this Act comes into force on such day as the Secretary of State may by order appoint.
- (3) The following provisions come into force on the passing of this Act, namely—
 - (a) section 1 and Schedule 1;
 - (b) sections 3 to 5 and Schedule 2;
 - (c) section 8(6);
 - (d) sections 16 and 17;
 - (e) paragraphs 1 and 2 of Schedule 3 and section 18(1) so far as relating thereto; and
 - (f) this section.
- (4) Nothing in this Act shall apply in relation to any public procession or protest meeting held, or proposed to be held, in the period of one month beginning with the day appointed under subsection (2).
- (5) Except for—
 - (a) paragraphs 1 and 2 of Schedule 3 and section 18(1) so far as relating thereto; and
 - (b) this section,this Act extends to Northern Ireland only.

Commencement Information

- I2** S. 19(2) power fully exercised (25.2.1998): 2.3.1998 appointed day where otherwise not in force by [S.I. 1998/717](#)

Changes to legislation:

There are currently no known outstanding effects for the Public Processions (Northern Ireland) Act 1998, Cross Heading: Supplementary.