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## SCHEDULES

### SCHEDULE 1

Section 1.

#### THE COMMISSION

##### *Status*

- 1 (1) The Commission shall be a body corporate.
- (2) The Commission shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and the Commission's property shall not be regarded as property of, or property held on behalf of, the Crown.

##### *Membership*

- 2 (1) The Commission shall consist of—
  - (a) a chairman; and
  - (b) not more than 6 other members,appointed by the Secretary of State.
- (2) The Secretary of State may by order vary the number for the time being specified in sub-paragraph (1)(b).
- (3) The Secretary of State shall so exercise his powers of appointment under this paragraph as to secure that as far as is practicable the membership of the Commission is representative of the community in Northern Ireland.

##### *Term of office*

- 3 (1) Subject to the following provisions of this paragraph, a person shall hold and vacate office as a member or as chairman of the Commission in accordance with the terms of his appointment.
- (2) The chairman and other members of the Commission shall be appointed for a term not exceeding 3 years, and a person appointed to fill a casual vacancy shall hold office for the remainder of the term of the person in whose place he is appointed.
- (3) A person may at any time resign as a member or as chairman of the Commission by notice in writing to the Secretary of State.
- (4) The Secretary of State may remove a person from office as a member or as chairman of the Commission if satisfied that—
  - (a) he has been convicted of a criminal offence;
  - (b) he has become bankrupt or made a composition or arrangement with his creditors;
  - (c) he has failed to comply with the terms of his appointment; or
  - (d) he is otherwise unable or unfit to discharge his functions.

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- (5) A member of the Commission whose term of office expires or who has resigned shall be eligible for re-appointment.

#### *Remuneration*

- 4 The Secretary of State may pay to the chairman and other members of the Commission such remuneration and allowances as the Secretary of State may determine.

#### *Procedure*

- 5 (1) The quorum for a meeting of the Commission shall be three.
- (2) Every question at a meeting of the Commission shall be determined by a majority of the votes of the members present and voting on the question, and in the case of an equal division of the votes, the chairman of the meeting shall have a second or casting vote.
- (3) If the chairman of the Commission is absent from a meeting of the Commission, the members present shall elect one of their number to act as chairman of the meeting.
- (4) Subject to sub-paragraphs (1) to (3) and to the procedural rules, the Commission may regulate its own procedure.

#### *Staff*

- 6 (1) The Commission may, with the approval of the Secretary of State as to numbers and terms and conditions of service, employ persons to assist the Commission or otherwise to enable the Commission to discharge its functions.
- (2) The Commission may make arrangements for administrative, secretarial or other assistance to be provided for the Commission by persons employed in the civil service of Northern Ireland or of the United Kingdom.
- (3) The Commission shall, with the approval of the Secretary of State, designate a person to whom sub-paragraph (1) or (2) applies as the secretary to the Commission.

#### *Validity of proceedings*

- 7 The validity of any proceedings of the Commission shall not be affected by—
- (a) any defect in the appointment of the chairman or any other member; or
  - (b) any vacancy in the office of chairman or among the other members.

#### *Seal*

- 8 The application of the seal of the Commission shall be authenticated by the signatures of—
- (a) two members of the Commission; and
  - (b) the secretary to the Commission or some other person generally or specially authorised by the Commission to act for that purpose.

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*Contracts, etc.*

- 9 (1) Any contract or instrument which, if entered into or executed by an individual, would not require to be under seal may be entered into or executed on behalf of the Commission by any person generally or specially authorised by the Commission to act for that purpose.
- (2) Before entering into contracts for the supply of goods or the execution of works, the Commission shall comply with such requirements as the Secretary of State may direct.

*Evidence*

- 10 A document purporting to be—
- (a) duly executed under the seal of the Commission; or
  - (b) signed on behalf of the Commission,
- shall be received in evidence and, unless the contrary is proved, shall be deemed to be so executed or signed.

*Finance*

- 11 The Secretary of State may make payments to the Commission of such amounts and on such terms and conditions as he may determine.

*Accounts and audit*

- 12 (1) The Commission shall—
- (a) keep proper accounts and proper records in relation to the accounts; and
  - (b) prepare a statement of accounts in respect of each financial year of the Commission.
- (2) The statement of accounts shall contain such information and shall be in such form as the Secretary of State may direct.
- (3) The Commission shall send a copy of the statement of accounts to the Secretary of State and the Comptroller and Auditor General within such period after the end of the financial year to which the statement relates as the Secretary of State may direct.
- (4) The Comptroller and Auditor General shall—
- (a) examine, certify and report on the statement of accounts; and
  - (b) lay a copy of the statement of accounts and of his report before each House of Parliament.
- (5) The financial year of the Commission shall be the period of 12 months ending on 31st December; but the first financial year shall be the period beginning with the establishment of the Commission and ending with the next 31st December.
- (6) The Secretary of State may by order amend sub-paragraph (5).

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### *Annual report*

- 13 (1) The Commission shall, within such period after the end of each financial year of the Commission as the Secretary of State may direct, issue a report on the discharge of its functions in that year.
- (2) The Commission shall—
- (a) arrange for every report issued under sub-paragraph (1) to be published in such manner as appears to it to be appropriate; and
  - (b) send a copy of the report to the Secretary of State.
- (3) The Secretary of State shall lay before each House of Parliament a copy of each report received by him under this paragraph.

## SCHEDULE 2

Sections 3, 4 and 5.

### PROVISIONS RELATING TO CODE OF CONDUCT, PROCEDURAL RULES AND GUIDELINES

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

- C1** [Sch. 2](#) modified (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. 7(2)**

### *Interpretation*

- 1 In this Schedule “relevant instrument” means—
- (a) the Code of Conduct;
  - (b) the procedural rules;
  - (c) the guidelines.

### *The first issue of relevant instruments*

- 2 As soon as practicable after it is established, the Commission shall—
- (a) prepare a draft of each relevant instrument;
  - (b) submit the draft to the Secretary of State; and
  - (c) make such modifications to the draft as the Secretary of State, after consultation with the Commission, may require.
- 3 The Commission shall then send the draft of each relevant instrument to the Secretary of State who shall lay the draft before each House of Parliament.
- 4 A relevant instrument laid before Parliament in draft under paragraph 3 shall not come into operation except in accordance with an order made by the Secretary of State.

### *Revision of a relevant instrument*

- 5 Where the Commission proposes to revise a relevant instrument, it shall prepare and publish a draft of the revised instrument, shall consider any representations made to it about the draft and may modify the draft accordingly.

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- 6 After complying with paragraph 5, the Commission shall submit the draft of the revised relevant instrument to the Secretary of State and make such modifications to it as the Secretary of State, after consultation with the Commission, may require.
- 7 The Commission shall then send the draft of the revised relevant instrument to the Secretary of State who shall lay the draft before each House of Parliament.
- 8 A revised relevant instrument laid before Parliament in draft under paragraph 7 shall not come into operation except in accordance with an order made by the Secretary of State.

*Admissibility of relevant instruments*

- 9 A relevant instrument shall be admissible in evidence in civil and criminal proceedings; and if any provision of the instrument appears to the court or tribunal conducting the proceedings to be relevant to any question arising in the proceedings it shall be taken into account in determining that question.

SCHEDULE 3

Section 18(1).

AMENDMENTS

*The House of Commons Disqualification Act 1975 (c. 24)*

- 1 In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 there shall be inserted at the appropriate place— “ The Parades Commission for Northern Ireland. ”.

*The Northern Ireland Assembly (Disqualification) Act 1975 (c. 25)*

- 2 In Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 there shall be inserted at the appropriate place— “ The Parades Commission for Northern Ireland. ”.

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*The Public Order (Northern Ireland) Order 1987 (NI 7)*

- 3 (1) The Public Order (Northern Ireland) Order 1987 shall be amended as follows.
- (2) In Article 4(3) for “paragraphs (1) and (2)” there shall be substituted “ paragraph (2) ” and for “a procession or” (wherever occurring) there shall be substituted “ an ”.
- (3) In Article 4(6) for the words from “liable” to the end there shall be substituted the words “ 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) In Article 5(1)(a) for “paragraphs (1) and (2)” there shall be substituted “ paragraph (2) ”.
- (5) In Article 5(1) for sub-paragraphs (A) and (B) there shall be substituted—

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- “(A) prohibiting the holding in that area or place of an open-air public meeting specified in the order;
- (B) prohibiting, for such period not exceeding 28 days as may be specified in the order, the holding in that area or place of any open-air public meeting of such class or description as may be so specified; or
- (C) prohibiting, for such period not exceeding 28 days as may be specified in the order, the holding in that area or place of all open-air public meetings.”.

(6) In Article 5 after paragraph (1) there shall be inserted—

“(1A) An order under paragraph (1)(B) or (C) may exempt any open-air public meeting, or any class or description of open-air public meeting, specified in the order.”.

(7) In Article 5(5) for “a public procession or” (wherever occurring) there shall be substituted “an ”.

(8) In Article 5(6) for the words from “liable” to the end there shall be substituted the words “ 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) In Article 24(3) for “Article 7(1) or (2)” there shall be substituted “ Article 7(2) ”.

VALID FROM 02/03/1998

SCHEDULE 4

Section 18(2).

REPEALS

| Chapter or Number | Short title                                     | Extent of repeal  |
|-------------------|---|---|
| 1970 c. 9 (N.I.). | The Police Act (Northern Ireland) 1970.         | In Schedule 1, paragraph 15(2) to (4).  |
| 1987 NI 7.        | The Public Order (Northern Ireland) Order 1987. | In Article 2(2) the definition of “band”.<br>Article 3.<br>Article 4(1).<br>In Article 5(1)(b) the words “any public procession or”.<br>Article 5(2).<br>Articles 6 and 6A.<br>Article 7(1).<br>In Article 7(3) the words “(1) or”. |

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|-------------|---|---|
| 1989 NI 12. | The Police and Criminal Evidence (Northern Ireland) Order 1989. | Article 28(4).<br>In Schedule 1, paragraph 4.<br>In Schedule 2, in the entry relating to the Public Order (Northern Ireland) Order 1987, the words “(1) and”. |
| 1997 NI 10. | The Public Order (Amendment) (Northern Ireland) Order 1997.     | The whole Order.  |

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