



# Public Processions (Northern Ireland) Act 1998

## 1998 CHAPTER 2

*The Commission's powers to impose conditions on public processions*

### **8 The Commission's powers to impose conditions on public processions**

- (1) The Commission may issue a determination in respect of a proposed public procession imposing on the persons organising or taking part in it such conditions as the Commission considers necessary.
- (2) Without prejudice to the generality of subsection (1), the conditions imposed under that subsection may include conditions as to the route of the procession or prohibiting it from entering any place.
- (3) Conditions imposed under subsection (1) may incorporate or be framed by reference to—
  - (a) the Code of Conduct; or
  - (b) any other document—
    - (i) prepared by the person or body organising the procession in question; and
    - (ii) approved by the Commission for the purposes of this section.
- (4) The Commission may, in accordance with the procedural rules, amend or revoke any determination issued under this section.
- (5) In considering in any particular case—
  - (a) whether to issue a determination under this section;
  - (b) whether to amend or revoke a determination issued under this section; or
  - (c) what conditions should be imposed by a determination (or amended determination) issued under this section,the Commission shall have regard to the guidelines.

- (6) The guidelines shall in particular (but without prejudice to the generality of section 5(1)) provide for the Commission to have regard to—
- (a) any public disorder or damage to property which may result from the procession;
  - (b) any disruption to the life of the community which the procession may cause;
  - (c) any impact which the procession may have on relationships within the community;
  - (d) any failure of a person of a description specified in the guidelines to comply with the Code of Conduct (whether in relation to the procession in question or any related protest meeting or in relation to any previous procession or protest meeting); and
  - (e) the desirability of allowing a procession customarily held along a particular route to be held along that route.
- (7) A person who knowingly fails to comply with a condition imposed under this section shall be guilty of an offence, but it is a defence for him to prove that the failure arose—
- (a) from circumstances beyond his control; or
  - (b) from something done by direction of a member of the Royal Ulster Constabulary not below the rank of inspector.
- (8) A person who incites another to commit an offence under subsection (7) shall be guilty of an offence.
- (9) A person guilty of an offence under subsection (7) or (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.