

**EXPLANATORY MEMORANDUM TO
THE PUBLIC PROCESSIONS (ELECTRONIC COMMUNICATION OF
NOTICES) (NORTHERN IRELAND) ORDER 2015**

2015 No. 235

1. This explanatory memorandum has been prepared by the Northern Ireland Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This Order facilitates the use of electronic means for the notification of proposed public processions and related protests under the Public Processions (Northern Ireland) Act 1998 (the “1998 Act”) where conditions published by the Secretary of State are met.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 The core requirements of notification of parades and related protests are set out in sections 6 and 7 of the 1998 Act. The form on which notification must be given is set out in the Public Order (Prescribed Forms) Regulations (Northern Ireland) 2005 for parades and in the Public Order (Prescribed Forms) Regulations (Northern Ireland) 2004 for related protests. In order to allow for electronic notification of parades and related protests, this order makes amendments to all three instruments.

5. Territorial Extent and Application

5.1 This instrument extends to Northern Ireland only.

6. European Convention on Human Rights

6.1 The Secretary of State for Northern Ireland, Theresa Villiers MP, has made the following statement regarding Human Rights:

In my view the provisions of the Public Processions (Electronic Communication of Notices) (Northern Ireland) Order 2015 are compatible with the Convention rights.

7. Policy background

7.1 This Order was introduced following a recommendation to the Secretary of State by the Parades Commission, made in accordance with section 2(1) of the 1998 Act. The recommendation was made with the support of the Police Service of Northern Ireland (PSNI) who also have a role in the notification process.

7.2 Currently, businesses and civil society organisations that organise events under the 1998 Act must submit notice of parades and related protests in person at the police station closest to the starting point of the parade or the location of the protest. The effect of this is that: (a) organisers cannot make use of technology to submit notifications; and (b) organisers may have to travel some distance in person to submit the notifications, resulting in costs to the organisation.

7.3 This Order removes the requirement to submit the notification in person. Instead, organisers will have the option of submitting the notification in person (as is currently the case) or submitting it electronically in accordance with requirements published by the Secretary of State. For example, the Secretary of State may direct that the form may be submitted through a website. Electronic submission will be less resource intensive for the PSNI and the Parades Commission, who will be able to process notifications more quickly and efficiently. Additionally, electronic notification will allow organisers to avoid the cost and inconvenience of travelling in person to the police station closest to the starting point of the proposed procession or location of the protest, which may be some distance away. They will also be able to make use of technology and avoid maintaining paper records by retaining documentation electronically.

7.4 Online submission will continue to allow the PSNI to remotely question the organiser and verify information, consistent with the rationale for the current, more restrictive, requirements.

7.5 The current manual notification will continue to operate in parallel with the new electronic system which will ensure that no organiser is disadvantaged.

8. Consultation outcome

8.1 No formal public consultation was carried out in respect of this Order. However, prior to recommending this change to the legislation, the Parades Commission conducted informal consultation with stakeholders and received positive feedback from organisers of parades and related protests.

8.2 The Chief Constable of the PSNI and the Minister of Justice for Northern Ireland were consulted prior to this Order being made and are supportive of the new electronic notification system.

9. Guidance

9.1 The Parades Commission will issue guidance about the use of electronic notification, which will be published on its website. The Parades Commission will also issue guidance to the PSNI on electronic notification.

10. Impact

10.1 The Regulatory Policy Committee has confirmed that this measure is deregulatory and is suitable for the fast track. A copy of this is annexed to this Explanatory Memorandum. No impact assessment was required to be produced, but clearance was sought and obtained from the Home Affairs Committee and the Reducing Regulation Committee.

10.2 Based on an 80% uptake in electronic notification in year one, 90% in year two and 100% in year three, the estimated saving to the Parades Commission in administrative staff wages and printing costs is £12,171.41 in Year 1, £1,521.43 in Year 2 and £1,521.43 in Year 3.

10.3 In addition, electronic submission will provide initial and ongoing savings for those members of the public who organise parades and protests in terms of transport costs and time. Of approximately 5000 parades notified to the Commission in the last calendar year, almost 60% are for traditional parading/civil society organisations. The remaining 40% are made up of businesses and charitable and religious organisations. It is assessed that there will be no major costs to business and civil society organisations who organise parades as a result of the proposed legislative change.

10.4 It is envisaged that there will be a small time implication involved in the initial registration process and for completion of on-line forms. There will also be a small amount of electricity costs involved with electronic submission. These will however be negligible.

10.5 In addition to simplifying the notification process, this approach is also in line with current Government policy to digitise public services where possible. The fact that the existing method of notification will run in parallel to any new system will result in no undue disadvantages to those who may prefer to continue to use the existing process.

11. Regulating small business

11.1 The legislation will apply to small businesses wishing to use electronic means to notify an event. As set out above, the measure is deregulatory so no impact assessment has been produced and this measure is not in scope of the small and micro business assessment.

12. Monitoring & review

12.1 The Government will work with the Parades Commission, which has a statutory duty to keep the operation of the 1998 Act under review, to ensure that the electronic notification process introduced in this instrument works effectively and achieves its objectives.

13. Contact

David Johnston at the Northern Ireland Office, Tel: 028 90527062 or email: david.johnston@nio.x.gsi.gov.uk, can answer any queries regarding the instrument.

Northern Ireland Office
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