
STATUTORY INSTRUMENTS

1997 No. 1181 (N.I. 10)

NORTHERN IRELAND

The Public Order (Amendment) (Northern Ireland) Order 1997

Made - - - - *8th April 1997*
Coming into operation *9th May 1997*

At the Court at Windsor Castle, the 8th day of April 1997
Present,
The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title and commencement

- 1.—(1) This Order may be cited as the Public Order (Amendment) (Northern Ireland) Order 1997.
(2) This Order shall come into operation on the expiration of one month from the day on which it is made.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

Advance notice of public processions

- 3.—(1) In Article 3 of the Public Order (Northern Ireland) Order 1987 for paragraphs (1) to (3) (which require 7 days' notice to be given of a public procession and provide for the form of, and details to be included in, any such notice) there shall be substituted the following paragraphs—

“(1) A person proposing to organise a public procession shall give notice of that proposal in accordance with paragraphs (1 A) to (3) to a member of the Royal Ulster Constabulary not below the rank of sergeant by leaving the notice with him at the police station nearest to the proposed starting place of that procession.

(1A) Notice under paragraph (1) shall be given—

- (a) not less than 21 days before the date on which the procession is to be held; or
 - (b) if that is not reasonably practicable, as soon as it is reasonably practicable to give such notice.
- (2) Notice under paragraph (1) shall—
- (a) be given in writing in such form as may be prescribed by regulations made by the Secretary of State; and
 - (b) be signed by the person giving the notice.
- (3) Notice given under paragraph (1) shall specify—
- (a) the date and time when the procession is to be held;
 - (b) its route;
 - (c) the number of persons likely to take part in it;
 - (d) the names of any bands which are to take part in it;
 - (e) the arrangements for its control being made by the person proposing to organise it;
 - (f) the name and address of that person; and
 - (g) where the notice is given as mentioned in sub-paragraph (b) of paragraph (1A), the reason why it was not reasonably practicable to give notice in accordance with sub-paragraph (a) of that paragraph.”.

(2) In Article 3(9) of the Public Order (Northern Ireland) Order 1987 (orders under Article 3 to be subject to annulment) for the words from the beginning to “paragraph (4)” there shall be substituted the words “Regulations and orders made under this Article”.

(3) Nothing in this Article applies in relation to any public procession to be held on or before the twenty-first day after the day on which this Article comes into operation.

Control of alcohol at public processions

4. In the Public Order (Northern Ireland) Order 1987 after Article 6 there shall be inserted the following Article—

“Control of alcohol at public processions

6A.—(1) Where a constable in uniform reasonably suspects that a person to whom this paragraph applies is consuming intoxicating liquor, the constable may require that person—

- (a) to surrender anything in his possession which is, or which the constable reasonably believes to be, intoxicating liquor; and
 - (b) to state his name and address.
- (2) Paragraph (1) applies to a person—
- (a) who is taking part in a public procession; or
 - (b) who is among those who have assembled with a view to taking part in a public procession; or
 - (c) who—
 - (i) is present at, or is in the vicinity of, a place on the route or proposed route of a public procession; and
 - (ii) is in a public place, other than licensed premises.

(3) Where a constable in uniform reasonably suspects that a person to whom this paragraph applies is in possession of intoxicating liquor, the constable may require that person—

- (a) to surrender anything in his possession which is, or which the constable reasonably believes to be, intoxicating liquor; and
- (b) to state his name and address.

(4) Paragraph (3) applies to a person who is in a passenger vehicle which is being used for the principal purpose of carrying passengers for the whole or any part of a journey to a place in the vicinity of the route or proposed route of a public procession.

(5) A constable may dispose of anything surrendered to him under this Article in such manner as he considers appropriate.

(6) A person who fails without reasonable cause to comply with a requirement imposed on him under paragraph (1) or (3) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(7) A constable who imposes a requirement on a person under paragraph (1) or (3) shall inform that person of his suspicion and that failing without reasonable cause to comply with a requirement imposed under that paragraph is an offence.

(8) A constable in uniform may—

- (a) stop a passenger vehicle; and
- (b) search the vehicle and any person on the vehicle,

if he has reasonable grounds to suspect that intoxicating liquor is being carried on the vehicle and that the vehicle is being used for the principal purpose mentioned in paragraph (4).

(9) The powers of a constable under this Article may only be exercised in relation to a particular public procession in the period—

- (a) beginning 6 hours before the proposed starting time of that procession; and
- (b) ending at midnight on the day on which that procession finishes.

(10) Where a proposed procession does not take place but persons have assembled with a view to taking part in the procession, paragraph (9) shall have effect as if for subparagraph (b) there were substituted—

- “(b) ending at midnight on the day on which the persons assembled with a view to taking part in the procession disperse.”.

(11) In this Article—

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

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

N.H. Nicholls
Clerk of the Privy Council

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Public Order (Northern Ireland) Order 1987—

- (a) to increase the period of notice to be given of a public procession and alter the form of, and details to be included in, any such notice; and
- (b) to empower the police to confiscate alcohol from persons taking part in, travelling to, or present at or in the vicinity of, a public procession.