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STATUTORY INSTRUMENTS

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**2005 No. 857**

**The Public Processions (Amendment)  
(Northern Ireland) Order 2005**

*Protest meetings*

**Powers to prohibit protest meetings**

5.—(1) After section 11 of the principal Act insert—

*“Secretary of State's powers to prohibit protest meetings*

**11A Secretary of State's powers to prohibit protest meetings**

(1) If, in the case of any proposed protest meeting, the Secretary of State is of the opinion that, having regard to—

- (a) any serious public disorder or serious damage to property which may result from the meeting;
- (b) any serious disruption to the life of the community which the meeting may cause;
- (c) any serious impact which the meeting may have on relationships within the community; and
- (d) any undue demands which the meeting may cause to be made on the police or military forces,

it is necessary in the public interest to do so, he may by order prohibit the holding of that meeting.

(2) If, in relation to any area and any period of time not exceeding 28 days, the Secretary of State is of the opinion that, having regard to—

- (a) any serious public disorder or serious damage to property which may result from protest meetings in that area in that period;
- (b) any serious disruption to the life of the community which such meetings may cause;
- (c) any serious impact which such meetings may have on relationships within the community;
- (d) any undue demands which such meetings may cause to be made on the police or military forces; and
- (e) the extent of the power exercisable under subsection (1),

it is necessary in the public interest to do so, he may by order prohibit the holding of all protest meetings in that area in that period.

(3) An order under subsection (2) may exempt any meeting, or any meeting of any class or description, specified in the order.

(4) Wherever practicable the Secretary of State shall before making an order under this section consult—

- (a) the Commission; and
- (b) the Chief Constable,

but nothing in this subsection shall affect the validity of any such order.

(5) The power to make an order under this section includes power to revoke or amend any such order.

(6) An order made under subsection (1) in relation to a protest meeting has effect to revoke any previous determination made by the Commission under section 9A in relation to that meeting, and an order made under subsection (2) has effect to revoke any previous determination made by the Commission under that section in relation to any protest meeting the holding of which is prohibited by the order.

(7) A person who organises or takes part in a protest meeting the holding of which he knows is prohibited by an order under this section shall be guilty of an offence.

(8) A person guilty of an offence under subsection (7) 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.”.

(2) In section 16(1) of that Act (orders under section 11 not to be made by statutory instrument) after “section 11” insert “ or 11A ”.

(3) In Article 5 of the Public Order (Northern Ireland) Order 1987 (NI 7) (power of Secretary of State to prohibit open-air public meetings) at the end add—

“(7) This Article does not apply in relation to a protest meeting within the meaning of the Public Processions (Northern Ireland) Act 1998.”.

**Changes to legislation:**

There are currently no known outstanding effects for the The Public Processions (Amendment) (Northern Ireland) Order 2005, Section 5.