

THE PUBLIC PROCESSIONS (AMENDMENT) (NORTHERN IRELAND) ORDER 2005

S.I. 2005 857

EXPLANATORY MEMORANDUM

INTRODUCTION

The above Order is being made under the Northern Ireland Act 2000 and is subject to affirmative resolution

The Explanatory Memorandum has been prepared by the Northern Ireland Office (“the Department”) to assist the reader in understanding the Order. It does not form part of the draft Order.

BACKGROUND AND POLICY OBJECTIVES

The Order amends the Public Processions (Northern Ireland) Act 1998. It confirms that the Parades Commission may impose conditions on supporters of parades as well as participants. It also gives the Commission power to impose conditions on protest meetings related to processions.

CONSULTATION

The Minister has determined that this Order must be made urgently ahead of the main parade season in the summer. It has not therefore been possible to consult formally on its contents.

FINANCIAL EFFECTS OF THE ORDER

The Order has no financial effects.

EUROPEAN CONVENTION ON HUMAN RIGHTS

The provisions of the Order are compatible with the Convention on Human Rights.

EQUALITY IMPACT ASSESSMENT

No Equality Impact Assessment was required. A copy of the Equality Screening conducted on this policy is available from the consultation section of the departmental website www.nio.gov.uk

SUMMARY OF THE REGULATORY IMPACT

This Order has no regulatory impact.

MAIN ELEMENTS OF THE ORDER

Commentary on Provisions

Comments are not given where the wording of the Order is self-explanatory.

Article 3 confirms that the Parades Commission may impose conditions on those supporting a parade as well as those taking part in it. It provides that the Commission’s Code of Conduct should include reference to those organising, taking part in or supporting a public procession; or organising or taking part in a protest meeting. The Article defines support for the purposes of the 1998 Act as a person being in a public place in close proximity to the procession and in all the circumstances (including his conduct) his presence in that place may reasonably be taken as expressing support for the holding of the procession.

*This Explanatory Memorandum refers to the The Public
Processions (Amendment) (Northern Ireland) Order 2005857*

Article 4 of the Order makes similar provisions to those in section 8 of the 1998 Act in relation to protests. It allows the Commission to issue determinations imposing on the protest such conditions as the Commission considers necessary. The Commission must have regard to its statutory guidelines when considering making a determination. This Article also makes it an offence to knowingly fail to comply with a condition imposed under this section.

Article 4 of the Order also makes similar provisions to those in section 9 of the 1998 Act. The effect of this is to require the Secretary of State on an application made by the Chief Constable to review a determination made about a related protest meeting. He may revoke, amend or confirm the determination.

Article 5 gives the Secretary of State the power to prohibit a related protest meeting. Again, this mirrors arrangements for processions in section 11 of the 1998 Act. An individual protest meeting can be prohibited, or a protest meeting held in that area for a period not exceeding 28 days. It will be an offence for a person to organise or take part in a protest meeting the holding of which he knows is prohibited.

Article 6 adds protest meetings to section 14 of the 1998 Act. This section created offences of preventing or hindering a lawful procession or annoying those taking part in such a procession. These offences will also apply to protest meetings or those taking part in them.

Article 7 of the Order disapplies the requirements to consult on revisions of the Commission's statutory documents set out in paragraphs 5 and 6 of Schedule 2 to the 1998 Act.

COMMENCEMENT

The Order will come into force on the day after that on which it is made but it does not apply in relation to any public procession or protest meeting held or proposed to be held before 14 May 2005.