



# Civic Government (Scotland) Act 1982

## 1982 CHAPTER 45

### PART V

#### PUBLIC PROCESSIONS

#### 62 Notification of processions.

- (1) A person proposing to hold a procession in public shall give written notice of that proposal in accordance with subsections (2) and (3) below
- <sup>F1</sup>(a) to the <sup>F2</sup>local authority in whose area the procession is to be held, or if it is to be held in the areas of more than one such <sup>F2</sup> authority], to each such <sup>F2</sup> authority]<sup>F3</sup>;
- <sup>F4</sup>(aa) [ if the procession is to be held to any extent in a National Park, to the National Park authority for the National Park;]
- and
- <sup>F3</sup>(b) to the chief constable.]
- (2) Notice shall be given for the purposes of subsection (1) above by—
- (a) its being posted to the main office of the <sup>F2</sup>local authority]<sup>F5</sup> and (where subsection (1)(aa) above applies) of the National Park authority]<sup>F6</sup> and to the office of the chief constable] so that in the normal course of post it might be expected to arrive not later than <sup>F7</sup>28] days before the date when the procession is to be held; or
- (b) its being delivered by hand to <sup>F8</sup>those offices] not later than <sup>F9</sup>28] days before that date.
- (3) The notice to be given under subsection (1) above 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 arrangements for its control being made by the person proposing to hold it; and

*Status: Point in time view as at 01/04/2007. This version of this provision has been superseded.*

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- (e) the name and address of that person.
- (4) A [<sup>F2</sup>local authority] may, on application in accordance with subsection (5) below by a person proposing to hold a procession in public in their area
- [<sup>F10</sup>(a)] made to them [<sup>F11</sup>;
- [ if the procession is to be held to any extent in a National Park, intimated to
- <sup>F12</sup>(aa) the National Park authority for the National Park;]
- and
- <sup>F11</sup>(b) intimated to the chief constable,] within the period of [<sup>F13</sup>28] days before the date when the procession is to be held, make an order dispensing with the requirements of subsection (2) above in relation to the time limits for the giving of notice of that proposal.
- (5) An application under subsection (4) above shall
- [<sup>F14</sup>(a) set out the reason why notice of the proposal was not given in accordance with subsections (1) and (2) above
- (b) specify the matters mentioned in subsection (3) above,]
- <sup>F15</sup>(6) .....
- <sup>F16</sup>(7) .....
- <sup>F17</sup>(8) .....
- (9) The [<sup>F2</sup>local authority] shall, before making an order under subsection (4) above <sup>F18</sup>..., consult the chief constable.
- (10) ..... <sup>F19</sup>
- <sup>F20</sup>(11) .....
- [<sup>F21</sup>(11A) A local authority shall, as soon as possible after making an order under subsection (4) above, publicise that fact in such manner as they think fit and send a copy of the order to the applicant.
- (11B) This section does not apply to a procession—
- (a) which is a funeral procession organised by a funeral director acting in the ordinary course of his business; or
- (b) which is specified in, or is within a description specified in, an order made by the Scottish Ministers.
- (11C) In subsection (11B) above, a “funeral director” is a person whose business consists of or includes the arrangement and conduct of funerals.
- (11D) An order made for the purposes of subsection (11B)(b) above shall be made by statutory instrument subject to annulment in pursuance of a resolution of the Scottish Parliament.]
- (12) In this section and in sections 63 to 65 of this Act—
- “procession in public” means a procession in a public place;
- “chief constable” means, in relation to a [<sup>F2</sup>local authority], the chief constable of the police force for the area which comprises or includes the area of the [<sup>F2</sup>authority]; and
- “public place” has the same meaning as in [<sup>F22</sup>Part II of the Public Order Act 1986].

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### Textual Amendments

- F1** “(a)” inserted by [Public Order Act 1986 \(c. 64, SIF 39:2\)](#), s. 40(2)(4)(5), [Sch. 2 para. 3\(2\)\(a\)\(i\)](#)
- F2** Words in s 62(1)(2)(4)(6)(7)(9)(11)(12) substituted (1.4.1996) by 1994 c. 39, s. 180(1), [Sch. 13 para. 129\(4\)\(a\)-\(d\)](#); S.I. 1996/323, [art. 4\(1\)\(c\)](#)
- F3** S. 62(1)(b) and “; and” immediately preceding it inserted by [Public Order Act 1986 \(c. 64, SIF 39:2\)](#), s. 40(2)(4)(5), [Sch. 2 para. 3\(2\)\(a\)\(ii\)](#)
- F4** S. 62(1)(aa) inserted (8.9.2000) by 2000 asp 10, s. 36, [Sch. 5 para. 9\(1\)\(a\)](#) (with s. 32); S.S.I. 2000/312, [art. 2](#)
- F5** Words in s. 62(2)(a) inserted (8.9.2000) by 2000 asp 10, s. 36, [Sch. 5 para. 9\(1\)\(b\)](#) (with s. 32); S.S.I. 2000/312, [art. 2](#)
- F6** Words inserted by [Public Order Act 1986 \(c. 64, SIF 39:2\)](#), s. 40(2)(4)(5), [Sch. 2 para. 3\(2\)\(b\)\(i\)](#)
- F7** Word in s. 62(2)(a) substituted (1.4.2007) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\)](#), [ss. 70\(2\)\(a\)](#), 104(1); S.S.I. 2007/84, art. 3(3) (with arts. 56)
- F8** Words substituted by [Public Order Act 1986 \(c. 64, SIF 39:2\)](#), s. 40(2)(4)(5), [Sch. 2 para. 3\(2\)\(b\)\(ii\)](#)
- F9** Word in s. 62(2)(b) substituted (1.4.2007) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\)](#), [ss. 70\(2\)\(b\)](#), 104(1); S.S.I. 2007/84, art. 3(3) (with arts. 56)
- F10** “(a)” inserted by [Public Order Act 1986 \(c. 64, SIF 39:2\)](#), s. 40(2)(4)(5), [Sch. 2 para 3\(2\)\(c\)\(i\)](#)
- F11** S. 62(4)(b) and “; and” immediately preceding it inserted by [Public Order Act 1986 \(c. 64, SIF 39:2\)](#), s. 40(2)(4)(5), [Sch. 2 para. 3\(2\)\(c\)\(ii\)](#)
- F12** S. 62(4)(aa) inserted (8.9.2000) by 2000 asp 10, s. 36, [Sch. 5 para. 9\(1\)\(c\)](#) (with s. 32); S.S.I. 2000/312, [art. 2](#)
- F13** Word in s. 62(4) substituted (1.4.2007) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\)](#), [ss. 70\(3\)](#), 104(1); S.S.I. 2007/84, art. 3(3) (with arts. 56)
- F14** Words in s. 62(5) substituted (1.4.2007) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\)](#), [ss. 70\(4\)](#), 104(1); S.S.I. 2007/84, art. 3(3) (with arts. 56)
- F15** S. 62(6) repealed (1.4.2007) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\)](#), [ss. 70\(5\)](#), 104(1); S.S.I. 2007/84, art. 3(3) (with arts. 56)
- F16** S. 62(7) repealed (1.4.2007) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\)](#), [ss. 70\(5\)](#), 104(1); S.S.I. 2007/84, art. 3(3) (with arts. 56)
- F17** S. 62(8) repealed (1.4.2007) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\)](#), [ss. 70\(5\)](#), 104(1); S.S.I. 2007/84, art. 3(3) (with arts. 56)
- F18** Words in s. 62(9) repealed (1.4.2007) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\)](#), [ss. 70\(6\)](#), 104(1); S.S.I. 2007/84, art. 3(3) (with arts. 56)
- F19** S. 62(10) repealed by [Public Order Act 1986 \(c. 64, SIF 39:2\)](#), s. 40(3)(4)(5), [Sch. 3](#)
- F20** S. 62(11) repealed (1.4.2007) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\)](#), [ss. 70\(7\)](#), 104(1); S.S.I. 2007/84, art. 3(3) (with arts. 56)
- F21** S. 62(11A)-(11D) inserted (1.4.2007) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\)](#), [ss. 70\(8\)](#), 104(1); S.S.I. 2007/84, art. 3(3) (with arts. 56)
- F22** Words substituted by [Public Order Act 1986 \(c. 64, SIF 39:2\)](#), s. 40 (2)(4)(5), [Sch. 2 para. 3\(2\)\(d\)](#)

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