



Public Processions (Northern Ireland) Act 1998

1998 CHAPTER 2

The Commission's powers to impose conditions on public processions

8 The Commission's powers to impose conditions on public processions.

- (1) The Commission may issue a determination in respect of a proposed public procession imposing on the persons organising or taking part in it [^{F1}or on any persons supporting it]^{F1} such conditions as the Commission considers necessary.
- (2) Without prejudice to the generality of subsection (1), the conditions imposed under that subsection may include conditions as to the route of the procession or prohibiting it from entering any place.
- (3) Conditions imposed under subsection (1) may incorporate or be framed by reference to—
 - (a) the Code of Conduct; or
 - (b) any other document—
 - (i) prepared by the person or body organising the procession in question; and
 - (ii) approved by the Commission for the purposes of this section.
- (4) The Commission may, in accordance with the procedural rules, amend or revoke any determination issued under this section.
- (5) In considering in any particular case—
 - (a) whether to issue a determination under this section;
 - (b) whether to amend or revoke a determination issued under this section; or
 - (c) what conditions should be imposed by a determination (or amended determination) issued under this section,the Commission shall have regard to the guidelines.

Changes to legislation: There are currently no known outstanding effects for the Public Processions (Northern Ireland) Act 1998, Cross Heading: The Commission's powers to impose conditions on public processions. (See end of Document for details)

- (6) The guidelines shall in particular (but without prejudice to the generality of section 5(1)) provide for the Commission to have regard to—
- (a) any public disorder or damage to property which may result from the procession;
 - (b) any disruption to the life of the community which the procession may cause;
 - (c) any impact which the procession may have on relationships within the community;
 - (d) any failure of a person of a description specified in the guidelines to comply with the Code of Conduct (whether in relation to the procession in question or any related protest meeting or in relation to any previous procession or protest meeting); and
 - (e) the desirability of allowing a procession customarily held along a particular route to be held along that route.
- (7) A person who knowingly fails to comply with a condition imposed under this section shall be guilty of an offence, but it is a defence for him to prove that the failure arose—
- (a) from circumstances beyond his control; or
 - (b) from something done by direction of a member of the Royal Ulster Constabulary not below the rank of inspector.
- (8) A person who incites another to commit an offence under subsection (7) shall be guilty of an offence.
- (9) A person guilty of an offence under subsection (7) or (8) 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.

Textual Amendments

- F1** Words in s. 8(1) inserted (23.3.2005 with application as mentioned in art. 1(2) of the amending S.I.) by [The Public Processions \(Amendment\) \(Northern Ireland\) Order 2005 \(S.I. 2005/857 \(N.I. 2\)\)](#), **art. 3(1)**

Commencement Information

- II** S. 8 wholly in force; s.8(6) wholly in force at Royal Assent see s. 8(2)(3) and s. 8(1)-(5)(7)-(9) in force 2.3.1998 by 1998/717, art. 2

9 Review by Secretary of State of determination of Commission under section 8.

- (1) The Secretary of State shall, on an application made by the Chief Constable, review a determination issued by the Commission under section 8.
- (2) On a review of a determination under this section the Secretary of State may—
- (a) revoke the determination;
 - (b) amend the determination by amending or revoking any condition imposed by the determination or by adding any new condition; or
 - (c) confirm the determination.
- (3) In considering in any particular case—
- (a) whether to revoke, amend or confirm a determination; or
 - (b) what amendments should be made to a determination,

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the Secretary of State shall have regard to the guidelines.

- (4) Wherever practicable the Secretary of State shall before revoking, amending or confirming a determination under this section consult the Commission; but nothing in this subsection shall affect the validity of any revocation, amendment or confirmation under this section.
- (5) A determination of the Commission which is amended by the Secretary of State under this section shall be treated for the purposes of this Act (except section 8(4)) as if it had been issued by the Commission as so amended.
- (6) Where a determination of the Commission in relation to a public procession has been revoked by the Secretary of State under this section, the Commission shall not issue any further determination under section 8 in relation to that procession.
- (7) The Secretary of State shall immediately notify the Commission where any determination of the Commission is revoked, amended or confirmed under this section.

Changes to legislation:

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