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STATUTORY INSTRUMENTS

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**1987 No. 463 (N.I. 7)**

**NORTHERN IRELAND**

**The Public Order (Northern Ireland) Order 1987**

*Made* - - - - - *18th March 1987*

*Coming into Operation* *2nd April 1987*

At the Court at Buckingham Palace, the 18th day of March 1987

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:—

**PART I**

**INTRODUCTORY**

**Title and commencement**

1.—(1) This Order may be cited as the Public Order (Northern Ireland) Order 1987.

(2) This Order shall come into operation on the expiration of two weeks from the day on which it is made.

**Interpretation**

2.—(1) 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.

(2) In this Order—

“area” means the whole or any part of Northern Ireland;

“band” means a group of two or more persons who carry for the purpose of playing or sounding, or engage in the playing or sounding of, musical or other instruments;

“meeting” means a meeting held for the purpose of the discussion of matters of public interest or for the purpose of the expression of views on such matters;

“open-air public meeting” means a public meeting held otherwise than inside a covered and enclosed structure of an immoveable nature;

“public meeting” includes any meeting in a public place and any meeting which the public or any section of the public is permitted to attend, whether on payment or otherwise;

“public place” means any street, road or highway and any place to which at the material time the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission;

“public procession” means a procession in a public place, whether or not involving the use of vehicles or other conveyances;

“statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954.

## PART II

### PROCESSIONS AND MEETINGS

#### **Advance notice of public processions**

**3.—(1)** A person proposing to organise a public procession shall give written notice of that proposal in accordance with paragraphs (2) and (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 place of commencement of that procession.

(2) The notice to be 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 number and, where reasonably practicable, the names of any bands likely to take part in it;
- (e) the arrangements for its control being made by the person proposing to organise it; and
- (f) the name and address of that person.

(3) Notice under paragraph (1) shall be given not less than 7 days before the date when the procession is to be held or, if that is not reasonably practicable, as soon as it is reasonably practicable to give such notice.

(4) Paragraph (1) does not apply where the procession is—

- (a) a funeral procession; or
- (b) a procession of a class or description specified by an order made by the Secretary of State.

(5) A person who organises or takes part in a public procession—

- (a) in respect of which the requirements of this Article as to notice have not been satisfied; or
- (b) which is held on a date, at a time or along a route which differs from the date, time or route specified in relation to it in the notice given under paragraph (1), shall be guilty of an offence.

(6) In proceedings for an offence under paragraph (5) it is a defence for the accused to prove that he did not know of, and neither suspected nor had reason to suspect, the failure to satisfy the requirements or (as the case may be) the difference of date, time or route.

(7) To the extent that an alleged offence under paragraph (5) turns on a difference of date, time or route it is a defence for the accused to prove that the difference arose from—

- (a) circumstances beyond his control;
- (b) something done in compliance with conditions imposed under Article 4(1); or
- (c) something done with the agreement of a member of the Royal Ulster Constabulary not below the rank of inspector.

(8) A person guilty of an offence under paragraph (5) 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.

(9) An order made under paragraph (4) by the Secretary of State shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.

#### **Imposing conditions on public processions and open-air public meetings**

4.—(1) If a senior police officer, having regard to the time or place at which and the circumstances in which any public procession is being held or is intended to be held and to its route or proposed route, reasonably believes that—

- (a) it may result in serious public disorder, serious damage to property or serious disruption to the life of the community; or
- (b) the purpose of the persons organising it is the intimidation of others with a view to compelling them not to do an act they have a right to do, or to do an act they have a right not to do, he may give directions imposing on the persons organising or taking part in the procession such conditions as appear to him necessary to prevent such disorder, damage, disruption or intimidation, including conditions as to the route of the procession or prohibiting it from entering any place specified in the directions.

(2) If a senior police officer, having regard to the time or place at which and the circumstances in which any open-air public meeting is being held or is intended to be held, reasonably believes that—

- (a) it may result in serious public disorder, serious damage to property or serious disruption to the life of the community; or
- (b) the purpose of the persons organising it is the intimidation of others with a view to compelling them not to do an act they have a right to do, or to do an act they have a right not to do, he may give directions imposing on the persons organising or taking part in the meeting such conditions as to the place at which the meeting may be (or continue to be) held, its maximum duration, or the maximum number of persons who may constitute it, as appear to him necessary to prevent such disorder, damage, disruption or intimidation.

(3) In paragraphs (1) and (2) “a senior police officer” means—

- (a) in relation to a procession or open-air public meeting being held, or to a procession or open-air public meeting intended to be held in a case where persons are assembling with a view to taking part in it, a member of the Royal Ulster Constabulary not below the rank of inspector;
- (b) in relation to a procession or open-air public meeting intended to be held in a case where sub-paragraph (a) does not apply, a member of the Royal Ulster Constabulary not below the rank of superintendent.

(4) Directions given by virtue of paragraph (3)(b) shall be given in writing.

(5) A person who knowingly fails to comply with a condition imposed under this Article shall be guilty of an offence, but it is a defence for him to prove that the failure arose from circumstances beyond his control.

(6) A person guilty of an offence under paragraph (5) shall be liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both; or
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.

### **Prohibiting public processions and open-air public meetings**

5.—(1) If at any time the Secretary of State is of the opinion, in consequence of information furnished to him by the Chief Constable or for any other reason, that—

- (a) the exercise of the powers conferred by Article 4 in any area will not be sufficient to prevent such disorder, damage, disruption or intimidation as is referred to in paragraphs (1) and (2) of that Article; or
- (b) the holding in any area or place of any public procession or any open-air public meeting is likely to cause—
  - (i) serious public disorder;
  - (ii) serious disruption to the life of the community; or
  - (iii) undue demands to be made upon the police or military forces,

he may make an order—

- (A) prohibiting, for such period not exceeding 3 months as may be specified in the order, the holding in that area or place of all public processions or open-air public meetings or of such classes of public procession or open-air public meeting as may be so specified; or
- (B) permitting the holding in an area or place of a public procession or open-air public meeting specified in the order and prohibiting, for such period not exceeding one month as may be specified in the order, the holding in that area or place of any other public procession or open-air public meeting or of any class of public procession or open-air public meeting specified in the order.

(2) Wherever practicable, the Secretary of State shall, before making an order under paragraph (1), consult the committee of the Police Authority for Northern Ireland constituted under paragraph 15(2) of Schedule 1 to the Police Act (Northern Ireland) 1970; but nothing in this paragraph shall affect the validity of any such order.

(3) A recital in an order made by the Secretary of State under paragraph (1) as to his opinion and the information upon which that opinion was formed shall be conclusive evidence of the matters stated therein.

(4) The Chief Constable may delegate, to such extent and subject to such conditions as he may specify, his functions under paragraph (1) to a member of the Royal Ulster Constabulary not below the rank of Assistant Chief Constable.

(5) A person who—

- (a) organises a public procession or open-air public meeting the holding of which he knows is prohibited by virtue of an order under this Article; or
- (b) takes part in a public procession or open-air public meeting the holding of which he knows is prohibited by virtue of an order under this Article, shall be guilty of an offence.

(6) A person guilty of an offence under paragraph (5) shall be liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both; or
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.

### **Taking part in public procession as member of unregistered band**

- 6.—(1) The Secretary of State may by order provide for the registration of bands.
- (2) Without prejudice to the generality of paragraph (1), an order under that paragraph may—
- (a) provide for registration to be subject to such conditions as may be specified in the order;
  - (b) exclude from its operation such bands or bands of such descriptions as may be so specified.
- (3) A person who knowingly takes part in a public procession as a member of a band which—
- (a) is required by an order under paragraph (1) to be registered, but is not so registered; or
  - (b) does not comply with any condition subject to which it is registered under such an order, shall be guilty of an offence.
- (4) A person guilty of an offence under paragraph (3) 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.
- (5) An order made under paragraph (1) by the Secretary of State shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.

### **Endeavours to break up public processions or public meetings**

- 7.—(1) A person who for the purpose of preventing or hindering any lawful public procession or of annoying persons taking part in or endeavouring to take part in any such procession hinders, molests, obstructs or acts in a disorderly manner towards, or behaves offensively and abusively towards, those persons or any of them shall be guilty of an offence.
- (2) A person who at a lawful public meeting acts in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together shall be guilty of an offence.
- (3) Subject to paragraph (4), a person guilty of an offence under paragraph (1) or (2) 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.
- (4) Paragraph (3) does not apply to a person who commits an offence under paragraph (2) at a meeting referred to in paragraph 13 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 or in section 97(2) of the Representation of the People Act 1983.

## **PART III**

### **STIRRING UP HATRED OR AROUSING FEAR**

*Acts intended or likely to stir up hatred or arouse fear*

#### **Meaning of “fear” and “hatred”**

8. In this part—

“fear” means fear of a group of persons in Northern Ireland defined by reference to religious belief, colour, race, nationality (including citizenship) or ethnic or national origins;

“hatred” means hatred against a group of persons in Northern Ireland defined by reference to religious belief, colour, race, nationality (including citizenship) or ethnic or national origins.

### **Use of words or behaviour or display of written material**

**9.**—(1) A person who uses threatening, abusive or insulting words or behaviour, or displays any written material which is threatening, abusive or insulting, is guilty of an offence if—

- (a) he intends thereby to stir up hatred or arouse fear; or
- (b) having regard to all the circumstances hatred is likely to be stirred up or fear is likely to be aroused thereby.

(2) An offence under this Article may be committed in a public or a private place, except that no offence is committed where the words or behaviour are used, or the written material is displayed, by a person inside a dwelling and are not heard or seen except by other persons in that or another dwelling.

(3) In proceedings for an offence under this Article it is a defence for the accused to prove that he was inside a dwelling and had no reason to believe that the words or behaviour used, or the written material displayed, would be heard or seen by a person outside that or any other dwelling.

(4) A person who is not shown to have intended to stir up hatred or arouse fear is not guilty of an offence under this Article if he did not intend his words or behaviour, or the written material, to be, and was not aware that it might be, threatening, abusive or insulting.

(5) This Article does not apply to words or behaviour used, or written material displayed, solely for the purpose of being included in a programme broadcast or included in a cable programme service.

### **Publishing or distributing written material**

**10.**—(1) A person who publishes or distributes written material which is threatening, abusive or insulting is guilty of an offence if—

- (a) he intends thereby to stir up hatred or arouse fear; or
- (b) having regard to all the circumstances hatred is likely to be stirred up or fear is likely to be aroused thereby.

(2) In proceedings for an offence under this Article it is a defence for an accused who is not shown to have intended to stir up hatred or arouse fear to prove that he was not aware of the content of the material and did not suspect, and had no reason to suspect, that it was threatening, abusive or insulting.

(3) References in this part to the publication or distribution of written material are to its publication or distribution to the public or a section of the public.

### **Distributing, showing or playing a recording**

**11.**—(1) A person who distributes, or shows or plays, a recording of visual images or sounds which are threatening, abusive or insulting is guilty of an offence if—

- (a) he intends thereby to stir up hatred or arouse fear; or
- (b) having regard to all the circumstances hatred is likely to be stirred up or fear is likely to be aroused thereby.

(2) In this part “recording” means any record from which visual images or sounds may, by any means, be reproduced; and references to the distribution, showing or playing of a recording are to its distribution, showing or playing to the public or a section of the public.

(3) In proceedings for an offence under this Article it is a defence for an accused who is not shown to have intended to stir up hatred or arouse fear to prove that he was not aware of the content of the recording and did not suspect, and had no reason to suspect, that it was threatening, abusive or insulting.

(4) This Article does not apply to the showing or playing of a recording solely for the purpose of enabling the recording to be broadcast or included in a cable programme service.

### **Broadcasting or including programme in cable programme service**

**12.**—(1) If a programme involving threatening, abusive or insulting visual images or sounds is broadcast, or included in a cable programme service, each of the persons mentioned in paragraph (2) is guilty of an offence if—

- (a) he intends thereby to stir up hatred or arouse fear; or
- (b) having regard to all the circumstances hatred is likely to be stirred up or fear is likely to be aroused thereby.

(2) The persons are—

- (a) the person providing the broadcasting or cable programme service;
- (b) any person by whom the programme is produced or directed; and
- (c) any person by whom offending words or behaviour are used.

(3) If the person providing the service, or a person by whom the programme was produced or directed, is not shown to have intended to stir up hatred or arouse fear, it is a defence for him to prove that—

- (a) he did not know and had no reason to suspect that the programme would involve the offending material; and
- (b) having regard to the circumstances in which the programme was broadcast, or included in a cable programme service, it was not reasonably practicable for him to secure the removal of the material.

(4) It is a defence for a person by whom the programme was produced or directed who is not shown to have intended to stir up hatred or arouse fear to prove that he did not know and had no reason to suspect—

- (a) that the programme would be broadcast or included in a cable programme service; or
- (b) that the circumstances in which the programme would be broadcast or so included would be such that hatred would be likely to be stirred up or fear would be likely to be aroused.

(5) It is a defence for a person by whom offending words or behaviour were used and who is not shown to have intended to stir up hatred or arouse fear to prove that he did not know and had no reason to suspect—

- (a) that a programme involving the use of the offending material would be broadcast or included in a cable programme service; or
- (b) that the circumstances in which a programme involving the use of the offending material would be broadcast, or so included, or in which a programme broadcast or so included would involve the use of the offending material, would be such that hatred would be likely to be stirred up or fear would be likely to be aroused.

(6) A person who is not shown to have intended to stir up hatred or arouse fear is not guilty of an offence under this Article if he did not know, and had no reason to suspect, that the offending material was threatening, abusive or insulting.

(7) This Article does not apply—

- (a) to the broadcasting of a programme by the British Broadcasting Corporation or the Independent Broadcasting Authority; or
- (b) to the inclusion of a programme in a cable programme service by the reception and immediate re-transmission of a broadcast by either of those authorities.

(8) The following provisions of the Cable and Broadcasting Act 1984 apply to an offence under this Article as they apply to a “relevant offence” as defined in section 33(2) of that Act—section 33 (scripts as evidence); section 34 (power to make copies of scripts and records); section 35 (availability of visual and sound records); and sections 33 and 34 of that Act apply to an offence under this Article in connection with the broadcasting of a programme as they apply to an offence in connection with the inclusion of a programme in a cable programme service.

### **Possession of matter intended or likely to stir up hatred or arouse fear**

**13.**—(1) A person who has in his possession written material which is threatening, abusive or insulting, or a recording of visual images or sounds which are threatening, abusive or insulting, with a view to—

- (a) in the case of written material, its being displayed, published, distributed, broadcast or included in a cable programme service, whether by himself or another; or
- (b) in the case of a recording, its being distributed, shown, played, broadcast or included in a cable programme service, whether by himself or another, is guilty of an offence if he intends hatred to be stirred up or fear to be aroused thereby or, having regard to all the circumstances, hatred is likely to be stirred up or fear is likely to be aroused thereby.

(2) For this purpose regard shall be had to such display, publication, distribution, showing, playing, broadcasting or inclusion in a cable programme service as he has, or it may reasonably be inferred that he has, in view.

(3) In proceedings for an offence under this Article it is a defence for an accused who is not shown to have intended to stir up hatred or arouse fear to prove that he was not aware of the content of the written material or recording and did not suspect, and had no reason to suspect, that it was threatening, abusive or insulting.

(4) This Article does not apply to the possession of written material or a recording by or on behalf of the British Broadcasting Corporation or the Independent Broadcasting Authority or with a view to its being broadcast by either of those authorities.

### *Supplementary provisions*

#### **Powers of entry and search**

**14.**—(1) If a resident magistrate is satisfied on a complaint on oath made by a constable that there are reasonable grounds for suspecting that a person has possession of written material or a recording in contravention of Article 13, the resident magistrate may issue a warrant under his hand authorising any constable to enter and search the premises where it is suspected the material or recording is situated and to seize and remove anything which the constable reasonably suspects to be or include the material or recording.

(2) A constable entering or searching premises in pursuance of a warrant issued under this Article may use reasonable force if necessary.



- (3) In this Article “premises” means any place and, in particular, includes—
- (a) any vehicle, vessel, aircraft or hovercraft;
  - (b) any offshore installation as defined in section 1(3)(b) of the Mineral Workings (Offshore Installations) Act 1971; and
  - (c) any tent or movable structure.

### **Savings for reports of parliamentary, Assembly or judicial proceedings**

**15.**—(1) Nothing in this part applies to a fair and accurate report of proceedings in Parliament or in the Assembly.

(2) Nothing in this part applies to a fair and accurate report of proceedings publicly heard before a court or tribunal exercising judicial authority where the report is published contemporaneously with the proceedings or, if it is not reasonably practicable or would be unlawful to publish a report of them contemporaneously, as soon as publication is reasonably practicable and lawful.

### **Punishment of offences under part III**

**16.**—(1) A person guilty of an offence under this part shall be liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.

(2) For the purposes of the rules against charging more than one offence in the same count or complaint, each of Articles 9 to 13 creates one offence.

### **Interpretation of part III**

**17.** In this part—

“broadcast” means broadcast by wireless telegraphy (within the meaning of the Wireless Telegraphy Act 1949) for general reception, whether by way of sound broadcasting or television;

“cable programme service” has the same meaning as in the Cable and Broadcasting Act 1984;

“distribute”, and related expressions, shall be construed in accordance with Article 10(3) (written material) and Article 11(2) (recordings);

“dwelling” means any structure or part of a structure occupied as a person’s home or other living accommodation (whether the occupation is separate or shared with others) but does not include any part not so occupied, and for this purpose “structure” includes a tent, caravan, vehicle, vessel or other temporary or movable structure;

“fear” and “hatred” have the meanings assigned to them by Article 8;

“programme” means any item which is broadcast or included in a cable programme service;

“publish”, and related expressions, in relation to written material, shall be construed in accordance with Article 10(3);

“recording” has the meaning given by Article 11(2), and “play” and “show”, and related expressions, in relation to a recording, shall be construed in accordance with that provision;

“written material” includes any sign or other visible representation.

## PART IV

### MISCELLANEOUS PUBLIC ORDER OFFENCES

#### **Riotous or disorderly behaviour in public place**

**18.**—(1) A person who in any public place uses—

- (a) riotous or disorderly behaviour; or
- (b) behaviour whereby a breach of the peace is likely to be occasioned, shall be guilty of an offence.

(2) A person guilty of an offence under paragraph (1) 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.

#### **Provocative conduct in public place or at public meeting or procession**

**19.**—(1) A person who in any public place or at or in relation to any public meeting or public procession—

- (a) uses threatening, abusive or insulting words or behaviour; or
- (b) displays anything or does any act; or
- (c) being the owner or occupier of any land or premises, causes or permits anything to be displayed or any act to be done thereon, with intent to provoke a breach of the peace or by which a breach of the peace or public disorder is likely to be occasioned (whether immediately or at any time afterwards) shall be guilty of an offence.

(2) A person guilty of an offence under paragraph (1) 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.

#### **Obstructive sitting, etc., in public place**

**20.**—(1) A person who, by sitting, standing, kneeling, lying down or otherwise conducting himself in a public place, wilfully obstructs or seeks to obstruct traffic or wilfully hinders, or seeks to hinder, any lawful activity shall be guilty of an offence.

(2) A person guilty of an offence under paragraph (1) shall be liable on summary conviction to imprisonment for a term not exceeding 1 month or to a fine not exceeding level 3 on the standard scale, or to both.

#### **Wearing of uniform in public place or at public meeting**

**21.**—(1) Subject to paragraph (2), a person who in any public place or at any public meeting wears uniform signifying his association with any political organisation or with the promotion of any political object shall be guilty of an offence.

(2) The Chief Constable, if satisfied that the wearing thereof on any ceremonial, anniversary, or other special occasion, will not be likely to involve risk of public disorder, may, with the consent of the Secretary of State, by order permit the wearing of the uniform on that occasion either absolutely or subject to any conditions specified in the order.

(3) A person guilty of an offence under paragraph (1) shall be liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding level 4 on the standard scale, or to both.

### **Carrying of offensive weapon in public place**

**22.**—(1) A person who, without lawful authority or reasonable excuse (proof of which lies on him), has with him in any public place any offensive weapon shall be guilty of an offence.

(2) In paragraph (1) “offensive weapon” means any article made or adapted for use for causing injury to the person, or intended by the person having it with him for such use by him or by some other person.

(3) A person guilty of an offence under paragraph (1) shall be liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both; or
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.

### **Offences in relation to public buildings and activities therein**

**23.**—(1) A person who—

- (a) enters any public building as a trespasser; or
- (b) not being engaged in the discharge of duties, or the performance of obligations, connected with activities normally carried on in a public building wilfully neglects or fails to comply as soon as is practicable with a direction to leave that building given by an authorised person or by a constable, at the request of an authorised person; or
- (c) knowingly interferes with the carrying on of any lawful activity in any public building, shall, without prejudice to the operation of any other statutory provision or rule of law, be guilty of an offence.

(2) A person guilty of an offence under paragraph (1) shall be liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both; or
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.

(3) A constable, if so requested by an authorised person, may remove from a public building any person who commits an offence under paragraph (1) in that building.

(4) An authorised person who gives a direction under paragraph (1)(b) to any person shall, if so required by that person, produce his authorisation to give such a direction.

(5) In this Article “authorised person”, in relation to a public building, means a person authorised in writing by the body or person owning, or lawfully occupying or using, the building to give directions under paragraph (1)(b) with respect to that building.

(6) In this Article “public building” includes—

- (a) any building or part of a building which—
  - (i) is owned, occupied or used for any purpose by or on behalf of a public body or for the purposes of any grant-aided school or institution of further or higher education; or
  - (ii) is occupied or used for judicial or police purposes or for the purposes of the Assembly;
- (b) any place or thing which is within the curtilage of such a building.

(7) For the purposes of this Article any place which is—

- (a) Part of the Stormont Estate within the meaning of the Stormont Regulation and Government Property Act (Northern Ireland) 1933; or

- (b) Part of the demesne and other lands referred to in section 1 of the Government Property (Amendment) Act (Northern Ireland) 1955, shall be deemed to be within the curtilage of a public building.
- (8) In this Article “public body” includes—
  - (a) a department of the Government of the United Kingdom or a Northern Ireland department;
  - (b) a district council or any committee appointed wholly or partly by a district council;
  - (c) any board, commissioners or other body authorised to supply services under any statutory provision, whether of a general or special nature; and
  - (d) any other public authority, board, commissioners or body of any kind constituted by or under any statutory provision, whether of a general or special nature.

## PART V

### MISCELLANEOUS AND GENERAL

#### *General provisions relating to offences*

#### **Powers of arrest**

**24.**—(1) A constable in uniform may arrest without warrant anyone he reasonably suspects is committing an offence under part II.

(2) A constable may arrest without warrant anyone he reasonably suspects is committing or has committed an offence under Article 9 or part IV.

(3) If a constable reasonably suspects any person of committing or being about to commit or having committed an offence under Article 7(1) or (2), 20(1) or 21(1), he may require that person to declare to him immediately his name and address, and if that person refuses or fails to do so or gives a false name or address he shall be guilty of an offence.

(4) A person guilty of an offence under paragraph (3) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

#### **Consent to prosecution**

**25.** A prosecution for an offence under part III or Article 21(1) shall not be instituted except by or with the consent of the Attorney General.

#### **Forfeiture**

**26.**—(1) A court by or before which a person is convicted of an offence under Article 9, 10, 11, 13, 19(1) or 22(1) may make an order for the forfeiture, destruction or disposal of any relevant article.

(2) In paragraph (1) “relevant article” means—

- (a) in relation to an offence under Article 9, 10, 11 or 13, any written material or recording shown to the satisfaction of the court to be written material or a recording to which the offence relates;
- (b) in relation to an offence under Article 19(1), any thing in respect of which the offence was committed;
- (c) in relation to an offence under Article 22(1), any weapon in respect of which the offence was committed.

(3) An order made under paragraph (1) shall not take effect until the expiry of the ordinary time within which an appeal may be instituted or, where an appeal is duly instituted, until it is finally decided or abandoned; and for this purpose—

- (a) an application for a case to be stated or for leave to appeal shall be treated as the institution of an appeal; and
- (b) where a decision on appeal is subject to a further appeal, the appeal is not finally decided until the expiry of the ordinary time within which a further appeal may be instituted or, where a further appeal is duly instituted, until the further appeal is finally decided or abandoned.

*Repeal of Flags and Emblems (Display) Act (Northern Ireland) 1954*

**Repeal of Flags and Emblems (Display) Act (Northern Ireland) 1954**

27. The Flags and Emblems (Display) Act (Northern Ireland) 1954 shall cease to have effect.

*Supplementary*

**Amendments, savings, transitional provisions and repeals**

28.—(1) The statutory provisions set out in Schedule 1 shall have effect subject to the amendments specified in that Schedule.

(2) Nothing in this Order affects the common law powers in Northern Ireland to deal with or prevent a breach of the peace.

(3) Nothing in this Order applies in relation to an offence committed or act done before this Order comes into operation.

(4) In relation to any public procession to be held on or before the sixth day after the day on which this Order comes into operation, Article 3(3) shall have effect with the substitution for the words “7 days before the date when the procession is to be held” of the words “120 hours before the proposed time of commencement of the procession”.

(5) The statutory provisions set out in columns 1 and 2 of Schedule 2 are hereby repealed to the extent specified in the third column of that Schedule.

*G. I. de Deney*  
Clerk of the Privy Council

## SCHEDULES

1

Article 28(1).

### AMENDMENTS

#### *The Conspiracy and Protection of Property Act 1875 (c. 86)*

- 1.** In section 7 for the words from “shall” to the end substitute the words  
“shall be liable on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale or both.  
A constable may arrest without warrant anyone he reasonably suspects is committing an offence under this section.”.

#### *The Electoral Law Act (Northern Ireland) 1962 (c. 14 (N.I.))*

- 2.** In paragraph 13(1) of Schedule 9 for the words “Article 10(1) of the Public Order (Northern Ireland) Order 1981” substitute the words “Article 7(2) of the Public Order (Northern Ireland) Order 1987”.

#### *The Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (c. 28 (N.I.))*

- 3.** In section 9(1) for the words from the beginning to “liquor is sold” substitute the words—
- 1.** Any person—
- (a) guilty of any indecent behaviour in any street, road, highway or other public place, or in any place to which the public have access (whether as of right or by permission and whether subject to or free of charge); or
  - (b) guilty of any riotous, disorderly or indecent behaviour, or of any behaviour whereby a breach of the peace is likely to be occasioned, on any premises where intoxicating liquor is sold.”.

#### *The Police Act (Northern Ireland) 1970 (c. 9 (N.I.))*

- 4.** In paragraph 15(2) of Schedule 1 for the words from “in connection with” to the end substitute the words “in accordance with the provisions of Article 5(2) of the Public Order (Northern Ireland) Order 1987”.

#### *The Cable and Broadcasting Act 1984 (c. 36)*

- 5.** At the end of section 28 add the following subsection—
- “(6) In this section “words” includes pictures, visual images, gestures and other methods of signifying meaning.”.

*The Public Order Act 1986 (c. 64)*

6. In section 42(3) for the words “section 43 and paragraph 6 of Schedule 2” substitute the words “and section 43”.

2

Article 28(5).

## REPEALS

Chapter or Number	Short Title	Extent of Repeal
<a href="#">1954 c. 10 (N.I.)</a> .	The Flags and Emblems (Display) Act (Northern Ireland) 1954.	The whole Act.
<a href="#">1981 NI 17</a> .	The Public Order (Northern Ireland) Order 1981.	The whole Order.
<a href="#">1984 c. 46</a> .	The Cable and Broadcasting Act 1984. Section 27.	In section 33(2) the words “an offence under section 27 above or”.
<a href="#">1986 c. 64</a> .	The Public Order Act 1986. In Schedule 2, paragraph 6.	

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order repeals and re-enacts with amendments the Public Order (Northern Ireland) Order 1981. The principal amendments are to alter the length of advance notice to be given of a public procession, to add to the matters to be notified, to widen the grounds on which conditions may be imposed by the police on public processions and on which the Secretary of State may prohibit public processions and open-air public meetings and to confer on the police new powers to impose conditions on open-air public meetings.

The Order also amends the law on incitement to hatred and repeals the Flags and Emblems (Display) Act (Northern Ireland) 1954.