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STATUTORY INSTRUMENTS

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**1981 No. 609 (N.I. 17)**

**NORTHERN IRELAND**

**The Public Order (Northern Ireland) Order 1981**

*Laid before Parliament in draft*

*Made* 13th April 1981

*Coming into Operation* 14th May 1981

ARRANGEMENT OF ORDER

Article

1. Title and commencement.
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5. Taking part in public procession as member of unregistered band.
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13. Incitement to hatred.
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15. Offences—general
16. Consequential amendments and repeals.

SCHEDULES:

Schedule 1—Amendments.

Schedule 2—Repeals.

At the Court at Windsor Castle, the 13th day of April 1981

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 (a), 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:—

*Title and commencement*

1. This Order may be cited as the Public Order (Northern Ireland) Order 1981 and shall come into operation on the expiration of one month from the day on which it is made.

*Interpretation*

2.—(1) The Interpretation Act (Northern Ireland) 1954 (b) 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—

“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;

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

“public place” includes any street, road or highway and any place to which, for the time being, the public have or are permitted to have access, whether on payment or otherwise;

“public procession” (subject to Article 3 (3)) means a procession in a public place, whether or not involving the use of vehicles or other conveyances.

(3) For the purposes of section 42 (2) of the Northern Ireland Constitution Act 1973 (c) (validity of Acts of the Parliament of Northern Ireland), provisions of this Order which re-enact provisions of an Act of the Parliament of Northern Ireland shall be deemed to be provisions of such an Act.

*Notice of processions*

3.—(1) A person who intends to organise or form a public procession (other than a public procession which is customarily held along a particular route) shall, not less than one hundred and twenty hours before the proposed time of commencement of the procession, give written notice of—

(a) the procession;

(b) the route proposed to be taken; and

(c) the proposed time of commencement;

to a chief superintendent, superintendent, chief inspector, inspector or sergeant of the Royal Ulster Constabulary by leaving the notice with him at the police station nearest to the proposed place of commencement of that procession.

(2) A person organising, conducting, or knowingly taking part in, a public procession—

(a) in respect of which notice has not been given under this Article; or

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(a) 1974 c. 28.

(b) 1954 c. 33 (N.I.).

(c) 1973 c. 36.

(b) otherwise than in accordance with such a notice,  
shall be liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding £100, or to both.

(3) In this Article “public procession” does not include a funeral or a procession organised by or on behalf of, and in furtherance of the lawful industrial objects of, a trade union.

*Power to preserve public order as respects processions*

4.—(1) If a member of the Royal Ulster Constabulary not below the rank of inspector, having regard to—

(a) the time or place at which and the circumstances in which any public procession is taking place or is intended to take place; and

(b) the route taken or proposed to be taken by the procession,  
has reasonable grounds for apprehending that the procession may occasion a breach of the peace or serious public disorder (whether immediately or at any time afterwards) he may give directions imposing upon any person organising or taking part in the procession such conditions as appear to him necessary for the preservation of public order, including (but without prejudice to the generality of the foregoing)—

(i) conditions prescribing the route to be taken by the procession; and

(ii) conditions prohibiting the procession from entering any place specified in the directions.

(2) Such member of the Royal Ulster Constabulary shall, in exercising his powers under paragraph (1), have regard to—

(a) the time at which written notice of an intended procession is first given under Article 3; and

(b) the desirability of not interfering with a public procession customarily held along a particular route.

(3) If at any time the Secretary of State is of the opinion, in consequence of information furnished to him by a member of the Royal Ulster Constabulary not below the rank of superintendent or for any other reason, that—

(a) the exercise of the powers conferred by paragraph (1) will not be sufficient to prevent serious public disorder being occasioned by the holding of any public procession in any area; or

(b) the holding in any area or place of any public procession or any open-air public meeting is likely to cause serious public disorder or to cause undue demands to be made upon the police or military forces; or

(c) the holding in any area or place of any public procession or any open-air public meeting is likely to cause undue hardship to persons working or carrying on business in that area or place;

he may make an order—

(i) prohibiting, for such period not exceeding twelve 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;

(ii) 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 public meeting or of any class of public procession or public meeting specified in the order.

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

(5) Any person who—

- (a) knowingly fails to comply with any directions given or conditions imposed under this Article; or
- (b) organises or assists in organising any public procession or meeting held or intended to be held in contravention of an order made under paragraph (3); or
- (c) knowingly takes part in any public procession or meeting held in contravention of an order under paragraph (3),

shall be liable—

- (i) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding £100, or to both; or
- (ii) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine not exceeding £500, or to both.

(6) In this Article—

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

“building” means a covered and enclosed structure of an immovable nature;

“business” includes any trade or profession;

“open-air public meeting” means a public meeting held otherwise than inside a building.

(7) This Article does not apply to a public meeting organised by or on behalf of, and in furtherance of the lawful industrial objects of, a trade union.

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

5.—(1) For the purposes of paragraph (2), the Secretary of State may by order provide for the registration of bands subject to such requirements (if any) as may be specified therein, but may exclude from its operation and from the operation of this Article such bands or bands of such descriptions as may be specified in the order.

(2) Without prejudice to his liability under any other enactment, a person who, while an order under paragraph (1) is in force, knowingly takes part in a public procession as a member of a band which—

- (a) is required to be registered under the order but is not so registered; or
- (b) does not comply with any requirement imposed on it as a condition of registration under the order,

shall be liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding £100, or to both.

(3) In this Article “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.

(4) An order made under this Article 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 (a) shall apply accordingly.

*Provocative conduct in public place, etc.*

6.—(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 liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding £100, or to both.

(2) Where a person is convicted of an offence under paragraph (1), any instrument or other thing in respect of which he is so convicted shall become forfeited to the Crown.

*Endeavours to break up public processions*

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 liable—

(a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding £100, or to both; or

(b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine not exceeding £500, or to both.

(2) If a member of the Royal Ulster Constabulary reasonably suspects any person of committing or being about to commit or of having committed an offence under paragraph (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 liable on summary conviction to a fine not exceeding £20.

*Obstructive sitting, etc., in public place*

8.—(1) A person who, by sitting, kneeling or lying down in a public place, wilfully obstructs or seeks to obstruct traffic or wilfully hinders, or seeks to hinder, any lawful activity, shall be liable on summary conviction to imprisonment for a term not exceeding 1 month or to a fine not exceeding £50, or to both.

(2) Article 7 (2) shall apply to an offence under paragraph (1) of this Article as it applies to an offence under paragraph (1) of that Article.

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(a) 1946 c. 36.

*Protection of public buildings and activities*

9.—(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 or in part of a public building, wilfully neglects or fails to comply as soon as is practicable with a direction to leave that building or that part being a direction given by—
  - (i) a person authorised in writing by a body or authority owning, or lawfully occupying or using, the building or any part of the building to give such directions with respect to that building or that part; or
  - (ii) a member of the Royal Ulster Constabulary, at the request of any person so authorised; or
- (c) subject to paragraph (2), knowingly interferes with the carrying on of any lawful activity in any public building;

shall, without prejudice to the operation of any other enactment or rule of law, be liable—

- (i) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding £100, or to both; or
- (ii) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine not exceeding £500, or to both.

(2) Paragraph (1) (c) does not apply to—

- (a) any lawful picketing carried on outside a public building; or
- (b) any other lawful act done,

by or on behalf of a trade union in contemplation or in furtherance of a trade dispute.

(3) A member of the Royal Ulster Constabulary, if so requested by a person authorised to give directions for the purposes of sub-paragraph (b) of paragraph (1) with respect to any building or part of a building, may remove from that building or that part any person who commits an offence under that sub-paragraph in that building or that part.

(4) A person authorised to give directions for the purposes of sub-paragraph (b) of paragraph (1) with respect to any building or part of a building shall, if so required by any person to whom a direction is given under that sub-paragraph to leave that building or that part, produce his authorisation to give such a direction.

(5) References in this Article to a public building include references to any building which is owned, occupied or used for any purpose by or on behalf of a government department or a local or public authority or for the purposes of any grant-aided school or institution for further or higher education or which is occupied or used for parliamentary, judicial or police purposes, to any part of such a building and to any place or thing which is within the curtilage of such a building and, 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 (a); or

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(a) 1933 c. 6 (N.I.).

(b) part of the demesne and other lands referred to in section 1 of the Government Property (Amendment) Act (Northern Ireland) 1955 (a), shall be deemed to be within the curtilage of a public building.

(6) In paragraph (5) “local or public authority” includes—

- (a) any local authority or any authority, committee or board appointed wholly or partly by a local authority; and
- (b) any board, commissioners or other body authorised to supply services under any statutory provision, whether of a general or special nature; and
- (c) 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;

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

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

**10.—**(1) A person who at a lawful public meeting, other than a meeting such as is referred to in paragraph 13 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 (b), acts in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together shall be liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine of £100, or to both.

(2) A member of the Royal Ulster Constabulary who reasonably suspects any person of acting in a disorderly manner for such a purpose at a lawful public meeting may, if requested to do so by the chairman of the meeting, 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 and address he shall be liable on summary conviction to a fine not exceeding £20.

#### *Wearing of uniform*

**11.—**(1) Subject to paragraph (2), a person who in any public place, public meeting place or public meeting wears uniform signifying his association with any political organisation or with the promotion of any political object shall be liable on summary conviction to imprisonment for a term not exceeding 1 month or to a fine not exceeding £50, or to both.

(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 charged before any court with an offence under this Article shall have no further proceedings taken against him in respect of the offence without the consent of the Attorney General (except proceedings authorised by section 12 of the Criminal Jurisdiction Act 1975 (c)).

(4) If any such person is remanded in custody he shall, after the expiration of a period of eight days from the date on which he was so remanded, be entitled to be discharged from custody on entering into a recognizance without sureties, unless within that period the Attorney General has consented to further proceedings in respect of the offence.

(5) Paragraphs (3) and (4) shall, for the purposes of Article 7(2) of the Prosecution of Offences (Northern Ireland) Order 1972 (d), be deemed to be enactments passed before the coming into operation of that Order.

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(a) 1955 c. 2 (N.I.).    (b) 1962 c. 14 (N.I.).    (c) 1975 c. 59.    (d) S.I. 1972/538 (N.I. 1).

*Carrying of offensive weapon in public place*

12.—(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 liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding £200, or to both; or
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine not exceeding £500, or to both.

(2) Where a person is convicted of an offence under paragraph (1), the court may make an order for the forfeiture or disposal of any weapon in respect of which the offence was committed.

(3) A constable may arrest without warrant any person whom he has reasonable cause to believe to be committing an offence under paragraph (1), if the constable is not satisfied as to that person's identity or place of residence, or has reasonable cause to believe that it is necessary to arrest him in order to prevent the commission by him of any other offence in the course of committing which an offensive weapon might be used.

(4) In this Article "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.

*Incitement to hatred*

13.—(1) A person who, with intent to stir up hatred against, or arouse fear of, any section of the public in Northern Ireland—

- (a) publishes or distributes written or other matter which is threatening, abusive or insulting; or
- (b) uses in any public place or at any public meeting words which are threatening, abusive or insulting,

being matter or words likely to stir up hatred against, or arouse fear of, any section of the public in Northern Ireland on grounds of religious belief, colour, race or ethnic or national origins shall be liable—

- (i) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding £200, or to both;
- (ii) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine not exceeding £1,000, or to both.

(2) A prosecution for an offence under paragraph (1) shall not be instituted except by or with the consent of the Attorney General.

(3) Paragraph (2) shall, for the purposes of Article 7(2) of the Prosecution of Offences (Northern Ireland) Order 1972, be deemed to be an enactment passed before the coming into operation of that Order.

(4) In this Article—

"publish and distribute" mean publish or distribute to the public at large or to any section of the public not consisting exclusively of members of an association of which the person publishing or distributing is a member;

"written matter" includes any writing, sign or visible representation.



*Circulation of certain false statements or reports*

**14.—(1)** A person who, with intent to provoke a breach of the peace whether immediately or at any time thereafter, publishes or circulates in any way whatsoever any statement or report which he knows to be false or does not believe to be true, being a statement or report likely to stir up hatred against, or arouse fear of, any section of the public in Northern Ireland on grounds of religious belief, colour, race or ethnic or national origins shall be liable—

(a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding £200, or to both;

(b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine not exceeding £1,000, or to both.

(2) A prosecution for offence under paragraph (1) shall not be instituted except by or with the consent of the Attorney General.

(3) Paragraph (2) shall, for the purposes of Article 7(2) of the Prosecution of Offences (Northern Ireland) Order 1972, be deemed to be an enactment passed before the coming into operation of that Order.

(4) In this Article “publish” has the same meaning as in Article 13.

*Offences-general*

**15.—(1)** A person who incites or procures or endeavours to persuade others to commit an offence under any provision of this Order (except article 13 or 14) shall be guilty of a like offence.

(2) A member of the Royal Ulster Constabulary may arrest without warrant any person reasonably suspected by him to be committing or to have committed an offence under any provision of this Order (except Article 13 or 14).

*Consequential amendments and repeals*

**16.—(1)** The enactments set out in Schedule 1 shall have effect subject to the amendments there specified.

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

*N. E. Leigh,*

Clerk of the Privy Council.

Article 16 (1).

## SCHEDULES

### SCHEDULE 1

#### AMENDMENTS

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

1. In Schedule 9, in paragraph 13 (1) for “sub-section (1) of section four of the Public Order Act (Northern Ireland) 1951” substitute “Article 10 (1) of the Public Order (Northern Ireland) Order 1981”.

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

2. In Schedule 1, in paragraph 15 (2) for “Public Order Act (Northern Ireland) 1951” substitute “Public Order (Northern Ireland) Order 1981”.

Article 16 (2).

### SCHEDULE 2

#### REPEALS

Chapter	Short Title	Extent of Repeal
1951 c. 19.	The Public Order Act (Northern Ireland) 1951.	The whole Act.
1962 c. 14.	The Electoral Law Act (Northern Ireland) 1962.	In Schedule 9, paragraph 13 (2).
1970 c. 4.	The Public Order (Amendment) Act (Northern Ireland) 1970.	The whole Act, except sections 7 and 9 (1).
1970 c. 9.	The Police Act (Northern Ireland) 1970.	In Schedule 3, the amendment of the Public Order (Amendment) Act (Northern Ireland) 1970.
1970 c. 24.	The Prevention of Incitement to Hatred Act (Northern Ireland) 1970.	The whole Act.
1971 c. 12.	The Public Order (Amendment) Act (Northern Ireland) 1971.	The whole Act.
1975 c. 59.	The Criminal Jurisdiction Act 1975.	In paragraph 3 of Schedule 5, the amendment of the Public Order (Amendment) Act (Northern Ireland) 1970.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order consolidates the Public Order Act (Northern Ireland) 1951, the enactments amending that Act (except section 7 of the Public Order (Amendment) Act (Northern Ireland) 1970, which relates to quasi-military organisations) and the Prevention of Incitement of Hatred Act (Northern Ireland) 1970.

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**NORTHERN IRELAND**

**The Public Order (Northern Ireland) Order 1981**

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