

Public Processions and **Related Protest Meetings**



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Procedural Rules

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and

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1. Introduction

1.1 The Public Processions (Northern Ireland) Act 1998 as amended regulates public processions and related protest meetings in Northern Ireland. In particular, Section 2(2) provides that the Parades Commission may:

- (a) facilitate mediation between parties to particular disputes concerning proposed public processions and take such other steps as appear to the Commission to be appropriate for resolving such disputes;
- (b) issue determinations in respect of particular proposed public processions and related protest meetings.

For the purposes of these Procedural Rules the expression “related protest meeting” refers to protest meetings as defined in Section 17(1) of the Act.

1.2 These Rules are produced in compliance with Section 4 of the Act which requires the Commission to issue Procedural Rules explaining how it will exercise these functions. **They should be read in conjunction with the Guidelines document** which outlines the factors which the Commission will take into account in reaching decisions on whether conditions are to be imposed on public processions or related protest meetings; what those conditions might be; and on whether to amend or revoke such a determination; and **the Code of Conduct** which provides guidance to persons organising a public procession or protest meeting and regulates their conduct. The Rules explain how the Parades Commission will:

- gather information which may inform the exercise of its statutory functions;



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- hear the views of supporters and opposers of public processions or related protest meetings;
- issue determinations on individual public processions or related protest meetings.

- 1.3 **Public Processions:** Notice of intention to the police to hold a public procession should be given on the prescribed form 28 days in advance of the event. The Commission is empowered to issue a legally binding determination imposing conditions on any public procession. In every case, the Commission shall decide whether or not to do so.

Where the Commission considers it necessary and appropriate to do so, it will perform one or more of the exercises detailed in the next three paragraphs viz., (a) acquiring information, (b) taking evidence and (c) supporting mediation. The desirability of implementing any of these procedures, in whole or in part, will depend upon the facts and circumstances peculiar to individual cases.

The Commission will decide which elements of the process outlined below are appropriate to follow prior to the notified date of the public procession or protest.

- 1.4 **Related Protest Meetings:** Notice of intention to the police to hold a protest against a public procession should be given on the prescribed form 14 days in advance of the event. The Commission is empowered to issue a legally binding determination imposing conditions on any such related protest meeting. In every case, the Commission shall decide whether to do so.

2. Acquiring Information

- 2.1 In order fully to take into account all the relevant factors, it will be necessary for the Commission to have access to a comprehensive range of information about the public processions, or related protest meetings, and the areas in which they are held. The Commission will seek, in particular, evidence of:

- past public processions, together with details of the routes, the number of participants and bands including supporters,



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the past record of conduct of the public procession, and the number of protestors and previous behaviour associated with any related protest meeting;

- the demographic mix of the local community both on the public procession route and in the immediate vicinity of the public procession or related protest meeting;
- the local area and the key points on the public procession routes such as churches and any landmarks of sensitive historic significance, including the location of a related protest meeting.

2.2 This may be compiled in a variety of ways. In the first instance, the Commission's Authorised Officers will act on its behalf in gathering information. Research may also be commissioned to augment that information. In addition, Commissioners may visit the location of the public procession, or related protest meeting, and familiarise themselves with its main features. Authorised Officers will endeavour to contact and build relationships with local groups, including public procession or related protest meeting organisers, residents and community representatives.

3. Taking Evidence

- 3.1 The Commission may hold formal evidence-gathering sessions in order to hear views or clarify issues surrounding individual public processions or a series of public processions, or any related protest meeting, in a location. Where the Commission decides to pursue this course of action, the Commission Secretariat will seek to ensure that interested parties are given sufficient advance notice of arrangements. Evidence will be given on an entirely voluntary basis, and each session will be recorded. The method for recording evidence may vary and may include the use of tape-recording equipment.
- 3.2 In addition to the gathering of evidence for which para 3.1 provides, the Commission will receive information and representations, whether oral or in writing, from any interested party or organisation at any time prior to the notified date of the public procession or related protest meeting.



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- 3.3 **All evidence** provided to the Commission, both oral and written, will be treated as confidential and only for the use of the Commission, those employed by the Commission and Authorised Officers. The Commission, however, reserves the right to express unattributed general views heard in evidence.

4. Supporting Mediation

- 4.1 The Commission recognises that disputes over public processions are best resolved at a local level. In some locations, structures to facilitate cross-community communication may already be in existence and these can be used to good effect for the purposes of resolving disputes. In others, civic or community forums may be established to address the issues associated with disputes over public processions. Where there is a desire to create a structure or establish a process for these purposes, the Authorised Officers of the Commission can provide advice and support (information on how to contact the Authorised Officers and the Commission is contained at the back of this booklet). It is not the Commission's intention to prescribe the form that such structures should take. What is important is that these structures have the confidence and endorsement of those most closely concerned with the disputes.
- 4.2 The Commission may reserve judgement on any disputed public procession or related protest meeting, or series of public processions or related protest meetings, until the process of communication has reached its conclusion. If this results in an accommodation, the Commission will not need to give further consideration to issuing a determination. Where an accommodation is not reached, the Commission will take into account all available evidence of steps taken **by any of the parties** to secure accommodation. It will also consider other relevant factors in assessing "the impact of the procession on relationships within the community". In particular, it will consider the extent to which any steps taken by the organisers of public processions or related protest meetings represent a **real attempt to address the relevant concerns of others** (see paragraph 4.3 of the Guidelines document).
- 4.3 Authorised Officers will seek to secure local accommodation in relation to disputes, and where parties agree, will assist in the



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mediation process. They will also report to the Commission on the potential for achieving such accommodation, and on any steps taken towards securing accommodation by the parties to a dispute.

- 4.4 The Commission may wish to hear at first hand any account of what has taken place from those directly involved in any process of communication. The Commission may also consider reports from its Authorised Officers and written representations submitted by any party involved in the process. In order, therefore, to maximise the potential for achieving an accommodation, communication should begin as early as possible and, ideally, well ahead of the date of the proposed public procession(s) or related protest meeting(s).

5. Making Formal Determinations

- 5.1 The statutory period for which notice of intention to hold a public procession must be given, where possible, is 28 days. On receipt of the formal notification for each public procession, the police will ensure that a copy is received by the Commission within 24 hours. Where there is any indication of concern about any public procession, the Commission will consider all available information and representations and will take steps to obtain such further information or representations, including advice from the PSNI, as it considers necessary or appropriate.
- 5.2 The statutory period for which notification of a protest related to a public procession is, where possible, 14 days. On receipt of the formal notification for each protest, the police will ensure that a copy is received by the Commission within 24 hours. Where there is any indication of concern about any protest related to a public procession, the Commission will consider all available information and representations and will take steps to obtain such further information or representations, including advice from the PSNI, as it considers necessary or appropriate.
- 5.3 The Commission will then meet to decide whether to issue a legally binding determination imposing conditions on the organiser of the public procession or related protest meeting. That decision will be taken by a majority vote. It will be the aim



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of the Commission, where possible, to make its final decision five working days in advance of the notified date of a public procession or related protest meeting. It will provide written notification of its final decision to:

- (i) the organiser;
- (ii) the Secretary of State for Northern Ireland;
- (iii) the Chief Constable; and
- (iv) other concerned parties.

Where it is reasonably practical to do so, the Commission will provide a summary of the grounds for its decision.

- 5.4 Where, for whatever reason, the Chairman of the Commission is absent from such a meeting, the members shall elect one of those present to act as Chairman for the meeting. If it is not possible to secure a majority vote because of the number of Commissioners present, the Chairman shall have a casting vote. As a minimum, all decisions will be taken by a quorum of three members of the Commission.
- 5.5 The Commission may also, at its discretion, inform other individuals, groups or organisations of its final decision.

6. Review of Decision or Determination

- 6.1 The Commission may review its final decision in the light of any fresh information or representations received. It may then amend or revoke its previous decision. Any revised decision will be made by majority vote.
- 6.2 Where, for whatever reason, the Chairman of the Commission is absent from such a meeting, the members shall elect one of those present to act as Chairman for the meeting. If it is not possible to secure a majority vote because of the number of Commissioners present, the Chairman shall have a casting vote.
- 6.3 Where the Commission has decided to change its decision, it will provide the earliest possible written notification to those outlined in paragraph 5.3 above. Where it is reasonably practicable to do so, the Commission will provide a summary of the grounds for its decision.



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