



An Chartlann Náisiúnta National Archives

Reference Code:	2017/4/99
Creation Dates:	1 December 1986
Extent and medium:	3 pages
Creator(s):	Department of Foreign Affairs
Accession Conditions:	Open
Copyright:	National Archives, Ireland. May only be reproduced with the written permission of the Director of the National Archives.



XI

NORTHERN IRELAND Information Service

1 December 1986

REFORM OF PUBLIC ORDER LEGISLATION

The Secretary of State, Rt Hon Tom King MP, today announced publication of a Proposal for a Draft Order in Council setting out the Government's proposals for the reform of public order legislation in Northern Ireland.

The Government announced in March that it would be reviewing public order legislation in Northern Ireland in the light of the Public Order Bill in Great Britain that was proceeding through Parliament. That has now become law as the Public Order Act 1986 and we have now completed our review to bring NI more closely into line with the rest of the UK.

Mr King said: "The Government believes it right that the principles underlying public order legislation should be uniform throughout the UK, although local circumstances in Northern Ireland may require detailed provisions that are different.

The main proposals will strengthen the ability of the police to deal with processions and open-air meetings that could lead to disorder; make the incitement to hatred legislation more effective; and repeal the 1954 Flags and Emblems Act".

Referring to the control of processions and open-air meetings, the Secretary of State said that while most of these were peaceful some contained great potential for disorder or were conducted in a way which was intended to intimidate other sections of the community.

The proposed Order would require that all processions, whether traditional or not, should be notified to the police; would increase to a minimum of seven days the length of advance notice to be given; and would add to the matters to be notified. Only funeral processions would not be subject to the notification requirement.

The Order would follow the Public Order Act in Great Britain by enabling the police to impose conditions on public processions if

there was a risk of serious public disorder, serious damage to property or serious disruption to the life of the community, or if the purpose of the procession's organisers was to intimidate others.

It would similarly widen the grounds on which the Secretary of State could prohibit the holding of processions and open-air meetings and put on a statutory footing the police power to impose conditions on open air public meetings.

In general, he said the proposed changes for the control of processions and public meetings were intended both to bring the law more closely into line with the provisions of the Public Order Act in Great Britain and to strengthen the ability of the police to deal with situations of potential public disorder.

On incitement to hatred, he said that the proposed Order would strengthen the law on incitement by making offences—of various actions - such as publication or distribution of, threatening, abusive or insulting material; use of threatening, abusive or insulting words or gestures - not only if it was intended to stir up hatred or arouse fear on racial or religious grounds but also if, in the circumstances, such hatred or fear was likely to be stirred up or aroused.

The Public Order Act has strengthened the law in Great Britain against incitement to hatred. The provisions on incitement to hatred had been substantially amended at a late stage to extend them to other media. The Government will consider whether the Northern Ireland provisions should be similarly extended when the draft order is eventually drawn up.

Referring to the proposed repeal of the Flags and Emblems Act, the Secretary of State referred to the widespread misunderstanding about the actual effect of the Act. It did not either remove the Union flag from the scope of police powers to deal with actions likely to cause a breach of the peace, nor make the flying of the Irish tricolour illegal in Northern Ireland. He pointed out that in practice the Act was entirely redundant and that its repeal would have no practical effect. The police would retain adequate powers

to deal with potential breaches of the peace and those who wished to fly the Union flag on their own premises did not need the Act to protect them from interference by other sections of the public. Nevertheless the Secretary of State accepted that the widespread misunderstandings about the effect of the Act had affected public attitudes to repeal and he looked forward to receiving informed comment on the Proposal.

The Secretary of State added that he recognised some of the proposals could easily be misinterpreted and irresponsible persons might seek to provoke intercommunal tension by exploiting the misunderstanding about the Act. He appealed to all interested parties to take a careful look at the proposals and make informed criticisms. He stressed that he was very ready to take receipt of any genuine concerns and was particularly keen that the next few weeks should be an effective consultation period in which the issues could be rationally debated and during which all interested parties would prepare and send to him, before the middle of January, their comments on the proposals. He said that copies of the Proposal had been issued to the Northern Ireland political parties who espoused constitutional politics and he looked forward to receiving their comments in particular.