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BASÁID NA hÉIREANN, LONDAIN



IRISH EMBASSY, LONDON

17, GROSVENOR PLACE,
SW1X 7HR

Telephone: 01-235 2171

TELEX: 916104

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Public Order Legislation
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11 March 1987

RECEIVED
ANGLO-IRISH SECTION
Time 16.00 Date 11/3

Mr E O'Tuathail
Assistant Secretary
Department of Foreign Affairs

Dear Assistant Secretary,

House of Commons debates NI Public Order Order

I attended the debate last night which began at 8.10pm and concluded about 11.45pm. Mr Bassett also attended. Extracts from Mr King's speech are attached. Mr Archer's approach was a legalistic one which Séamus Mallon criticised for lack of understanding for those in NI intimidated by bullies. It was quite a change for Mallon subsequently to join the Tories in the Ayes lobby but as long as Molyneaux and the 13 other Unionists were in the No lobby few of his supporters could object.

As you probably know Mr Paisley staged a stunt after the vote (160 to 106) by tearing up the draft order and hurling it at an impassive Nick Scott sitting beside the Despatch Box and said "We will defy the Government". It was obvious from the expressions on the faces of Enoch Powell and Willie Ross that they were doubtful about such action which only stiffens Tory M.P.'s resolve to stand up to Paisley.

Yours sincerely,

cc Secretary
A-I Section
A-I Secretariat

PP *Michael Smith*
Ted Smyth



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Northern Ireland Office

Press Notice

Whitehall, London SW1A 2AZ Telephone Enquiries 01-210 6470
Stormont Castle, Belfast, BT4 3ST. Telephone Enquiries Belfast 63011

CHECK AGAINST DELIVERY

MR KING IS EXPECTED TO SPEAK AT 20.00 HRS.

L24/87

10 March 1987

PUBLIC ORDER (NI) ORDER 1987

"A CAMPAIGN OF SERIOUS MISREPRESENTATION"

"PRINCIPLES OF PUBLIC ORDER LEGISLATION SHOULD BE UNIFORM
THROUGHOUT THE UK"

"NO CHANGE IN POLICY ON MARCHES"

"NO RESPONSIBLE ORGANISATION HAS ANYTHING TO FEAR" - KING.

Speaking in tonight's Commons debate on the Northern Ireland Public Order Order the Secretary of State for Northern Ireland Rt Hon Tom King MP, said:

" This Order deals with a number of aspects of public order in Northern Ireland, namely Processions and Meetings, Stirring Up Hatred or Arousing Fear, miscellaneous Public Order offences, and the Repeal of Flags and Emblems Act. The Proposal for a Draft Order was published on December 1st for consultation. We received a substantial number of representations and as a result amendments have been made in this Draft Order which was laid in this House on February 19th. This Order amends and consolidates Public Order legislation in Northern Ireland in the light of recommendations by the Chief Constable of the Royal Ulster Constabulary and of developments in Northern Ireland since the law was last amended 15 years ago . In doing so it takes account wherever possible of the changes made in Public Order legislation in Great Britain by the Public Order Act 1986.'

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The Government believes it right that the principles underlying Public Order legislation should be uniform throughout the United Kingdom, although local circumstances in Northern Ireland may require detailed provisions that are different. The draft Order is designed to reflect this balance, and many of its key provisions reflect advice on public order matters given by the RUC.

In the last couple of weeks it has become clear that a campaign of serious misrepresentation has been launched against this Order alleging every form of wickedness about it, that it is some sinister plot to curb and prevent traditional marches, or that it is all the result of the Anglo-Irish Agreement. Both these allegations are quite untrue, but those who make them are clearly seeking to excite loyalist emotions, and I would therefore like to make the position quite clear. This Order represents no change in public policy toward marches, processions, and open air meetings. I respect the tradition of marching in Northern Ireland, and believe that the overwhelming majority of people in Northern Ireland wish to see them conducted in a responsible way. And the figures show that that is in fact what normally happens. Last year there were some 2200 marches, of which some 2100 raised no public order problems whatsoever. In something less than 70 was there even any commotion or disorder, in only 10 was any rerouting requested, and in one single case, last Easter Monday at Portadown, the Chief Constable requested me to ban a march because he believed this route was unacceptably provocative. Those are the facts and they show quite clearly that in the vast majority of marches there are no problems whatsoever."

WALKERS AGAINST BURNING

"However all marches do make demands on police manpower and organisation and I believe all responsible people will accept the fairness of giving notice to the Royal Ulster Constabulary in reasonable time for them to notify officers if they will be required for extra duty. In no sense is this having to ask permission but rather to give fair notice so that the necessary police arrangements can be made, and any queries raised were there to be in any particular case any difficulty over the route chosen.

"In respect of stirring up hatred or arousing fear these effectively reflect the new provisions of the 1986 Public Order Act for Great Britain, with the addition of the arousing of fear and the inclusion of the reference to religious belief, both of which reflect the particular and unfortunate circumstances of Northern Ireland.

in regard to misrepresentation of the Bill
 "The other significant item in the Order is the Repeal of the Flags and Emblems Act, where once again there has been gross mis-representation about its effect. Leaving aside the fact that there has not been a single prosecution under this Act since 1969 and that its Repeal will now bring the legislation into line with the rest of the UK, the allegation is made that its repeal would somehow give equal status to the Tricolour in NI. This is quite untrue.

"The repeal of the Act will not affect the fact that the Union Flag is the official flag of the United Kingdom and will continue to be the flag which is flown from public buildings on public occasions. There is no question of the Irish Tricolour being given any status by the Repeal. It will no longer be an offence in itself to interfere with the display of the Union Flag on private property, but any such interference would involve the commission of other criminal or civil offences (e.g., criminal damage) so the peaceful display of the Union Flag (or any other flag) will continue to be protected. The Police will also retain their general duty under common law to take whatever steps are necessary to prevent a breach of the peace arising from the provocative display of any flag or emblem.

This line also is probably redundant, repeat makes
no diff to present position but Act was put there for
some other reason.

"A further criticism that has been made is that this Order enormously
increases the powers both of the Police and of myself as Secretary
of State, the fact is that the Draft Order confers no new powers on
the Police, though it puts the existing power under common law to
impose conditions on open air public meetings on to a statutory
basis and redefines the grounds on which certain of their powers may
be exercised; and the only new power conferred on the Secretary of
State is the power to exempt specified classes of processions from
the notification requirements of Article 3.

"The truth about this Order is that it does in part follow a number
of recommendations of the Chief Constable in relation to Public
Order, that it does carry forward the improvements contained in the
Public Order Act 1986 for Great Britain, with the modifications
needed for the special circumstances of Northern Ireland. It does
include provisions on administrative by Henson

"It contains nothing that any responsible person in Northern Ireland
need fear, but rather is to be welcomed by all who wish to see
honourable traditions maintained and exercised free of abuse,
intimidation and fear and who recognise the need to support the RUC
and to have the necessary and appropriate powers to maintain the
peace and protect the law abiding people of Northern Ireland. "

The selection for Part 2 requires 7 not 5 days notice but 2
provisions for 608 to exempt by order citizens - id.
apply to Salt. Army

Key in no sense on date to suff out dissent

— Registration of bands is not new

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