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*Status: Point in time view as at 13/01/2020.*

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## STATUTORY INSTRUMENTS

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

## The Public Order (Northern Ireland) Order 1987

- - - - - 18th March 1987

### 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;

*Definition rep. by 1998 c. 2*

“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.

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## PART II

### PROCESSIONS AND MEETINGS

*Art. 3 rep. by 1998 c. 2*

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

*Para. (1) rep. by 1998 c. 2*

(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<sup>[F1]</sup> paragraph (2)] “a senior police officer” means—

- (a) in relation to<sup>[F1]</sup> an] open-air public meeting being held, or to<sup>[F1]</sup> an] 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<sup>[F1]</sup> an] 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<sup>[F2]</sup> 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.]

<sup>[F3]</sup>(7) This Article does not apply in relation to a protest meeting within the meaning of the Public Processions (Northern Ireland) Act 1998.]

<b>F1</b>	1998 c. 2
<b>F2</b>	1998 c. 2
<b>F3</b>	2005 NI 2

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

5.—(1) If at any time the <sup>[F4]</sup>Department of Justice] is of the opinion, in consequence of information furnished to <sup>[F5]</sup>the Department of Justice] by the Chief Constable or for any other reason, that—

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- (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<sup>F6</sup> paragraph (2)] of that Article; or
- (b) the holding in any area or place of<sup>F7</sup> . . . 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<sup>F8</sup> . . . ,

<sup>F5</sup>the Department of Justice] may make an order—

- <sup>F9</sup>(A) prohibiting the holding in that area or place of an open-air public meeting specified in the order;
- (B) prohibiting, for such period not exceeding 28 days as may be specified in the order, the holding in that area or place of any open-air public meeting or such class or description as may be so specified; or
- (C) prohibiting, for such period not exceeding 28 days as may be specified in the order, the holding in that area or place of any open-air public meetings.]

<sup>F10</sup>(1ZA) 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 the holding in any area or place of any open-air public meeting is likely to cause undue demands to be made upon the military forces, the Secretary of State may, in relation to that area or place, make an order under paragraph (1)(A), (B) or (C).]

<sup>F11</sup>(1A) An order <sup>F12</sup>made by the Department of Justice or the Secretary of State] under any paragraph (1)(B) or (C) may exempt any open-air public meeting, or any class or description of open-air public meeting, specified in the order.]

*Para. (2) rep. 1998 c. 2*

(3) A recital in an order made by the <sup>F13</sup>Department of Justice or the Secretary of State under this Article as to its or] 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) <sup>F14</sup>or (1ZA)] to a member of the Royal Ulster Constabulary not below the rank of Assistant Chief Constable.

(5) A person who—

- (a) organises<sup>F15</sup> an] 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<sup>F15</sup> an] 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<sup>F16</sup> 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.]

<sup>F17</sup>(7) This Article does not apply in relation to a protest meeting within the meaning of the Public Processions (Northern Ireland) Act 1998.]

**F4** Words in art. 5(1) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 5, **Sch. 3 para. 2(2)(a)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

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- F5** Words in art. 5(1) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 5, **Sch. 3 para. 2(2)(b)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**
- F6** 1998 c. 2
- F7** 1998 c. 2
- F8** Words in art. 5(1)(b)(iii) omitted (12.4.2010) by virtue of Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 5, **Sch. 3 para. 2(2)(c)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**
- F9** 1998 c. 2
- F10** Art. 5(1ZA) inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 5, **Sch. 3 para. 2(3)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**
- F11** 1998 c. 2
- F12** Words in art. 5(1A) inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 5, **Sch. 3 para. 2(4)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**
- F13** Words in art. 5(3) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 5, **Sch. 3 para. 2(5)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**
- F14** Words in art. 5(4) inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 5, **Sch. 3 para. 2(6)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**
- F15** 1998 c. 2
- F16** 1998 c. 2
- F17** 2005 NI 2

Arts. 6, 6A rep. by 1998 c. 2

## Endeavours to break up public processions or public meetings

*Para. (1) rep. by 1998 c. 2*

(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.

[<sup>F18</sup>(2A) Paragraph (2) does not apply in relation to a protest meeting within the meaning of the Public Processions (Northern Ireland) Act 1998.]

(3) Subject to paragraph (4), a person guilty of an offence under paragraph<sup>F19</sup>. . . (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.

- F18** 2005 NI 2
- F19** 1998 c. 2

## PART III

### STIRRING UP HATRED OR AROUSING FEAR

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

#### Meaning of “fear” and “hatred” [F20 etc.]

8.—[F21(1)] In this Part—

“fear” means fear of a group of persons<sup>F22</sup> . . . defined by reference to religious belief,[<sup>F23</sup> sexual orientation, disability] colour, race, nationality (including citizenship) or ethnic or national origins;

“hatred” means hatred against a group of persons<sup>F22</sup> . . . defined by reference to religious belief,[<sup>F23</sup> sexual orientation, disability] colour, race, nationality (including citizenship) or ethnic or national origins.

[F24(2) For the purposes of this Part, any discussion or criticism of marriage which concerns the sex of the parties to marriage is not to be taken of itself to be—

- (a) threatening, abusive or insulting, or
- (b) intended to stir up hatred or arouse fear.]

**F20** Word in art. 8 heading inserted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **142(c)** (with regs. 6-9)

**F21** Art. 8(1): art.8 renumbered as art. 8(1) (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **142(a)** (with regs. 6-9)

**F22** 2001 c. 24

**F23** 2004 NI 15

**F24** Art. 8(2) inserted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **142(b)** (with regs. 6-9)

#### 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.

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(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<sup>F25</sup> included in a programme service.]

F25 1990 c. 42

### **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<sup>F26</sup> included in a programme service].

F26 1990 c. 42

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

**12.**—(1) If a programme involving threatening, abusive or insulting visual images or sounds is<sup>F27</sup> included in a 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<sup>F28</sup> . . . 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<sup>F27</sup> included in a 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<sup>F27</sup> included in a programme service]; or
- (b) that the circumstances in which the programme would be<sup>F28</sup> . . . 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<sup>F27</sup> included in a programme service]; or
- (b) that the circumstances in which a programme involving the use of the offending material would be<sup>F28</sup> . . . so included, or in which a programme<sup>F28</sup> . . . 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.

*Paras. (7), (8) rep. by 1990 c. 42*

**F27** 1990 c. 42

**F28** 1990 c. 42

### 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,<sup>F29</sup> or included in a programme service], whether by himself or another; or
- (b) in the case of a recording, its being distributed, shown, played,<sup>F29</sup> or included in a 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.

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(2) For this purpose regard shall be had to such display, publication, distribution, showing, playing,<sup>F29</sup> or inclusion in a 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.

*Para. (4) rep. 1990 c. 42*

**F29** 1990 c. 42

### *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<sup>F30</sup>, in the Scottish 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.

**F30** SI 1999/1820

#### **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<sup>F31</sup> 7 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.

F31 2001 c. 24

### Interpretation of Part III

17. In this Part—

*Definitions rep. by 1990 c. 42*

“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<sup>F32</sup> included in a programme service];

[<sup>F33</sup>“programme service” has the same meaning as in the Broadcasting Act 1990;]

“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.

F32 1990 c. 42

F33 1990 c. 42

## PART IV

### MISCELLANEOUS PUBLIC ORDER OFFENCES

#### Riotous or disorderly behaviour in public place

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

(a) <sup>F34</sup> . . . 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.

[<sup>F34</sup>(3) A person who in any public place uses riotous behaviour 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 12 months or to a fine not exceeding level 5 on the standard scale or to both.]

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**F34** 2003 NI 13

### **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 [<sup>F35</sup>Department of Justice], 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.

**F35** Words in art. 21(2) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 5, **Sch. 3 para. 3** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

### **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 [<sup>F36</sup>12 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 [<sup>F37</sup> 4] years or to a fine, or to both.

**F36** Words in art. 22(3)(a) substituted (16.7.2008) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), **90(1)**; S.R. 2008/293, art. 2, Sch.

**F37** 1996 c. 26

### 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—

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- (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

*<sup>F38</sup>Temporary powers to deal with activities in a locality*

**F38** 2001 c. 24

#### **Powers to require removal of disguises**

- 23A.**—(1) Where—
- (a) an authorisation under paragraph (3) that the powers conferred by paragraph (2) shall be exercisable at any place in a locality is in force for any period, or
  - (b) an authorisation under Article 23B is for the time being in force in relation to any locality for any period,

those powers shall be exercisable at any place in that locality at any time in that period.

- (2) This paragraph confers power on any constable in uniform—
- (a) to require any person to remove any item which the constable reasonably believes that person is wearing wholly or mainly for the purpose of concealing his identity;
  - (b) to seize any item which the constable reasonably believes any person intends to wear wholly or mainly for that purpose.
- (3) If a police officer of or above the rank of inspector reasonably believes—
- (a) that activities may take place in any locality that are likely (if they take place) to involve the commission of offences, and
  - (b) that it is expedient, in order to prevent or control the activities, to give an authorisation under this paragraph,

he may give an authorisation that the powers conferred by this Article shall be exercisable at any place within that locality for a specified period not exceeding twenty-four hours.

- (4) If it appears to an officer of or above the rank of superintendent that it is expedient to do so, having regard to offences which—

(a) have been committed in connection with the activities in respect of which the authorisation was given, or

(b) are reasonably suspected to have been so committed,

he may direct that the authorisation shall continue in force for a further twenty-four hours.

(5) If an officer below the rank of superintendent gives an authorisation under paragraph (3), he must, as soon as it is practicable to do so, cause an officer of or above that rank to be informed.

(6) Any authorisation under this Article—

(a) shall be in writing and signed by the officer giving it; and

(b) shall specify—

(i) the grounds on which it is given;

(ii) the locality in which the powers conferred by this Article are exercisable;

(iii) the period during which those powers are exercisable;

and a direction under paragraph (4) shall also be given in writing or, where that is not practicable, recorded in writing as soon as it is practicable to do so.

(7) A person who fails to remove an item worn by him when required to do so by a constable in the exercise of his power under this Article shall be liable, on summary conviction, to imprisonment for a term not exceeding one month or to a fine not exceeding level 3 on the standard scale or both.

(8) The powers conferred by this Article are in addition to, and not in derogation of, any power otherwise conferred.

### **Powers to stop and search in anticipation of violence**

**23B.**—(1) If a police officer of or above the rank of inspector reasonably believe—

(a) that incidents involving serious violence may take place in any locality, and that it is expedient to give an authorisation under this Article to prevent or control their occurrence, or

(b) that persons are carrying dangerous instruments or offensive weapons in any locality without good reason,

he may give an authorisation that the powers conferred by this Article are to be exercisable at any place within that locality for a specified period not exceeding twenty-four hours.

(2) This Article confers power on any constable in uniform—

(a) to stop any pedestrian and search him or anything carried by him for offensive weapons or dangerous instruments;

(b) to stop any vehicle and search the vehicle, its driver and any passenger for offensive weapons or dangerous instruments;

and a constable may in the exercise of those powers stop any person or vehicle and make any search he thinks fit whether or not he has any grounds for suspecting that the person or vehicle is carrying weapons or dangerous instruments.

(3) If it appears to an officer of or above the rank of superintendent that it is expedient to do so, having regard to offences which—

(a) have been committed in connection with the activities in respect of which the authorisation was given, or

(b) are reasonably suspected to have been so committed,

he may direct that the authorisation shall continue in force for a further twenty-four hours.

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(4) If an officer below the rank of superintendent gives an authorisation under paragraph (1) he must, as soon as it is practicable to do so, cause an officer of or above that rank to be informed.

(5) If in the course of a search under this Article a constable discovers a dangerous instrument or an article which he has reasonable grounds for suspecting to be an offensive weapon, he may seize it.

(6) This Article applies (with the necessary modifications) to ships, aircraft and hovercraft as it applies to vehicles.

(7) A person who fails to stop or (as the case may be) fails to stop a vehicle when required to do so by a constable in the exercise of his powers under this Article shall be liable on summary conviction to imprisonment for a term not exceeding one month or to a fine not exceeding level 3 on the standard scale or both.

(8) Any authorisation under this Article—

(a) shall be in writing and signed by the officer giving it; and

(b) shall specify—

(i) the grounds on which it is given;

(ii) the locality in which the powers conferred by this Article are exercisable;

(iii) the period during which those powers are exercisable;

and a direction under paragraph (3) shall also be given in writing or, where that is not practicable, recorded in writing as soon as it is practicable to do so.

(9) Where a vehicle is stopped by a constable under this Article the driver shall be entitled to obtain a written statement that the vehicle was stopped under the powers conferred by this Article if he applies for such a statement not later than the end of the period of 12 months from the day on which the vehicle was stopped.

(10) A person who is searched by a constable under this Article shall be entitled to obtain a written statement that he was searched under the powers conferred by this Article if he applies for such a statement not later than the end of the period of 12 months from the day on which he was searched.

(11) The powers conferred by this Article are in addition to, and not in derogation of, any power otherwise conferred.

(12) For the purposes of this Article, a person carries a dangerous instrument or an offensive weapon if he has it in his possession.

(13) In this Article—

“caravan” has the meaning given by section 25(1) of the Caravans Act (Northern Ireland) 1963 (N.I. c. 17);

“dangerous instrument” means an instrument which has a blade or is sharply pointed;

“offensive weapon” has the meaning given by Article 22(1);

“vehicle” includes a caravan.

### **Retention and disposal of things seized under Article 23A and 23B**

**23C.**—(1) Anything seized by a constable under Article 23A or 23B may be retained in accordance with regulations made by the [<sup>F39</sup>Department of Justice] under this Article.

(2) The [<sup>F40</sup>Department of Justice] may make regulations regulating the retention and safe keeping, and the disposal and destruction in prescribed circumstances, of such things.

(3) Regulations made under this Article shall be subject to [<sup>F41</sup>negative resolution].]

- F39** Words in art. 23C(1) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 5, **Sch. 3 para. 4(a)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**
- F40** Words in art. 23C(2) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 5, **Sch. 3 para. 4(a)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**
- F41** Words in art. 23C(3) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 5, **Sch. 3 para. 4(b)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

### *General provisions relating to offences*

#### **Powers of arrest**

24.—(1) <sup>F42</sup> .....

(2) <sup>F42</sup> .....

(3) If a constable reasonably suspects any person of committing or being about to commit or having committed an offence under<sup>[F43</sup> Article 7(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.

- F42** Art. 24(1)(2) repealed (1.3.2007) by Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)), arts. 1(2), 15(4), 41(2), Sch. 1 para. 25, **Sch. 2**
- F43** 1998 c. 2

#### **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)<sup>[F44</sup> 22(1) or section 139 of the Criminal Justice Act 1988] 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)<sup>[F45</sup> or section 139 of the Criminal Justice Act 1988], any weapon<sup>[F45</sup> or article, as the case may be,] in respect of which the offence was committed.

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(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.

**F44** [1988 c. 33](#)

**F45** [1988 c. 33](#)

### *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**

##### *Para. (1)—Amendments*

(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.

*Para. (4) rep. 1998 c. 2*

*Para. (5)—Repeals*



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*Schedule 1 — Amendments*

*Schedule 2 — Repeals*

**Status:**

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**Changes to legislation:**

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