Changes to legislation: *The Public Order (Northern Ireland) Order 1987 is up to date with all changes known to be in force on or before 18 March 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

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.

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**[**F1 paragraph (2)**]** "a senior police officer" means—

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

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

F1 1998 c. 2
F2 1998 c. 2
F3 2005 NI 2

Prohibiting public processions and open-air public meetings

5.—(1) If at any time the **[**F4Department of Justice**]** is of the opinion, in consequence of information furnished to **[**F5the Department of Justice**]** by the Chief Constable or for any other reason, that—

(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**[**F6 paragraph (2)**]** of that Article; or

(b) the holding in any area or place of**[**F7. . . 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 **[**F8. . . ,

[F5the Department of Justice**]** may make an order—

[F9(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.**]**

[F10(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).**]**

[F11(1A) An order **[**F12made 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 **[**F13Department 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) **[**F14or (1ZA)**]** to a member of the Royal Ulster Constabulary not below the rank of Assistant Chief Constable.

(5) A person who—

(a) organises**[**F15 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**[**F15 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**[**F16 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.**]**

[F17(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)**

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.

[[F18](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[F19]. . . (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" [F20etc.]

8.—[F21(1)] In this Part—

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

"hatred" means hatred against a group of persons[F22]. . . defined by reference to religious belief,[F23 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.