

Summary of responses received on the consultation paper Public Assemblies, Parades and Protests

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Background

1. As part of the agreement reached at Hillsborough Castle on 5 February 2010, the First Minister and deputy First Ministers agreed to establish a co-chaired working group comprising six members with experience of dealing with parading issues. The group is tasked with bringing forward agreed outcomes and proposals which it believes capable of achieving cross-community support for a new and improved framework for parading.

Introduction

2. As a result of the report from the working group a paper was issued by the First Minister and Deputy First Minister for public consultation between 20 April and 14 July 2010. The Consultation Document included the Code of Conduct section from the Report of the Working Group and the draft legislation – “The Public Assemblies, Parades and Protests Bill (Northern Ireland)” – which allows, subject to the approval of the Northern Ireland Assembly, for the implementation of the new arrangements recommended by the Working Group. An Explanatory Guide to the draft legislation was also provided. The closing date for views and comments on the proposed Bill was 1.00pm on Wednesday 14th July 2010.

Consultation objectives

3. The consultation sought views on a number of related matters which included:
 - I. An option to allow the Adjudication panel (PAPPB) the power to take legal cases to get clarification on points of importance or significance that may arise through the following options;
 - (a) giving PAPPB the legal status to take cases itself
 - (b) giving PAPPB sufficient resources to allow it to take cases to the court
 - (c) giving PAPPB sufficient resources to allow it to support any of the other parties to take a legal case where it is a point of particular importance or significance, and is agreed by PAPPB.
 - II. The administrative processes to be used by OPAPPB, and PAPPB, including the possible option of a pro forma for multiple applications.
 - III. Should PAPPB have discretion, and in which circumstances, in matters relating to any requirement that flags of historical significance which may be perceived as sensitive by one or other section of the community are furled in a way in which they cannot be identified when carried within sight of a sensitive location.

Consultation responses

4. A total of 410 responses were received and as a result the First Minister and deputy First Minister will make a number of changes to the draft Bill before it is introduced in the Northern Ireland Assembly in September 2010.

Key areas of concern from respondents

5. The main areas of concern received from respondents and an analysis of their comments included:

I. Inclusion of Public Meetings under the definition of public assemblies

The vast majority of respondents were strongly opposed to the inclusion of public meetings within the draft legislation. The main areas of objection focused on:

- Human rights and civil liberty issues including concern over the right to demonstrate without the need for Government approval and a lack of clarity as to how the Bill sits in the current Human Rights framework
- Objections on religious grounds including views that open-air Evangelical services and other outdoor church-based activities should not fall within the remit of the Bill
- The 37 days notice period, which was perceived as excessive for public meetings
- The impracticality of the number 50+ in determining which meetings should be notified
- The inability to organise spontaneous protests and the potential for some protests to lose their impact if they had to be delayed to meet the notification period.
- The view that the Bill should concentrate solely on contentious parades and counter demonstrations rather than include peaceful demonstrations or assemblies

II. Bill should be abandoned in its entirety

A number of those who responded felt that the Bill should be abandoned in its entirety.

III. Consultation process unsatisfactory

A number of respondents raised concerns that the consultation document was too complex, that a full EQIA was required, and that the draft Code of Conduct should have been made available at the same time as the Bill.

IV. Working Group went beyond original remit

Some respondents felt that the Working Group had gone beyond their remit to deal with parading.

V. Penalties being imposed for infringement were disproportionate to possible offence

There were a small number of respondents who felt that the proposed penalties in the Bill were disproportionate to the offence.

VI. Inbuilt bias against the Loyal Orange Orders

A small number of the responses received were critical of what they perceived as an inbuilt bias against the Loyal Orange Orders in the Bill.

Response from First Minister and deputy First Minister

6. After consideration of the views expressed during the public consultation process the First Minister and deputy First Minister will make a number of changes to the draft Bill before it is introduced in the Northern Ireland Assembly in September 2010. The primary change will be the removal of all public meetings from the remit of the legislation. The Bill will now be limited in application to parades and protest meetings.
7. The First Minister and deputy First Minister further published a statutory Code of Conduct that will underpin the draft legislation on 23rd June 2010 for a separate 12 week consultation period ending on 14 September 2010.

**Public Assemblies Project Team
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