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**DETERMINATION MADE IN RELATION TO THE BALLYMACARRETT DISTRICT LOL NO 6  
PARADE NOTIFIED TO TAKE PLACE IN BELFAST ON SUNDAY 30 APRIL 2017**

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**INTRODUCTION**

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1. Section 8(1) of the Public Processions (Northern Ireland) Act 1998, provides that:

“The Commission may issue a determination in respect of a proposed public procession imposing on the persons organising or taking part in it such conditions as the Commission considers necessary.”
2. The Commission has noted the details provided on the Form 11/1 submitted on 1 April 2017 concerning the Ballymacarrett District LOL No 6 Parade in Belfast on Sunday 30 April 2017. The Commission has given careful consideration as to whether to exercise its power under Section 8. It has done so within the relevant legal and statutory framework, constituted in the main by the 1998 Act and the various instruments made there under (in particular the “Guidelines” and the Human Rights Act 1998).
3. The Commission has had special regard to the nature of this parade in the light of the above Act, the Commission’s stated principles (as set out in its annual reports), the Statutory Guidelines and the European Convention for the Protection of Human Rights and Fundamental Freedoms. It has also considered and evaluated all representations received, and all information assembled. The Commission has subsequently concluded, considering all relevant factors, that the determination which it now makes is the most appropriate for this particular parade at this particular time.

**BACKGROUND**

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4. The notified purpose is “*To attend divine worship and support our widows and dependents at the annual church service.*”
5. The notified outward route is “*Templemore Avenue, Newtownards Road, Bridge End, Queen Elizabeth I Bridge, Ann Street, Victoria Street, High Street, Castle Place, Donegall Place, Donegall Square North, Donegall Square West, Bedford Street, Dublin Road, Shaftsbury Square and Donegall Pass.*” The notified return route is “*Donegall Pass, Shaftsbury Square,*

*Great Victoria Street, Bruce Street, Dublin Road, Bedford Street, Donegall Square West, Donegall Square North, Donegall Place, Castle Place, High Street Queen's Square, Donegall Quay, Queen Elizabeth II Bridge, Middlepath Street, Newtownards Road and Templemore Avenue."*

6. The number of participants notified is 200, including 1 band. The notified number of supporters is unknown.
7. The outward parade is notified to commence from Templemore Avenue at 2.00pm and disperse from Donegall Pass at 3.15pm. The return parade is notified to commence from Donegall Pass at 4.45pm and disperse from Templemore Avenue at 6.00pm.
8. The Commission is aware that there are sensitivities associated with parading in this part of East Belfast. It notes that the parade will pass the sensitive interface area in the vicinity of Newtownards Road and Short Strand.
9. The Commission has had regard to its statutory Guidelines in its considerations of the parade's potential for public disorder and the potential impacts upon community relations and community life. The Commission has fully considered all relevant human rights aspects.
10. The Commission reaffirms the need for all those taking part to do so in a dignified manner. In a sensitive interface area, it is important that those in the parade show respect for all those living in the area.
11. The Commission has determined that conditions regarding compliance with its statutory Code of Conduct are necessary, appropriate and fair in respect of this parade.

## **CONSIDERATION**

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12. The Commission is obliged by statute to have regard to the Guidelines issued under Section 5 of the Public Processions (Northern Ireland) Act 1998 and has done so. The Commission has also been alert to its duties as a public authority under Section 6 of the Human Rights Act 1998. The Commission believes that, from the perspective of the parade organisers, the Convention rights engaged are those protected by Articles 9, and 10, and, in particular, Article 11. None of those rights is absolute.

13. Further, the human rights of other persons, to whom the Commission also owes a legal duty, must be equally considered. Those who live, work, shop, trade and carry on business in the affected locality enjoy rights under Article 8 of the Convention and Article 1 of the First Protocol thereto. In common with Articles 9, 10 and 11, none of these rights is absolute. The Commission has also been mindful to take into account its positive obligations under Article 2 of the Convention. Similarly it has been mindful of the provisions of Article 17 of the Convention.
14. It is not possible for all of those who would claim the benefit of the Human Rights Act 1998 to exercise and enjoy their Convention rights to the fullest extent, where rights are in competition with each other. The Commission, therefore, has had to undertake a balancing exercise, bearing in mind the statutory Guidelines, in an attempt to reach a determination which is fair and proportionate in all the circumstances. In addition to having regard to the Guidelines the Commission has had regard to the criteria specified in Section 8(6) of the Public Processions (Northern Ireland) Act 1998.
15. The Commission has also had regard to the issue of engagement. One of the seven fundamental principles identified by the North Report is that all those involved should work towards resolution of difficulties through local accommodation. As required by the statutory Guidelines, the Commission has had regard to the seven North principles.
16. As indicated at page 15 of its second Annual Report, the Commission (while avoiding an excessively prescriptive approach) considers the essence of engagement to be attempts at genuine communication between protagonists to a particular parading dispute. A series of 'pointers' to what constitutes genuine engagement is listed on page 16 of that report.
17. As stated in paragraph 4.4 of the Guidelines, the Commission takes into account any communications between parade organisers and the local community or the absence thereof. Further, the Commission will assess the measures, if any, offered or taken by parade organisers to address genuinely held relevant concerns of members of the local community.
18. The Commission has had regard to the nature of this parade, the purpose of which is described earlier in the determination.
19. Having considered all the evidence, information and advice available to it, the Commission takes the view that it is necessary to place conditions on the parade in order to emphasise

the importance of behaviour in sensitive areas. Whilst recognising the fundamental importance of the right to freedom of assembly, the Commission finds it necessary to exercise its powers under Section 8 of the Public Processions (Northern Ireland) Act 1998 to place conditions on the parade.

20. In pursuing these conditions, the Commission pursues the legitimate aims laid down in Article 10 (2) and 11 (2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms, of seeking to prevent disorder and to protect the rights and freedoms of others.
21. In determining whether the conditions are necessary in a democratic society and proportionate, the Commission has regard, inter alia, to the criteria set down in Section 8 (6) of the Public Processions (Northern Ireland) Act 1998 and to its own Guidelines made under Section 5 of the Act and to which under Section 8 (5) it shall have regard when making a determination.
22. Having regard to the factors set out above the Commission considers that the conditions it now imposes are necessary and proportionate to the aim pursued. The conditions are not such as to affect significantly the individual's right to assemble. The Commission believes that the conditions it imposes strike a fair balance between the needs of the community and the rights of the individual.

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## **DETERMINATION**

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**The Parades Commission's determination is that the following conditions are placed on the organiser and participants in the parade by the Ballymacarrett District LOL No 6 in Belfast on Sunday 30 April 2017.**

- A. The parade organisers shall ensure that the parade begins and disperses promptly.**
- B. Only the band notified on the Form 11/1 shall participate in the parade.**
- C. When the parade is in progress there shall be no undue stoppages or delays.**
- D. The parade organisers shall ensure that all participants including any marshals, band leaders and band members are given written details of the restrictions.**
- E. The organisers and all participants in the parade shall comply with the conditions set out in the Code of Conduct. For ease of reference, these are reproduced below.**
- F. As shown at Appendix B of the Code of Conduct, the Commission re-affirms that all participants in this parade must behave with due regard for the rights, traditions and feelings of others in the vicinity; refrain from using words or behaviour which could reasonably be perceived as intentionally sectarian, provocative, threatening, abusive, insulting or lewd; obey the lawful directions of parade organisers and stewards at all times, from assembly to dispersal and comply with police directions and in accordance with legislation.**
- G. The Commission further re-affirms the importance of respectful behaviour in the vicinity of interface areas, namely that there shall be no singing, chanting, or loud drumming and that marching should be dignified. More generally, no paramilitary-style clothing is to be worn at any time during the parade and flags, bannerettes and symbols relating to a proscribed organisation shall in no circumstances be displayed.**
- H. The parade organisers shall arrange for the presence of an adequate number of stewards to ensure that all parade participants act in an orderly manner.**

**I. The parade organisers shall ensure that all stewards and participants obey any direction given by the police in relation to this parade.**

**Signed:** .....  .....  
(On behalf of the Commission)

**Date:** ..... 12/4/17. ....

## **APPENDIX A**

### **Guidance for Anyone Participating in Parades**

#### **A Behaviour**

All participants in parades should:

- behave with due regard for the rights, traditions and feeling of others in the vicinity;
- refrain from using words or behaviour which could reasonably be perceived as being intentionally sectarian, provocative, threatening, abusive, insulting or lewd;
- obey the lawful directions of parade organisers and stewards at all times, from assembly to dispersal;
- abide by the conditions of this Code of Conduct;
- comply with police directions and in accordance with legislation.

#### **B Dress**

No paramilitary-style clothing is to be worn at any time during a parade.

#### **C Parade**

Whenever possible, the parade should be positioned on one side of the carriageway so as to allow for the free flow of traffic, or as otherwise stipulated by police.

#### **D Route**

Participants should keep to the designated route as directed by the police.

#### **E Alcohol**

Alcohol should not be consumed immediately prior to, or during a parade. An organiser or steward, who believes a participant to be under the influence of alcohol, should take the necessary measures to remove that person from the parade.

#### **F Bands and Music**

Each band must clearly display its name. Restrictions on the playing of music will be in accordance with the conditions as set out in Appendix B of this Code. No musical instrument will bear any inscription or mark of a proscribed organisation.

**G      **Flags etc.****

Flags and other displays often have a legitimate historical significance, but in no circumstances should such items relating to a proscribed organisation be displayed.

**H      **Stewards****

The names of stewards will have been notified to the police and the Parades Commission at the time of notifying the proposed parade.

Stewards should:

- be properly trained
- be briefed by the organisers prior to the parade
- carry proof of their status at all times during the event, and provide this information to police on request
- be fully aware of their responsibilities and role
- be highly visible by means of jackets, singlets, armbands, etc.
- not consume alcohol before or during the parade
- co-operate with the police
- be prepared to identify to the police any persons in the parade who may be committing any offence against criminal law.

**I      **Policing****

Organisers of parades must co-operate with the police from the time of submission of the notice of intention to parade until the parade disperses.

**J      **Dispersal****

When a parade has concluded, all those taking part must disperse immediately. It will be the responsibility of the organisers to ensure compliance with instructions in this regard.

**K      **Abiding by Conditions****

Organisers must ensure that all participants in any parade have been informed of any conditions imposed. As a general principle, the organiser is responsible for the behaviour of all participants and for ensuring compliance with the Code of Conduct.



## **APPENDIX B**

### **Guidance for Anyone Participating in Parades in the Vicinity of Sensitive Locations**

#### **A Places of Worship**

Only hymn tunes should be played.

When church services are taking place, no music should be played.

There should be no irreverent behaviour.

Marching should be dignified.

#### **B War Memorials and Cemeteries**

Only hymn tunes should be played.

Behaviour should be respectful.

Marching should be dignified.

#### **C Where the Majority Population of the Vicinity are of a Different Tradition, and in Interface Areas.**

Behaviour should be respectful.

There should be no excessively loud drumming.

Participants should refrain from conduct, words, music or behaviour which could reasonably be perceived as intentionally sectarian, provocative, threatening, abusive, insulting or lewd.

Marching should be dignified.

