
**DECISION MADE IN RELATION TO THE THREE APPRENTICE BOYS OF DERRY
RATHFRILAND NO SURRENDER CLUB PARADES ON SATURDAY 8TH AUGUST 2020**

1. The following is the decision of the Parades Commission in relation to the Apprentice Boys of Derry Rathfriland No Surrender Club parades notified to take place on Saturday 8th August 2020.
2. 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.”
3. The Commission has noted the details provided on the three 11/1 forms submitted on 16th July 2020 concerning the three Apprentice Boys of Derry Rathfriland No Surrender Club parades notified for Saturday 8th August 2020.
4. 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, the various instruments made thereunder (in particular the “Guidelines” and the Human Rights Act 1998).
5. These 3 parades by the Apprentice Boys of Derry Rathfriland Branch take place along the same route through the centre of Rathfriland on the evening of Saturday 8th August. Each of the 3 parades is notified for 30 participants, with no supporters, and includes the band, Pride of the Hill Rathfriland.
6. The route takes the parades from the outskirts of Rathfriland into the centre of the town, returning to the outskirts of the town at Loughbrickland Road. The first parade starts at 8pm with all 3 parades notified to be completed by 9.30pm.
7. The parades are spaced to commence 17/18 minutes apart from their assembly points at Loughbrickland Road (parades 1 and 3) and Newry Street (parade 2).
8. The organiser has provided additional information as follows: The first parade *‘will leave drive in Remembrance Service in four acre assembly field and proceed via Loughbrickland Road at 8pm using rest of route as applied with brief pause at Cenotaph to lay wreath.’* The second parade *‘will leave assembly field at Newry Road at 8.17pm proceeding to Newry Street and remainder of route as applied.’* The third

parade will *'leave assembly field at Loughbrickland Road at 8.35pm proceeding route as applied.'*

9. The organiser has also stated that *'each group will be strictly 30 or less persons including marshals and when they finish the route will return to their cars and depart.'*
10. Following communications with the Commission about the potential sensitivities of his parades, the organiser decided to amend his original notifications to increase from 10 minutes to 17/18 minutes the time lapse between each parade.
11. This amendment to the parades' timing reflects the organiser's judgement about the management of his parades during the pandemic. The Commission did not, as requested by the organiser, specify *'an appropriate timing between parades that would satisfy Covid-19 Regulations.'*
12. The Commission has explained to the organiser that it is not its role to set out protocols to satisfy Covid-19 Regulations (which may be a role for the parent organisation of the Apprentice Boys of Derry), instead it is the role of the Commission to assess the potential impacts of any parade, including the impact on the life of local communities. The impacts of parades may be perceived as more disruptive than before the pandemic, reflecting fears about the spread of infection. Organisers must take into account this heightened community sensitivity especially in town centres and near residential areas. As in normal circumstances, before the pandemic, the responsibility for managing all risks of a parade rests with the parade organiser.
13. The organiser's view is the parades are welcome in Rathfriland where there have never been community tensions about parades, and that the 3 parades, setting off at different times, satisfy Covid-19 Regulations regarding a maximum of 30 persons gathering outdoors. The organiser has stated that the PSNI is *'content'* with the arrangements for the forthcoming parades.
14. The Commission has received representation in support of the parades, from elected representatives, including an MLA. This includes a statement that *'there is no public concern at all about the proposed parade – indeed there would be widespread support for it. The participants will meet in a field owned by the Orange Order for a drive-in service and at its conclusion they will leave in groups of 30 at 17 minute exercising social distancing. The intervals have been set to ensure that the first group of marchers do not meet the 3rd parade on their way back to their cars parked in the*

assembly field. There will be no disruption to the community and no threat to public health. The organisers will take all the necessary steps to ensure that the Government's regulations on Coronavirus are fully adhered to.'

15. Further political representation states that *'I have consulted with the organisers and local community and see no reason why these parades should not be permitted. The organisers also have taken due cognisance of the current Covid-19 guidance as they plan these parades.'*
16. The Commission has received no objections to the forthcoming parades, at this stage. The Commission, however, alerts the organiser to the potential for parades which intend to gather more than 30 people at the same location (the current limit set by government restrictions on gatherings) to generate community objections due to the potential to cause disruption to the community life to those in the locality of the processions. Organisers must be aware of this potential.
17. The Commission has queried with the organiser whether he has informed residents, businesses and others in and around Rathfriland that these parades are taking place, enabling the local community to plan accordingly. The organiser's view is that any publicity about the parades may attract supporters, which he is anxious to avoid.
18. The Commission has considered all relevant factors regarding these parades.
19. The Commission has considered the need to issue determinations as outlined at paragraph 2 above against the factors outlined in its statutory Guidelines, including the potential disruption to community life.
20. The Commission has decided that the imposition of conditions on these parades is not necessary nor proportionate at this time, because of the factors set out above.
21. The Commission, however, advises the organiser to consider his responsibilities to alert the local community to the parades taking place in the town during the pandemic, enabling the local community to respond as appropriate. The community of Rathfriland may reasonably expect that parades passing through its residential streets and town centre adhere to the Covid-19 Regulations, and do not unduly disrupt the life of the community, including other users of the town, as they go about their daily business.
22. Further to this decision the Commission advises the organiser consult with the relevant authorities regarding the requirement to perform a risk assessment of their

parade/parades, in accordance with Regulation 5 of the Public Health Protection (Coronavirus, Restrictions (No 2) Regulations (Northern Ireland) 2020, part of which is reproduced below:

5. Restrictions on gatherings

5(1) Subject to paragraphs (2) to (5) a person shall not participate in an indoor or outdoor gathering which consists of more than 30 persons.

(3) Paragraph (1) shall not apply to a gathering which is organised or operated for cultural, entertainment, recreational, outdoor sports, social, community, educational, work, legal, religious or political purposes, and which fulfils the conditions in paragraph (4).

(4) The conditions referred to in paragraph (3) are that the person responsible for organising or operating the gathering –

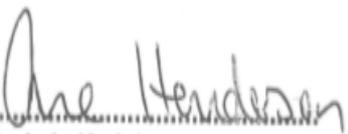
(a) has carried out a risk assessment which meets the requirements of the Management of Health and Safety at Work Regulations (Northern Ireland) 2000 (b), whether or not that person is subject to those Regulations; and

(b) takes all reasonable measures to limit the risk of transmission of the coronavirus, including implementing the preventive and protective measures identified in the risk assessment undertaken in accordance with sub-paragraph (a) and complying with any relevant guidance issued by a Northern Ireland Department.

The Commission further advises that the requirement to perform such a risk assessment, and to implement its preventive and protective measures, in accordance with the Management of Health and Safety at Work Regulations (Northern Ireland) 2000 (b) may be relevant to multiple parades of 30 persons moving off in quick succession of each other, as is the situation with these parades. Responsibility for compliance with all Regulations rests with the organiser and the participants of the parade.

23. The Commission reiterates the responsibilities incumbent on all parade organisers regarding public health considerations, at this time.

24. A copy of this decision has been provided to the PSNI.

Signed: 
(On behalf of the Commission)

Date: 30th July 2020