

ALD2/2/6/11/1/66 (6)



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*Parliamentary Under Secretary of State*  
Lord Alderdice  
House of Lords  
LONDON  
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16 October 1997

*Dear John*

As you know, the Government is committed to legislating in this current session of Parliament to implement the recommendations of the North Report on Parades and Marches in Northern Ireland. We introduced the Public Processions etc (Northern Ireland) Bill into the House of Lords on Thursday 16 October and I thought that you would find it useful to have some preliminary information about the content of the Bill.

The Bill seeks to implement faithfully the recommendations of the North Report, which looked into the parades issue in considerable depth. It will accordingly establish the Parades Commission, which already exists in a non-statutory form, as a body corporate. The Commission's prime responsibility is to facilitate local agreement, which we believe is the best way to ensure future marching seasons pass off peacefully. Should local agreement not be possible, however, the Bill provides for the Commission to take over from the police the power to set conditions on contentious parades, including re-routing. Such decisions will be taken by the Commission based on a range of factors; these will include the existing public-order based factors as well as the new factor, recommended by North, of the impact of the parade on relationships within the community. Reflecting another North recommendation, where a parade has customarily followed a particular route, this will also be a factor which the Commission must take into account.



In any particular case, the Commission will need to balance all of these factors, some of which may of course point in different directions, and come to a decision which seems best in the public interest. Guidelines will be produced under subordinate legislation setting out how the Commission will reach its decisions in individual cases.

If the Chief Constable is concerned about a decision of the Parades Commission, the Bill will empower him to appeal to the Secretary of State who would then re-examine the facts of the case and might either confirm, amend or set aside the Commission's ruling. In addition, the Bill will make clear that the police retain their common-law powers to act on the day of the parade in whatever way is necessary to deal with or prevent a breach of the peace.

As at present, the Bill will empower the Secretary of State to prohibit parades. She will be able to ban an individual parade, parades of a specified class or impose a blanket ban of up to 28 days (down from three months at present).

We have also looked at claims that establishing a Parades Commission focuses too narrowly on a method of expressing cultural identity which, in practice, is undertaken particularly by one side of the community. We understand these concerns. The problems of fear and intimidation as a result of aggressive manifestations of community identity are not only found in the parades context.

Accordingly, we plan to take powers to enlarge the Commission's remit. While it would not be given any further executive powers, the Commission would be asked to keep under review and make any recommendations it thinks fit to the Secretary of State on the law and practice relating to other public manifestations of cultural





identity - from whichever quarter they come - which in its view might damage relationships within the community.

The Secretary of State has put this provision on the face of the Bill because she believes it is essential to ensure that parades are not the only facet of cultural identity which could receive attention. However the Commission will initially have a great deal to do to establish how it will take forward its new responsibilities. The Secretary of State will therefore not bring this further remit into operation immediately. But she will keep it under close review and hope that it will be possible to activate the provision within a matter of months.

The above represents a quick run through the main provisions of the Bill. Our current plan is to announce the broad outline of our policy on 17 October. I attach a copy of the statement and a copy of the Bill. Given the significance of the changes to current legislation proposed, we are quite clear that proceeding by Bill is more appropriate than Order in Council. As a result there will be considerable opportunity to debate the Bill in detail. However, I would be happy to provide a fuller briefing before the Bill is debated, setting out the thinking underlying our policy if you think this would be useful. If you would like a briefing, perhaps you could ring my office on 0171-210-6500/01 we can then make arrangements to meet, if it is possible, or to talk on the phone.

*Yours*

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**LORD DUBS**