

## **CHAPTER 396 PUBLIC ORDER ACT**

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• Act • Subsidiary Legislation •

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### **ACT**

Act No. 27 of 1951

#### **Amended by**

Act No. 15 of 1966

Act No. 9 of 1967

The Court Order, 1967

Act No. 3 of 1969

SRO 54 of 1969

Act No. 3 of 1978

The Constitution

SRO 38 of 1980

Act No. 20 of 1987

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## **CHAPTER 396 PUBLIC ORDER ACT**

**An Act to prohibit the wearing of uniforms in connection with political objects and the maintenance by private persons of associations of military or similar character; to make further provision for the preservation of public order on the occasion of public processions and meetings and in public places.**

[Act No. 27 of 1951 amended by Act No. 15 of 1966, Act No. 9 of 1967, The Court Order, 1967, Act No. 3 of 1969, SRO 54 of 1969, Act No. 3 of 1978, The Constitution, SRO 38 of 1980, Act No. 20 of 1987.]

[Date of commencement: *5th July*, 1952.][SRO 45 of 1952.]

### 1. Short title

This Act may be cited as the Public Order Act.

### 2. Interpretation

In this Act, unless the context otherwise requires—

“**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;

“**private premises**” means premises to which the public have access (whether on payment or otherwise) only by permission of the owner, occupier or lessee of the premises;

“**public meeting**” includes any meeting in a public place and any meeting which the public, or any section thereof, are permitted to attend, whether on payment or otherwise;

“**public place**” means any highway, public park or garden, any sea beach, and any public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not; and includes any open space to which, for the time being, the public have or are permitted to have access, whether on payment or otherwise;

“**public procession**” means a procession in a public place;

“**recognised corps**” means a rifle association or rifle club, miniature rifle club or cadet corps approved by the Governor-General under the Firearms Act for the purposes of that Act.

[Chapter 275 of the Revised Laws 1990 Edition.]

### 3. Prohibition of uniforms in connection with political objects

(1) Subject as hereinafter provided, any person who in any public meeting wears uniform signifying his association with any political organisation or with the promotion of any political object is guilty of an offence:

Provided that, if the Commissioner of Police is satisfied that the wearing of any such uniform on any ceremonial, anniversary or other special occasion will not be likely to involve risk of public disorder, he may, with the approval of the Governor-General, by order permit the wearing of such uniform on that occasion, either absolutely or subject to such conditions as may be specified in the order.

(2) Where any person is charged before any court with an offence under this section, no further proceedings in respect thereof shall be taken against him without the consent of the Director of Public Prosecutions except such as the court may think necessary by remand (whether in custody or on bail) otherwise to secure the due appearance of the person charged, so, however, that if that person is remanded in custody he shall after the expiration of a period of eight days from the date on which he was so remanded, be entitled to be discharged from custody on entering into a recognisance without sureties unless within that period the Director of Public Prosecutions has consented to such further proceedings.

#### **4. Prohibition of quasi-military organisations**

(1) If the member or adherents of any association of persons, whether incorporated or not, are—

- (a) organised or trained or equipped for the purpose of enabling them to be employed in usurping the functions of the police or of the armed forces of the Crown; or
- (b) organised and trained, or organised and equipped, either for the purpose of enabling them to be employed for the use or display of physical force in promoting any political object, or in such manner as to arouse reasonable apprehension that they are organised and either trained or equipped for that purpose,

then any person who takes part in the control or management of the association, or in so organising or training any members or adherents thereof, is guilty of an offence under this section:

Provided that in any proceedings against a person charged with the offence of taking part in the control or management of such an association as aforesaid it shall be a defence to that charge to prove that he neither consented to nor connived at the organisation, training or equipment of members or adherents of the association in contravention of the provisions of this section.

(2) No prosecution shall be instituted under this section without the consent of the Director of Public Prosecutions.

(3) If, upon application being made by the Director of Public Prosecutions, it appears to the High Court that any association is an association of which members or adherents are organised, trained, or equipped in contravention of the provisions of this section, the Court may make such order as appears necessary to prevent any disposition without the leave of the Court of property held by or for the association and, in accordance with rules of court, may direct an inquiry and report to be made as to any such property and as to the affairs of the association, and may make such further orders as appears to the Court to be just and equitable for the application of such property in or towards the discharge of the liabilities of the association lawfully incurred before the date of the application or since that date with the approval of the Court, in or towards the repayment of monies to persons who became subscribers or contributors to the association in good faith and without knowledge of any such contravention, and in or towards any costs incurred in connection with any such inquiry and report or in winding-up or dissolving the association, and may order that any property which is not directed by the Court to be so applied shall be forfeited to the Crown.

(4) In any criminal or civil proceedings under this section proof of things done or of words written, spoken or published (whether or not in the presence of any party to the proceedings) by any person taking part in the control or management of an association, or in organising, training or equipping members or adherents of an association shall be admissible as evidence of the purposes for which, or the manner in which, members or adherents of the association (whether those persons or others) were organised, or trained or equipped.

(5) If a judge of the High Court is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this section has been committed, and that evidence of the commission thereof is to be found at any premises or place specified in the information, he may, on application made by a police officer of a rank not lower than that of sergeant, grant a search warrant authorising any such police officer named in the warrant together with any other persons named in the warrant and any other police officers to enter the premises or place at any time within one month from the date of the warrant, if necessary by force, and to search the premises or place and every person found therein, and to seize anything found on the premises or place or on any such person

which the said police officer has reasonable ground for suspecting to be evidence of the commission of such an offence as aforesaid:

Provided that no woman shall, in pursuance of a warrant issued under this subsection, be searched except by a woman.

(6) Nothing in this section shall be construed as prohibiting the employment of a reasonable number of persons as stewards to assist in the preservation of order at any public meeting held upon private premises, or the making of arrangements for that purpose or the instruction of the persons to be so employed in their lawful duties as such stewards, or their being furnished with badges or other distinguishing signs.

## **5. Notice of meetings or processions to be given**

(1) Any person organising or concerned in organising any public meeting or public procession shall notify the Commissioner of Police at least twenty-four hours before the time fixed for such meeting or procession of his intention to hold such meeting or procession and shall state the time and place proposed for such assembly and, in the case of a procession, the route proposed to be followed:

Provided that the provisions of this subsection shall not apply to funeral processions.

(2) The organiser and any person who knowingly takes part in any public meeting or public procession held in contravention of subsection (1) is guilty of an offence under this Act.

## **6. No right of meeting in a public place**

For removing doubts, it is hereby declared that no person has a right to hold a meeting in a public place.

## **7. Power to preserve good order and public safety on occasion of processions**

(1) If it appears to the Commissioner of Police, having regard to the time or place at which and the circumstances in which a public procession is taking place or is intended to take place and to the route taken or proposed to be taken by the procession, to be in the interest of good order or of the public safety so to do, he may give directions imposing upon the persons organising or taking part in the procession such conditions as appear to him necessary for the preservation of good order or the public safety, including conditions prescribing the route to be taken by the procession and conditions prohibiting the procession from being held, or from continuing to be held, or from entering any particular public place specified in the directions:

Provided that no conditions restricting the display of flags, banners or emblems shall be imposed under this subsection except such as are reasonably necessary to prevent risk of a breach of the peace.

(2) If at any time the Commissioner of Police is of opinion that by reason of particular circumstances existing in any town, village or district, or in any part thereof, the powers conferred on him by subsection (1) will not be sufficient to enable him to preserve the public safety on the occasions of the holding of public processions in that town, village or district, or part thereof, he shall apply to the Governor-General for an order prohibiting, for such period not exceeding three months as may be specified in the application, the holding of all public processions or of any class of public procession so specified either in the town, village or district, or in that part thereof, as the case may be, and upon receipt of the application the Governor-General may make an order either in terms of the application or with such modifications as he may deem fit.

(3) Any person who—

(a) knowingly fails to comply with any directions given or conditions imposed under this section;

- (b) organises any public procession held or intended to be held in contravention of an order made under this section;
- (c) takes part in any public procession known by him to be held in contravention of an order made under this section; or
- (d) incites, aids or abets any other person to commit any of the aforesaid offences,

is guilty of an offence under this Act.

## **8. Power to preserve good order and public safety on occasion of meetings**

(1) If, having regard to the time or place at which and the circumstances in which any public meeting is being held or is intended to be held, it appears to the Commissioner of Police to be in the interest of good order or of the public safety so to do, he may give directions imposing upon the persons organising or attending the meeting such conditions as appear to him necessary for the preservation of good order or of the public safety, including conditions prohibiting the meeting from being held, or from continuing to be held, at any particular time or in any particular public place specified in the directions:

Provided that, where a lawful public meeting is in progress, the Commissioner of Police shall not direct its discontinuance under this subsection by reason only of the acts of persons committed for the purpose of preventing the transaction of the business for which that meeting was called together.

(2) If at any time the Commissioner of Police is of opinion that by reason of particular circumstances existing in any town, village or district, or in any part thereof, the powers conferred on him by subsection (1) will not be sufficient to enable him to preserve the public safety on the occasions of the holding of public meetings in that town, village or district, or part thereof, he shall apply to the Governor-General for an order prohibiting, for such period not exceeding three months as may be specified in the application, the holding of all public meetings, or of any class of public meetings so specified, either in the town, village or district, or in that part thereof, as the case may be, and upon receipt of the application the Governor-General may make an order either in terms of the application or with such modifications as he may deem fit.

(3) Any person who—

- (a) knowingly fails to comply with any directions given or conditions imposed under this section;
- (b) organises any public meeting held or intended to be held in contravention of an order made under this section;
- (c) attends any public meeting known by him to be held in contravention of an order made under this section; or
- (d) incites, aids or abets any other person to commit any of the aforesaid offences,

is guilty of an offence under this Act.

## **9. Power to impose directions, etc., to be in addition to any other power**

The powers conferred on the Commissioner of Police by section 8(1) are exercisable by him in addition, and without prejudice, to any other power conferred on him by any other law.

## **10. Power to disperse public processions and meetings**

(1) Any police officer may, in relation to either—

- (a) any public meeting held during the specified time, within the specified distance of any scheduled premises; or
- (b) any public procession in progress which, during the specified time, comes within the specified distance of any scheduled premises,

require any person addressing, or known to him to have addressed, such meeting or leading such procession or appearing to him to be the promoter or organiser or one of the promoters or organisers or the leader or one of the leaders of such meeting or procession, to call upon such meeting or procession to disperse.

(2) Any person required under subsection (1) to call upon any public meeting or public procession to disperse, who refuses, fails or neglects forthwith to call upon such meeting or procession to disperse is guilty of an offence under this Act.

(3) In this section and section 12—

“**specified distance**” means a radius of two hundred yards from any point within the curtilage of any scheduled premises;

“**specified time**” means—

- (a) in the case of the High Court building, any time at which either the House of Assembly, the Court of Appeal, the High Court or a magistrate’s court is sitting;
- (b) in the case of the head office of a Ministry, any time between 8.30 a.m. and 5.30 p.m.

(4) The Governor-General may, by order, add any premises to, or remove any premises from, the Schedule.

## **11. Calling upon public procession or meeting to disperse**

Where any person who is required under section 10 to call upon any public meeting or public procession to disperse, refuses, fails or neglects to do so, any police officer may call upon such meeting or procession to disperse.

## **12. Participants**

(1) Every person who is present at any public meeting or public procession which is called upon to disperse under section 10 or 11 shall forthwith, upon the public meeting or public procession being called upon to disperse, go to some place beyond the specified distance from the scheduled premises by some route no point of which is nearer to the scheduled premises than is the place at which the public meeting or public procession was called upon to disperse.

(2) Any person who fails or neglects to comply with the provisions of subsection (1) is guilty of an offence under this Act.

## **13. Inciting**

Any person who incites any other person to contravene the provisions of section 12(1) is guilty of an offence under this Act.

## **14. Prohibition of offensive weapons at public meetings and processions**

(1) Any person who, while present at any public meeting or on the occasion of any public procession, has with him any offensive weapon, otherwise than in pursuance of lawful authority, is guilty of an offence.

(2) For the purposes of this section, a person shall not be deemed to be acting in pursuance of lawful authority unless he is acting in his capacity as a servant of the Crown

or of any local authority or as a police officer or as a member of a recognised corps or as a member of a fire brigade.

#### **15. Offensive conduct conducive to breaches of the peace**

Any person who, in any public place or at any public meeting, uses threatening, abusive or insulting words or behaviour with intent to provoke a breach of the peace, or whereby a breach of the peace is likely to be occasioned, is guilty of an offence.

#### **16. Endeavouring to break up public meeting**

(1) Any person who, in any public place or at a public meeting, behaves in a disorderly manner for the purpose of preventing a lawful public meeting from transacting its business is guilty of an offence under this Act.

(2) Any person who, while a lawful public meeting is in progress, commences another public meeting at any point less than three hundred yards distant from any speaker of that meeting which is in progress, is guilty of an offence under this Act.

(3) Any person who speaks at a public meeting commenced at a place and in the circumstances mentioned in subsection (2) is guilty of an offence under this Act.

(4) Any person who incites another person to commit an offence under this section is guilty of a like offence.

#### **17. Power of arrest**

Any police officer may, without warrant, arrest any person reasonably suspected by him to be committing an offence under this Act.

#### **18. Offences and penalties**

(1) Any person who commits an offence under section 4 is liable, on summary conviction, to a fine of four thousand dollars and to imprisonment for six months and, on conviction on indictment, to a fine of twenty thousand dollars and to imprisonment for two years.

(2) Any person guilty of any other offence under this Act is liable to a fine of two thousand five hundred dollars and to imprisonment for three months.

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#### **Schedule**

[Section 10.]

The High Court building, Back Street, Kingstown (where sittings of the House of Assembly and of courts are commonly held):

The head offices of all ministries.

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### **CHAPTER 396 PUBLIC ORDER ACT**

#### **SUBSIDIARY LEGISLATION**

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*No Subsidiary Legislation*

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