

PUBLIC ASSEMBLY BILL, 2015*(Bill No. 15 of 2015)***OBJECTS AND REASONS**

This Bill seeks to repeal and replace the Public Order Act, 2013 so as to provide for detailed provisions for the control of public assemblies, public meetings and public processions; for preserving and maintaining public order; declaring certain areas as prohibited areas; providing for designated areas; prohibition of offensive conduct to breach of peace at public assembly or procession and prohibition of disorderly behaviour at public assembly or procession. The Bill is based on the Recommendations of the Electoral Commission. The Bill also seeks to authorise the Commissioner of Police to terminate a public assembly or public procession in the interests of defence, public safety, public order, public morality or public health.

Dated this 9th day of October, 2015.

R.J. GOVINDEN
ATTORNEY GENERAL

PUBLIC ASSEMBLY BILL, 2015

(Bill No. 15 of 2015)



A BILL

OF

AN ACT to repeal and replace the Public Order Act, 2013, to make provision for the protection and promotion of the right to freedom of assembly, the preservation of public safety and order and to provide for connected matters.

ENACTED by the President and the National Assembly.

1. This Act may be cited as the Public Assembly Act, 2015.

Short title

Interpretation

2. In this Act, unless the context otherwise requires —

- (a) “Commissioner” means the Commissioner of Police;
- (b) “Minister” means the Minister responsible for Home Affairs;
- (c) “noisy instruments” includes loudspeakers, amplifiers and any other instruments that makes high intensity sound;
- (d) “public assembly” means any assembly consisting of 10 or more persons held or to be held in a public place, but does not include —
 - (i) an assembly of persons held exclusively for the purpose of business of any public or corporate body; or
 - (ii) an assembly of persons held exclusively for a religious purpose at the premises of a religious organisation;
- (e) “public place” means any place in which the public has or is entitled or permitted to have access, whether on payment or otherwise;
- (f) “public procession” —
 - (i) means any procession in, to or from, a public place consisting of 10 or more persons proceeding on foot or in more than one vehicle; but
 - (ii) does not include a marriage or funeral procession;
- (g) “public safety or public order” includes —

- (i) securing of the safety of persons and property;
- (ii) maintenance of supplies and services essential to the life of the community;
- (iii) prevention and suppression of violence, intimidation, disorder and crime;
- (iv) prevention and suppression of mutiny, rebellion and concerted defiance of and disobedience of the law and lawful authority; and
- (v) maintenance of the administration of justice;
- (h) “road” includes any highway, street, bridge, square court, alley, lane, bridge way, track, parade, thoroughfare, passage or open space to which the public are entitled or permitted to have access whether on payment or otherwise;
- (i) “speaker’s corner” means the place specified as such in the regulations;
- (j) “vehicle” —
 - (i) means a vehicle designed or adapted for use on any road; and
 - (ii) includes any other means of conveyance.

3.(1) A person who intends to hold or organise a public assembly or a public procession shall give a written notice to the Commissioner not less than 5 working days before the day the assembly or procession is to be held.

Notice of
public
assembly or
public
procession

(2) The Commissioner shall immediately upon receipt of a notice give an acknowledgement to the organiser.

(3) A public assembly or public procession shall not be advertised or otherwise publicised unless notice has been given and acknowledged.

(4) Notwithstanding subsections (1) and (2), the Commissioner may on good cause shown to his satisfaction, accept a shorter period of notice.

(5) A notice under this section shall be in writing, signed by the organiser and in the form set out in the Schedule.

(6) The Commissioner may within 24 hours of receiving a notice seek clarification from the organiser of what is stated in the notice.

(7) Where a notice to hold a public assembly or public procession has been given and the organiser decides to cancel or postpone it, notice of the cancellation or postponement shall immediately be given to the Commissioner.

(8) Any person who fails to comply with this section shall commit an offence.

4.(1) Where notice has been given of the holding of a public assembly or public procession the Commissioner may, having regard to the venue, the time and the route, impose conditions on the holding of the assembly or procession.

(2) Where notice has been given for the holding of more than one public assembly or public procession on the same date, the Commissioner may, having regard to the proximity of the assembly or procession and the time at which they are to be held, impose conditions reasonably required on the holding of any such assembly or procession, other than the assembly or procession in respect of which notice was first received.

Conditions
and restriction
on public
assembly or
public
procession

(3) Where notice has been given of the holding of a public assembly or public procession the Commissioner may in the interest of defence, public safety, public order, public morality or public health impose restrictions reasonably required on the holding of such public assembly or public procession.

(4) Where the Commissioner intends to exercise his discretion under subsections (1), (2) or (3), the Commissioner shall within 48 hours of receiving notice of the assembly or procession, inform the organiser in writing of the conditions or restrictions.

(5) A person aggrieved by a decision of the Commissioner, may appeal within 36 hours before the date of the public assembly or public procession, by petition to the Chief Justice—

(a) who shall hear the matter in the presence of both parties as a matter of urgency;

(b) ensure that the proceedings are duly recorded; and

(c) make such order as appropriate.

(6) Any person who contravenes or fails to comply with the conditions or restrictions imposed under subsections (1)(2) or (3) commits an offence.

5.(1) Subject to subsection (2), a public assembly or public procession shall not be held in a place under the administration or control of a person or authority, without the written permission of that person or authority.

(2) Notwithstanding subsection (1) an organiser shall not require a written authorisation, where the public assembly or public procession is to be held in a designated area specified as such in the regulations.

Written
authorisation
and
designated
area

- (3) Any person who fails to comply with subsection (1) commits an offence.

Cessation of a public assembly or public procession

6. The Commissioner may by order terminate a public assembly or public procession —

- (a) where the Commissioner has reasonable grounds to terminate such public assembly or public procession in the interests of defence, public safety, public order, public morality or public health; or
- (b) where the conditions or restrictions imposed are not being complied with.

Unauthorised public assembly or public procession

7.(1) Where the Commissioner is informed or has sufficient grounds to believe that a public assembly or a public procession is about to be held or is being held without notice being given, the Commissioner may issue such orders as the Commissioner considers appropriate and may —

- (a) use such force as may be reasonably necessary to prevent the holding of, stop or cause to disperse the public assembly or public procession;
- (b) enter any premises in which the assembly or procession is taking place;
- (c) prohibit access to any public place, to prevent any person from taking part in the public assembly or public procession.

(2) The Commissioner shall cause notices to be placed in public places, where access to a public place is prohibited under subsection (1) by —

- (a) affixing notices;
- (b) erecting physical barriers at the point of access to the public place.

- (3) Any person who contravenes or fails to comply with the order of the commissioner commits an offence.

8. The Commissioner may delegate the powers conferred upon him or her by this Act to his or her Deputy or any other police officer not below the rank of Superintendent.

Delegation of powers

9.(1) An organiser shall not hold a public assembly or public procession —

Prohibited area

- (a) at an army camp, para-military camp or a military installation;
- (b) within the compound of a police station; or
- (c) within the compound of the State House.

(2) Any person who fails to comply with this section commits an offence.

Order or direction

10. Where an order is made or direction given under this Act, the Commissioner shall cause notice of the effect of the order or direction to be given as soon as may be, in such manner as he thinks necessary for bringing to the notice of the persons who, in his opinion ought to have notice of the order or direction.

Individual liability

11. Any person who attends a public assembly or public procession shall be held individually responsible.

Prohibition of offensive conduct to breach of peace at public assembly or procession

12. Any person who at any public assembly or public procession uses threatening, abusive or insulting words or behaviour with intent to provoke a breach of the peace or by virtue of which a breach of the peace is likely to be occasioned, commits an offence.

Disorderly behaviour at public assembly or procession

13.(1) Any person who at a lawful public assembly or public procession acts in a disorderly manner for the purpose of preventing the transaction of business for which the assembly

was called together or the procession was held, commits an offence.

(2) Any person who incites others to commit an offence under this section shall be guilty of a like offence.

14. Any person who commits an offence under this Act is liable on conviction to a fine not exceeding SCR25,000 or to imprisonment for a term not exceeding 2 years or to both such fine and imprisonment.

15. The Minister may make regulations for the purpose of carrying into effect the provisions of this Act.

16. The Public Order Act, 2013 is hereby repealed.

SCHEDULE

[Section 3(4)]

NOTICE

1. Name and address of organiser :
2. Contact phone number and email :
3. Date of proposed assembly or procession :
4. Time of proposed assembly or procession :
5. Purpose of assembly or procession :
6. Exact location of proposed assembly or procession :

7. In case of a march proposed starting and end point route :
8. Expected duration :
9. Types of noisy instruments to be use :
10. Name of speaker(s) :
11. Number of attendees :

In the case of an assembly please attach written authorisation of the person or authority owning, occupying or administering the premises on which the assembly is to be held.

Signature

Name and address of the applicant

Date:

Place: