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PUBLIC ORDER ACT, 2013

(Act 22 of 2013)

I assent

J. A. Michel
President

31st December, 2013



**AN ACT to repeal and replace the Public Order Act 1959
(Cap 94).**

ENACTED by the President and the National Assembly.

1. This Act may be cited as the Public Order Act, 2013. Short title

Interpretation

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

“Commissioner” means the Commissioner of Police;

“Minister” means the Minister responsible for home affairs;

“public gathering” means gathering or concourse of ten or more persons in any public place;

“public 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, but does not include meetings of any local authority or statutory body incorporated by law;

“public place” means any highway, public park or garden, any foreshore 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 any demonstration, march or procession by one or more persons in a public place, but does not include any parade, march or manoeuvre of any of the armed forces of the Republic, or the police or any recognised Corps, or any marriage or funeral procession;

“recognised corps” means any organisation or association recognised as such by the President for the purposes of this Act;

“uniform” includes any article of clothing.

3.(1) The Commissioner shall, subject to any general or special directions of the Minister, be responsible for the administration of this Act and may perform such duties as are imposed and exercise such powers as are conferred upon the Commissioner by this Act.

Administration
of the Act

(2) The Minister may, from time to time, give the Commissioner directions of a general character, consistent with the provisions of this Act, as to the exercise of the powers conferred on, and the duties required to be discharged by, the Commissioner under this Act and the Commissioner shall give effect to such directions.

4.(1) The Commissioner may delegate the exercise of all or any of the powers conferred or duties imposed upon the Commissioner by this Act except the power of delegation conferred by this subsection to any authorised officer, subject to such conditions or limitations as set out in this Act or as the Commissioner may specify by directions, any reference to the Commissioner shall include a reference to such an authorised officer.

Delegation of
powers of
Commissioner

(2) In exercising any power or function under a delegation under subsection (1), an authorised officer shall comply with any direction of the Commissioner.

PART II – CONTROL OF PUBLIC GATHERINGS, PUBLIC MEETINGS AND PUBLIC PROCESSIONS

5.(1) The Commissioner may, if it appears to him or her to be necessary or expedient in the interests of public order so to do, in such manner as he may think fit —

Control of
public
gatherings

- (a) control and direct the extent to which music may be played, human speech or any other sound may be amplified, broadcast, relayed or otherwise reproduced by artificial means, in a public place;
- (b) control and direct the conduct of all public gatherings; and
- (c) for any of the purposes in paragraph (a) and (b) give or issue such orders as the Commissioner may consider necessary or expedient.

(2) Any person who fails to comply with any order given or issued under paragraph (c) shall commit an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or to a fine not exceeding SCR2000 or to both such imprisonment and fine.

Regulation of public meetings and public processions

6.(1) Subject to the provisions of this Act, a public meeting or a public procession shall not be held unless the Commissioner is notified of the intention to hold the public meeting or public procession and —

- (a) the Commissioner allows the public meeting or public procession with or without conditions under section 8(2) or 9(2); and
- (b) the holding of that public meeting or public procession is not prohibited under section 13 or any other provisions of this Act.

Notice of public meeting or public procession

7.(1) A notice of intention to hold a public meeting or public procession shall be given to the Commissioner in accordance with subsections (2) and (3).

(2) A notice under this section shall be given not less than 6 clear working days before the date on which the public meeting or public procession is to be held.

(3) A notice under this section shall, be in a form prescribed by regulations, —

- (a) given in writing, —
 - (i) if it is a demonstration carried on by a person by himself or herself or a public march by a single person, by the person; and
 - (ii) in any other case, by any of the organisers of the public meeting or public procession; and

(b) contain the following particulars —

- (i) the location, date and time the meeting or public procession is to be held and the estimated duration of the meeting or public procession;
- (ii) in the case of a public procession, the location, time of commencement and duration of any meeting to be held in conjunction with the public procession and the route, the places at which the procession will halt and the time it will remain stationary in each such place;
- (iii) the number of persons likely to take part in it;
- (iv) the purpose of the public meeting or public procession;
- (v) the name, address and telephone number of the organiser of the public meeting or public procession, and of a person able to act, if necessary in place of the organiser for the purposes of section 9(1)(b);
- (vi) the arrangements for its control being made by the person proposing to organise it;
- (vii) such other particulars and information relating to the public meeting or public procession as may be prescribed;
- (viii) such other particulars and information relating to that public meeting or public procession, as the case may be, as the Commissioner may require.

(4) Notwithstanding subsection (2), the Commissioner may, in any case where the Commissioner is reasonably satisfied that earlier notice could not have been given, accept shorter notice than is specified in that subsection.

(5) In cases where the Commissioner has decided not to accept shorter notice than is specified in subsection (2), the Commissioner shall as soon as practicable inform in writing the decision to the person who has given such notice.

Decision of the
Commissioner

8.(1) The Commissioner shall, upon receipt of any notice under section 6 in respect of a proposed public meeting or public procession consider the information furnished in the notice and any other information available to the Commissioner in relation to the proposed public meeting or public procession and give a decision.

(2) Subject to subsection (3) the proposed public meeting or public procession shall take place in accordance with the particulars contained in the notice filed under section 7; unless the Commissioner within 3 working days from the receipt of the notice inform the applicant in writing of the imposition of conditions for the holding of the proposed public meeting or procession, in which case the proposed public meeting or procession shall be carried out in accordance with conditions imposed.

(3) The proposed public meeting or public procession shall not take place if the Commissioner refuses to allow it to take place in accordance with section 8(4), in which case the Commissioner shall within 3 working days from the receipt of the notice under section 7 inform the applicant in writing of his decision and the reasons for his decision in writing.

(4) The Commissioner may decide not to allow a public meeting or public procession to take place if the notice is not in compliance with the provision of section 7(3) or if the Commissioner has reasonable ground to believe that the proposed meeting or procession may—

- (a) occasion public disorder or cause damage to public or private property;
- (b) create a public nuisance;
- (c) give rise to an obstruction on any public road;
- (d) put the safety of any person in jeopardy;
- (e) cause feelings of enmity, hatred, ill-will or hostility between different groups in Seychelles;
- (f) glorify the commission or preparation (whether in the past, in the future or generally) of acts of terrorism or any other offence or otherwise have the effect of directly or indirectly encouraging or inducing members of the public to instigate, prepare or commit any act of terrorism or other offences;
- (g) be held within or enter a prohibited area or an area to which an order or a notification under section 13 applies;
- (h) interfere with or hinder the holding of a public meeting or a public procession which has been allowed under section 8; or
- (i) otherwise not be in the interest of public order.

(5) A person who advertises or caused to be advertised a public meeting or public procession of which that person knows or ought reasonably to know that—

- (a) a notice of intention to organise a public meeting or public procession has not been given under section 7; or

- (b) the 3 working days period allowed under subsections (2) and (3) has not elapsed,

shall commit an offence and shall be liable on conviction to imprisonment for a term not exceeding 5 years or to a fine not exceeding SCR5,000 or to both such imprisonment and fine.

General conditions applying to public meeting and public procession

9.(1) At every public meeting or public procession —

- (a) good order and public safety shall be maintained throughout the public meeting or public procession; and
- (b) present throughout the public meeting or public procession shall be the organiser who organised the meeting or procession or, a person nominated in writing by the organiser.

(2) The Commissioner may impose on the organiser of, and the persons taking part in, the public meeting or public procession such conditions as in the Commissioner's opinion are necessary to prevent the public meeting or public procession, as the case may be, being convened so as to result in happening of anything referred to in section 8(4) (a) to (i).

(3) Without prejudice to the generality of subsection (2), the conditions may, in particular, impose requirements as to —

- (a) the number of persons who may take part in the public meeting or public procession;
- (b) the number and size of banners, placards, displays or other objects used;
- (c) the engagement of such number of security officers as may be necessary to ensure good order and public safety throughout the public meeting or public procession, as the case be;

- (d) the place or places where the public meeting or public procession may, or may not, be held or carried on.

(4) The Commissioner may, if the Commissioner reasonably believes that it is necessary in order to prevent the happening of anything referred to in section 8 (4)(a) to (i) —

- (a) impose additional conditions other than those provided in subsection (2) on persons organising or taking part in an authorised public meeting or public procession; or
- (b) amend any condition previously imposed under subsection (2) or paragraph (a).

(5) Where the Commissioner has decided to impose additional conditions or amend any conditions previously imposed in accordance with subsection (4), he shall inform the person organising the public meeting or public procession thereof in writing.

(6) In the event that the Commissioner imposes additional conditions or amends any conditions imposed in accordance with subsection (4) whilst the public meeting or public procession is underway a senior police officer shall give such directions to those organising or taking part in the meeting or public procession as may be necessary to comply with the additional or amended conditions.

(7) Any reference in this Act to a condition imposed under section 8(2) shall, except where the context otherwise requires, include a reference to an additional condition imposed or a condition as amended under subsection (4).

10. In this part —

“meeting” and “procession” include the period between the commencement and the dispersal of the meeting or procession, as the case may be;

Definitions

“senior police officer” means the most senior in rank of the police officers at the scene of the public meeting or public procession, or any one of them if there are more than one of the same rank;

“large public meeting” means a meeting of more than one thousand persons.

Cancellation of public meeting or public procession

11.(1) Notwithstanding section 8(2), the Commissioner may, by notice in writing to the applicant, cancel a public meeting or a public procession that has been allowed by the Commissioner where—

- (a) there is reason to believe that the notice to hold a public meeting or a public procession contained any statement that is false in a material particular; or
- (b) the Commissioner becomes aware of a circumstance that would have required or permitted the Commissioner to refuse to allow the public meeting or public procession from taking place had the Commissioner been aware of the circumstance when he first considered the information furnished in the notice.

Appeals Board

12.(1) There shall be an Appeals Board to hear and determine appeals against the decisions of the Commissioner under section 8.

(2) The Appeals Board shall consist of five members appointed by the President.

(3) A person appointed as a member of the Appeals Board shall have experience in legal, judicial and law enforcement matters.

(4) A member of the Appeals Board shall be appointed on such terms and conditions as the President may determine.

(5) The Chairperson and other members of the Appeals Board shall hold office for three years and shall be eligible for reappointment.

(6) The President shall at any time terminate the appointment of a member who has been found guilty of—

- (a) any misconduct, default or breach of trust in the discharge of that member's duties; or
- (b) an offence of such nature as renders it desirable that the member's appointment be terminated.

(7) The Appeals Board may regulate its own proceedings.

(8) Any person aggrieved by the decision of the Commissioner may appeal to the Appeals Board in such manner as may be prescribed.

(9) After receiving an appeal, the Appeals Board shall, within 6 working days, after considering the appeal, —

- (a) reject the appeal and confirm the Commissioner's decision;
- (b) allow the appeal in whole or in part and vary the Commissioner's decision;
- (c) set aside the Commissioner's decision and make a decision in substitution for it; or
- (d) direct the Commissioner to reconsider the Commissioner's decision,

and the appellant shall be notified in writing of the Appeals Board's decision on the appeal.

Prohibited
areas

13.(1) Notwithstanding anything otherwise provided in this Act, the following areas shall be prohibited areas where no public meeting or public procession shall take place—

- (a) the premises of the Court of Appeal; the Supreme Court, and other subordinate courts and tribunals;
- (b) the precincts of the National Assembly;
- (c) the premises of the State House; and
- (d) the premises of any Defence Forces of the Republic of Seychelles.

(2) If, in relation to any public place, the Minister is of the opinion that it is necessary in the public interest to do so, the Minister may—

- (a) by order published in the Official Gazette, prohibit the holding of public meetings or public processions or both in any public place (referred to in this Act as a “prohibited area”;
 - (b) by order published in the Official Gazette, designate a specific area or areas (as the case may be) whereat large public meeting shall take place.
- (3) An order made under sub-section (2)—
- (a) may exclude any meeting or procession, or any meeting or procession of any class or description, specified in the order from the prohibited area; and
 - (b) shall have the effect of cancelling any previous public meeting or public procession which had been allowed to proceed under section 8 in respect of a prohibited area.

14.(1) If, in relation to any public place and any period of time not exceeding 28 days, the Commissioner is of the opinion that, having regard to—

- (a) any serious public disorder or serious damage from public meetings or public processions of a particular class or description in that public place during that period;
- (b) any serious public nuisance or obstruction in any public road, or threat to the safety of persons in that public place that may result from such public meetings or public processions;
- (c) any serious impact which such public meetings or public processions may have on relations between different groups in Seychelles;
- (d) any undue demand which such public meetings or public processions may cause to be made on the police or defence forces; and
- (e) the extent of powers exercisable under this subsection,

Power to
prohibit
meeting or
procession
due to serious
disorder

it is necessary in the public interest to do so, the Commissioner may, with the concurrence of the Minister, by Notice published in the Official Gazette, prohibit the holding of public meetings or public processions or both, or those of a specified class or description, in that public place during that period.

(2) A Notice published under subsection (1) shall have the effect of cancelling any previous decision taken under section 8 in relation to any public meeting or public procession the holding of which is prohibited by the Notice.

Offences in prohibited areas, etc.

15.(1) A person who organises a public meeting or a public procession the holding of which that person knows or ought reasonably to know is in a prohibited area or is prohibited by an Order under section 13(2) or a Notice under section 14(1), as the case may be, shall commit an offence and shall be liable on conviction to imprisonment for a term not exceeding 5 years or to a fine not exceeding SCR5000 or to both such imprisonment and fine.

(2) A person who takes part in a meeting or a procession the holding of which that person knows or ought reasonably to know is in a prohibited area or is prohibited by an Order under section 13(2) or a Notice under section 14(1), as the case may be, shall commit an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or to a fine not exceeding SCR2,000 or to both such imprisonment and fine.

Other offences in relation to public meetings or public processions

16.(1) Each person who organises a public meeting or public procession—

- (a) after the public meeting or public procession had not been allowed to proceed by the Commissioner under section 8(2);
- (b) which is held—
 - (i) on a date or at a time which differs from the date or time specified in relation to the public meeting or public procession in the notice given under section 7; or
 - (ii) in the case of a public procession, along a route which differs from the route specified in relation to the public procession in the notice given under section 7; or

- (c) which is not in compliance with any condition imposed under section 8(2), 9(2) or (4) on the organiser of, or persons taking part in, that public meeting or public procession,

shall commit an offence and shall, subject to subsection (3), be liable on conviction to imprisonment for a term not exceeding 5 years or to a fine not exceeding SCR5,000 or to both such imprisonment and fine.

(2) A person who takes part in a public meeting or public procession the holding of which that person knows or ought to reasonably know—

- (a) has not been allowed to proceed by the Commissioner under section 8(2);
- (b) is held—
 - (i) on a date or at a time which differs from the date or time specified in relation to the public the public meeting or public procession in the notice given under section 7; or
 - (ii) in the case of a public procession, along a route which differs from the route specified in relation to the public procession in the notice given under section 7; or
- (c) is not in compliance with any conditions imposed under section 8(2); 9(2) or (4) on persons taking part in that public meeting or public procession,

shall commit an offence and shall, subject to subsection (3), be liable on conviction to imprisonment for a term not exceeding 2 years or to a fine not exceeding SCR2,000 or to both such imprisonment and fine.

(3) Where a person who had been previously convicted of an offence under Chapter VII of the Penal Code or an offence under subsection (1) or (2) is again convicted of an offence under either of those subsections, the person shall be liable on conviction—

- (a) of an offence under subsection (1) to imprisonment for a term not exceeding 7 years or to a fine not exceeding SCR50,000 or to both such imprisonment and fine;
- (b) of an offence under subsection (2) to imprisonment for a term not exceeding 5 years or to a fine not exceeding SCR25,000 or to both such imprisonment and fine.

(4) A person organising or taking part in a public meeting or a public procession who knowingly fails to comply with any direction of a senior police officer given under section 9(6) shall commit an offence and shall be liable on conviction—

- (a) in the case of a person organising a public meeting or public procession to imprisonment for a term not exceeding 5 years or to a fine not exceeding SCR5,000 or to both such imprisonment and fine; and
- (b) in the case of a person taking part in a public meeting or public procession to imprisonment for a term not exceeding 2 years or to a fine not exceeding SCR2,000 or to both such imprisonment and fine.

(5) A person who prints, publishes, displays, distributes or circulates a notice of, or in any other manner advertises or publishes, a public meeting or a public procession which has not been allowed to proceed by the Commissioner under section 8(2) shall commit an offence and shall be liable on conviction to imprisonment not exceeding 5 years

or to a fine not exceeding SCR5,000 or to both such imprisonment and fine.

17. Where a person at, or in relation to, a public meeting or a public procession—

- (a) acts in a disorderly manner for the purpose of preventing the transaction of the business for which the public meeting or public procession is assembled;
- (b) obstructs the free passage of any ambulance, fire engine or vehicle belonging to the Police or the Defence Forces or, otherwise than in the manner and to the extent authorised, impedes or disrupts the use by members of the public in general of any road; or
- (c) incites other persons to do so,

the person shall commit an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or to a fine not exceeding SCR2000 or to both such imprisonment and fine.

18.(1) If at any time it appears to the Commissioner that serious public disorder is likely to arise at or on the occasion of any sporting event or other entertainment of any description, the Commissioner may, by notice addressed to the promoter or manager thereof, prohibit the holding or continuance thereof in any area or place or on any particular day.

(2) A notice under subsection (1) shall be served on the person, or one of the persons promoting, organising or managing the sporting event or entertainment.

(3) Any police officer may give or issue such order and use such force as may be necessary to prevent the holding or continuance of a sporting event or other entertainment the

Obstructing free passage of any ambulance, etc.

Power to prohibit entertainment and sporting events

holding or continuance of which has been prohibited by a notice issued under subsection (1), and to disperse any gathering of persons thereat.

(4) Any person who fails to comply with any order given by a police officer under subsection (3) shall commit an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or to a fine not exceeding Rs2000 or to both such imprisonment and fine.

(5) A certificate under the hand of the Commissioner specifying the terms, and the date and manner of service, of a notice under this section shall be *prima facie* evidence thereof in all legal proceedings.

Prohibition of
quasi military
organisations

19.(1) If the members or adherents of any association of persons are—

- (a) organised or trained or equipped to enable them to be employed in such a manner that such employment usurps or tends or appears to usurp the functions of the police or of the Defence Forces; or
- (b) organised and trained or equipped either for the purpose of enabling them to be employed for the use or display of physical force in promoting any political objective, or in such manner as to arouse reasonable apprehension that they are organised and trained or equipped for that purpose,

then any person who knowingly takes part in the control or management of the association, or in so organising or training any members or adherents thereof, shall commit an offence and shall be liable on conviction to imprisonment for a term not exceeding 5 years or to a fine not exceeding SCR5,000 or to both such imprisonment and fine.

(2) In any proceedings against a person charged with the offence of taking part in the control or management of an association under subsection (1), it shall be a defence to that charge for the person to prove that the person 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.

(3) No prosecution shall be instituted under this section without the consent of the Attorney-General.

(4) If upon application being made by the Attorney-General, it appears to the Supreme 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 of property held by or for the association, and in accordance with the rules of Court, which the Chief Justice is hereby empowered to make, may direct that an inquiry be held and report be made as to any such property and as to the affairs of the association, and may make such further orders as appear to the Court to be just and equitable for the application of such property in or towards—

- (a) 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;
- (b) the repayment of moneys to persons who became subscribers or contributors to the association in good faith and without knowledge of any such contravention as aforesaid;
- (c) any cost incurred in connection with any such inquiry and report as aforesaid or in winding up or dissolving of the association,

and may order that any property which is not directed by the court to be so applied as aforesaid shall be forfeited to the Republic.

(5) In any 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 were organised or trained or equipped.

(6) If a Judge 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, the Judge may, on an application made by a police officer, of or above the rank of sub-inspector, grant a search warrant authorising any such 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 officer has reasonable ground for suspecting to be evidence of the commission of such an offence as aforesaid:

(7) No woman shall, in pursuance of a warrant issued under the provisions of subsection (6), be searched except by a woman.

20.(1) Any person who is present at any public meeting or on the occasion of any public procession who has on his person any weapon calculated or likely to cause harm to any other person, otherwise than in pursuance of lawful authority,

Prohibition of
weapons at
public
meeting and
public
procession

shall commit an offence and shall be liable on conviction to imprisonment for a term not exceeding 5 years or to a fine not exceeding SCR5,000 or to both such imprisonment and fine.

(2) Any person who, in any public place or at any public meeting or on the occasion of any public procession, uses threatening, abusive or insulting words with intent to provoke a breach of the peace or whereby a breach of the peace is likely to occur, shall commit an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or to a fine not exceeding SCR2000 or to both such imprisonment and fine.

21. Any person who at any public meeting or on the occasion of any public procession —

- (a) unlawfully prevents; or
- (b) unlawfully acts in a manner likely to prevent, the transaction of business for which the public meeting or public procession was called together, shall commit an offence and shall be liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding SCR2000 or to both such imprisonment and fine.

Breaking up
public
meeting an
offence

22.(1) Notwithstanding the provisions of any other law in force in Seychelles, any police officer of or above the rank of sub-inspector may, if such police officer considers it necessary so to do for the maintenance and preservation of law and order, erect or place or give orders for the erection or the placing of barriers on or across any road or street or in any public place within Seychelles, in such manner as such police officer may think fit.

Road barriers

(2) Any police officer may take all reasonable steps to prevent any vehicle being driven past any such barrier and any driver of any vehicle who drives or attempts to drive past any

such barrier, or who fails to comply with any reasonable signal of a police officer requiring such person to stop such vehicle before reaching any such barrier, shall commit an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or to a fine not exceeding SCR2000 or to both such imprisonment and fine.

(3) No police officer shall be liable for any loss or damage resulting to any vehicle or for any injury to the driver of such vehicle failing to obey any police officer acting under subsection (2).

23.(1) Any person who, without lawful authority, the proof whereof shall be upon such person, with intent to cause an obstruction—

- (a) puts or attempts to put any tree, timber, stone or other obstacle on a public way;
- (b) causes or allows any tree to fall on a public way;
- (c) digs up, removes or alters in any manner the soil or surface of a public way; or
- (d) by any other means attempts to obstruct or obstructs a public way, partially or fully,

shall commit an offence and shall be liable upon conviction to imprisonment for a term not exceeding 2 years or to a fine not exceeding SCR2000 or to both such imprisonment and fine.

(2) In this section “public way” includes any highway, market place, square, street, bridge or other way which is lawfully used by the public.

24.(1) Whenever the President is of opinion that it is expedient for the maintenance and preservation of law and order so to do, the President may, by Order, published in the Gazette, direct that no person in the area or areas specified in

Wilful and unlawful obstruction of public way an offence

Power to order that no person shall be out of doors between prescribed hours

the Order shall, otherwise than in compliance with such conditions as may be contained in the Order, be out of doors between such hours as may be prescribed by the Order except under the authority of a written permit granted by the Commissioner or such other person as the Commissioner may authorise to issue such written permit.

(2) The President may exempt from the provisions of the Order made under subsection (1) such person or class of persons as may be specified in the Order.

(3) The President may authorise the Commissioner and such other person as may be specified in the Order made under subsection (1) to suspend in that person's absolute discretion, the operation of the Order in any specified area or in any part thereof and similarly to terminate such suspension and to declare the Order to be in operation.

(4) Any person who contravenes any of the provisions of an Order made under subsection (1) shall commit an offence and shall be liable upon conviction to imprisonment for a term not exceeding 2 years or to a fine not exceeding SCR2,000 or to both such imprisonment and fine.

PART III - POWERS TO PRESERVE AND MAINTAIN PUBLIC ORDER

25.(1) This Part shall apply to all regulated places, namely—

Regulated places

- (a) all public places; and
- (b) such other places as may be prescribed as public places.

(2) This Part shall not apply to any gathering, meeting or procession that is not unlawful under Part II.

When power
applies to
behaviour

26. A police officer may exercise a power under this section in relation to any person at or near a regulated place if the police officer reasonably suspects that the person's behaviour—

- (a) is or has been interfering with trade or business at the place by obstructing, hindering or impeding someone entering or leaving the place;
- (b) is or has been disorderly, indecent, offensive, or threatening to someone entering or leaving the place;
- (c) is or has been disrupting the peaceable and orderly conduct of any event, entertainment or gathering at the place; or
- (d) shows that the person is about to commit an offence or has just committed or is committing an offence.

Direction to
move on

27.(1) Subject to this section, a police officer of or above the rank of inspector may give a person or group of persons whose behaviour is of a kind mentioned in section 26 any direction that is reasonable in the circumstances.

(2) A police officer shall not give a direction under subsection (1) that interferes with a person's right of peaceful meeting unless it is reasonably necessary in the interests of—

- (a) public safety;
- (b) public order; or
- (c) the protection of the rights and freedoms of other persons.

(3) The "rights and freedoms" referred to in subsection (2) (c) includes the right and freedom of the public to enjoy the place and the right of persons to carry on lawful business in or in association with the place.

(4) Without prejudice to the generality of subsection (1), any direction may require a person to—

- (a) leave the regulated place and not return or not be within the regulated place within a specified period of not more than 24 hours;
- (b) leave a stated part of the regulated place and not return or be within the stated part of the regulated place within a specified period of not more than 24 hours;
- (c) move from a particular location at or near the regulated place to a stated reasonable distance, in a stated direction, and not return or be within the stated distance from the place within a specified period of not more than 24 hours.

28. Any person who, without reasonable excuse, contravenes any direction under section 27 given to the person shall commit an offence and liable on conviction to imprisonment for a term not exceeding 2 years or to a fine not exceeding SCR2000 or to both such imprisonment for a term and fine.

29.(1) Any police officer or an NDEA officer or a customs officer or an immigration officer, if satisfied upon information and after such further inquiry as that officer thinks necessary, that any person—

- (a) is making, has made or is about to make;
- (b) is exhibiting or communicating or is about to exhibit or communicate; or

Contravening
direction to
move on

Seizure of
films of law
enforcement
activities

- (c) has in that person's possession,

any film or picture or document containing a record of any law enforcement operation or investigation, or of a prohibited place and that the film or picture, or document if exhibited or communicated (whether to the public or any section thereof) will—

- (i) prejudice the effective conduct of an ongoing law enforcement operation or investigation; or
- (ii) endanger the safety of any law enforcement officer in an ongoing law enforcement operation or investigation; or
- (iii) endanger the security of the State,

then, the officer may exercise any of the powers specified in subsection (2).

(2) The police officer or NDEA officer or customs officer or immigration officer may—

- (a) direct the person reasonably believed to be making, exhibiting or communicating or possessing a film or picture or document or is about to do so respectively, to immediately cease making, exhibiting or communicating the film, or picture or document, and either to immediately delete, erase or otherwise destroy the film or picture or document or to surrender the film or picture or document or any copy thereof to the police officer, or NDEA officer or custom officer or immigration officer, as the case may be;
- (b) without warrant, search any person who the officer has reason to believe is in possession

of a film or picture or document referred to in subsection (1);

- (c) without warrant, and with such assistance and by such force as is necessary, seize any film or picture or document referred to in subsection (1) and any copy thereof, and any equipment (including a mobile phone) used or about to be used in the making, storage, exhibition or communication of the film or picture; and
- (d) take into custody any person reasonably believed to be in possession of such film or picture or document.

(3) Where a person to whom a direction under subsection (2)(a) is given fails to comply with the direction, the person shall commit an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years and to a fine not exceeding SCR2000 or to both such imprisonment and fine and any film, picture, document and any equipment, (including a mobile phone) seized may be forfeited or dealt with as ordered by the Court.

30. In this Part —

“cinematograph film” means the aggregate of visual images embodied in an article or a thing so as to be capable by the use of that article or thing—

- (a) of being shown as a moving picture; or
- (b) of being embodied in another article or thing by the use of which it can be so shown,

and includes the aggregate of the sounds embodied in a soundtrack associated with such visual images;

Definition of terms and expression in this Part

“communicate” means to transmit by electronic means, whether over a path, or a combination of paths, provided by a material substance or by wireless means or otherwise, a film or picture whether or not it is sent in response to a request, and includes —

- (a) and at a time the broadcasting of the film or picture;
- (b) the inclusion of the film or picture in a cable television program; and
- (c) the making available of a film or picture on a network or otherwise in such a way that the film or picture may be accessed by any person from a place chosen by the person;

“document” includes any cipher; model plan or sketch;

“film” means —

- (a) any cinematograph film;
- (b) any video recording, or any disc or solid state device containing information by the use of which one or more series of visual images may be produced electronically and shown as a moving picture; or
- (c) any other material, record or thing on which is recorded or stored for immediate or future retrieval any information that, by the use of any computer or electronic device, is capable of being reproduced or displayed as wholly or partly visual moving pictures,

and includes any part of a film, and any copy or part of the whole or any part of a film;

“immigration officer” means an immigration officer appointed under the Immigration Decree or the law relating to immigration for the time being;

“NDEA officer” means a National Drug Enforcement Officer appointed under the National Drug Enforcement Act, 2008 or the law relating to controlled drugs for the time being;

“customs officer” means a customs officer appointed under the Customs Management Act or the law relating to Customs for the time being;

“law enforcement” means —

- (a) activities carried on by a police officer, an NDEA officer, a customs officer or an immigration officer, in the exercise of any function, power or duty of such officers in accordance with the law;
- (b) activities carried on by a police officer, an NDEA officer, or custom officer or an immigration officer for the purpose of dealing with terrorism, civil unrest or public disorder; or
- (c) activities carried on by a police officer, an NDEA officer, a custom officer or an immigration officer as the case may be, in preparation for or directly in support of any activity referred to in paragraph (a) or (b);

“picture” means —

- (a) any drawing, whether made by computer graphics or otherwise; and
- (b) any photograph, photographic negative, photographic plate or photographic slide, and includes any part of a picture;

“photograph” means a product of photography or of a process similar to photography, other than an article or thing in which visual images forming part of a cinematograph film have been embodied, and includes a product of xerography, photocopy, and a record of an image, whether made digitally or in another way;

“prohibited place” has the same meaning as in the State Security Act (Cap 229).

PART IV – MISCELLANEOUS

Power of arrest

31. Any police officer may without a warrant arrest any person whom he suspect to have committed an offence against any of the provisions of this Act.

Compounding of offences

32.(1) The Commissioner or any police officer authorised in writing by the Commissioner may, compound any prescribed offence under this Act subject to condition that the sum so compounded shall not exceed one half of the amount of the maximum fine under this Act.

(2) Where an offence is compounded under subsection (1) no further proceedings shall be taken against that person in respect of that offence.

Owner or occupier of premises where unlawful meeting, etc., takes place

33. Where the owner or occupier of any premises upon which a meeting or a procession is about to take place is given notice by any police officer that the meeting or procession is unlawful under Part II, and such meeting or procession does take place on those premises, the owner or occupier of those

premises shall commit an offence unless the owner or occupier took all reasonable measures and exercised all due diligence to prevent the meeting or procession from taking place and shall be liable upon conviction to imprisonment for a term of 2 years and a fine not exceeding SCR2000 or to both such imprisonment and fine.

34. In any proceedings under this Act, the onus of proving that the public or any class of the public did not have access to any public place shall lie on the person asserting the fact.

Onus of proof

35.(1) The Minister may make regulations necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act.

Regulations

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations for or with respect to all or any of the following matters—

- (a) the form or particulars of a notification under section 7;
- (b) the conditions applying to public meetings or public processions;
- (c) the procedure as regards to the lodging of an appeal under section 12 and the practice and procedure upon the hearing of such an appeal;
- (d) the fees to be paid in respect of any matter or anything done, or any services rendered;
- (e) the waiver or refund, in whole or in part, by authorised officers of any such fees in the circumstances of any particular case;
- (f) the offences which may be compounded under this Act and the manner in which such offences may be compounded;

- (g) prescribing of anything that is required or permitted to be prescribed under this Act.

Effect on
other laws

36.(1) This Act shall have effect notwithstanding any other law relating to the movement of traffic or pedestrians on roads or the use or obstruction of a public place, to public entertainment or to undesirable publications.

(2) Notwithstanding subsection (1), nothing in this Act shall affect the law of trespass and, in particular, the right of a person in, or entitled to, possession of land to request a trespasser to leave the land, and if the trespasser refuses to leave on being requested, to remove the trespasser from the land.

Transitional

37.(1) Any permit granted before the commencement of this Act under section 3 of the Public Order Act in respect of any public meeting or public procession shall, so far as it is not inconsistent with the provisions of this Act, continue and be deemed to be permissible under Part II of this Act.

(2) Any notice, order or other document prepared, issued or made under the Public Order Act shall, so far as it is not inconsistent with the provisions of this Act, continue and be deemed to have been prepared, issued or made by the Commissioner under the corresponding provisions of Part II of this Act.

(3) Any—

- (a) application made before the commencement of this Act for a permit under section 3 of the Public Order Act; and
- (b) an appeal made to the Minister under section 8 of the Public Order Act immediately before the commencement of this Act and not dealt with or disposed of immediately before the commencement of this Act,

may continue to be dealt with in accordance with that Act as if this Act had not been enacted.

38.(1) Except as otherwise provided, when any order is made under the provisions of this Act, the President, the Minister or other authority issuing the order shall cause notice of such order to be given in such manner as the President, the Minister or other authority thinks necessary for bringing it to the notice of all persons who ought to have notice of the order.

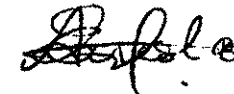
Mode of
notification
of orders

(2) Any order made under the provisions of this Act shall have effect from the time when it is first published in any manner authorised by the provisions of subsection (1) or from such later time as may be specified in the order, and a copy of the order shall be conclusive evidence thereof in all legal proceedings.

39. The Public Order Act, 1959 is repealed.

Repeal of
Cap 194

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 18th December, 2013.



Azarel Ernesta
Clerk to the National Assembly