

ACT 491
PUBLIC ORDER ACT, 1994

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ACT 491
PUBLIC ORDER ACT, 1994(1)

AN ACT to provide for the maintenance of public order and for related matters and purposes.

Holding of Special Events

1. Notification of special event

(1) A person who desires to hold a special event in a public place shall notify the police of that intention not less than five days before the date of the special event.

(2) The notification shall be in writing and signed by or on behalf of the organiser of the special event and shall specify

- (a) the place and hour of the special event,

- (b) the nature of the special event,
- (c) the time of commencement,
- (d) the proposed route and destination, and
- (e) the proposed time of closure of the event.

(3) The notification shall be submitted to a police officer not below the rank of assistant superintendent or other police officer responsible for the police station nearest to the location of the proposed special event.

(4) Where a police officer notified of a special event under subsection (1) has reasonable grounds to believe that the special event if held may lead to violence or endanger public defence, public order, public safety, public health or the running of essential services or violate the rights and freedoms of any other persons, the police officer may request the organiser to postpone the special event to any other date or to relocate the special event.

(5) An organiser requested under subsection (4) to postpone or relocate the holding of a special event shall within forty-eight hours of the request, notify the police officer in writing of the willingness to comply.

(6) Where the organiser refuses to comply with the request under subsection (4) or fails to notify the police officer in accordance with subsection (5), the police officer may apply to a Justice or the chairman of a Regional Tribunal for an order to prohibit the holding of the special event on the proposed date or at the proposed location.

(7) The Justice or chairman may make an order that the Justice or the chairman considers to be reasonably required in the interest of public defence, public order, public safety, public health, the running of essential services or to prevent a violation of the rights and freedoms of any other persons.

2. Control of routes and crowds

(1) A police officer shall take the steps that are reasonably necessary in a public place

- (a) to assist in the proper conduct of a special event by directing the routes of the event to prevent obstruction of pedestrian or vehicular traffic;
- (b) to disperse crowds at a special event where the police officer has reasonable grounds to believe that a breach of the peace is likely to occur or if a breach of the peace has occurred or is occurring in order to prevent violence, restore order and preserve the peace.

(2) The police officer in charge of an area of a special event may cause the streets or parts of the streets of that area to be closed to pedestrian or vehicular traffic or both and may cause to be erected the barriers which are necessary to preserve public order.

3. Responsibility of organisers and other persons

(1) Where at a special event damage is caused to public property, the organiser or any other persons found to have been responsible for the damage caused are liable to pay for the cost of the damage.

(2) A person taking part in a special event shall obey the directions of police officers safeguarding the proper movement of any other persons and vehicles and generally maintain order.

(3) A person taking part in a special event shall act in a manner that avoids causing obstruction of traffic, confusion or disorder.

Imposition of Curfews

4. Power to impose curfew

(1) Where the Minister responsible for the Interior considers that it is reasonably required in the interest of public defence, public safety, public health, the running of essential services or the protection of the rights and freedoms of any other persons to impose a curfew in a part of the Republic, the Minister may, by executive instrument, impose a curfew in that part only as shall be specified in the instrument.

(2) An instrument shall not be issued under subsection (1) to impose a curfew on the whole of the Republic.

(3) The Minister shall on imposing a curfew notify Parliament as soon as practicable after the imposition.

(4) A curfew shall not be imposed for a period exceeding seven days at any one time under this Act.

(5) Where a curfew is imposed by instrument made under subsection (1), a person shall not be out of doors between the hours specified in the instrument except under the authority of a written permit granted by the person specified in the instrument.

(6) An instrument imposing a curfew may exempt from its operation the persons or classes of persons specified in the instrument.

(7) An instrument imposing a curfew may authorise a person specified in the instrument to suspend the operation of the curfew in a specified area or part of a specified area.

Arms and Ammunitions

5. Prohibition on manufacture and possession of arms

(1) Where the Minister considers that it is reasonably required in the interest of public defence, public safety, the prevention of disorder or crime or for the protection of the rights and freedoms of any other persons to do so, the Minister may, by executive instrument, prohibit a person from manufacturing, possessing or carrying arms or ammunition within the part of the Republic specified in the instrument.

(2) An instrument issued under subsection (1) may exclude from its operation a class of persons as the Minister thinks fit.

(3) An instrument issued under subsection (1) may, in lieu of prohibiting the manufacture, possession or carrying of ammunitions or arms, permit the possession or carrying of arms or ammunitions subject to the conditions specified by the Minister.

(4) An instrument issued under subsection (1) may contain provisions for requiring persons in possession of arms or ammunition to deposit them with the person or authority described in the instrument and for matters connected with it.

(5) The arms or ammunition deposited with a person or an authority in accordance with an instrument issued under subsection (1) shall be returned to the person entitled to them on the instrument ceasing to have effect, where there is authority to hold the arms or ammunition.

6. Power of arrest

A police officer may arrest without warrant a person whom the police officer suspects on reasonable

grounds of possessing or carrying arms in contravention of an instrument issued under section 5.

7. Power of search

(1) A District Magistrate may issue a warrant signed personally by the Magistrate authorising a police officer to enter and search a building or the premises in which arms or ammunition are suspected to be in contravention of an instrument issued under section 5.

(2) A warrant issued under subsection (1) is valid although the building is or premises are, not specified further in the warrant than being a building or the premises in or about the specified town or village.

8. Forfeiture of arms and ammunition

The arms or ammunition found in the possession of, or being carried by a person in contravention of an instrument made under section 5 shall be seized and, unless it is shown that the failure to deposit them in accordance with the instrument was due to inadvertence or any other reasonable excuse, shall be forfeited to the Republic.

9. Offence and penalties

A person who

- (a) fails to notify the police of a special event contrary to section (1), or
- (b) fails to inform the police of the unwillingness to comply with a request contrary to section 1 (5), or
- (c) takes part in a special event knowing that a notification has not been given to the police, or
- (d) acts contrary to a curfew imposed under this Act, or
- (e) manufactures, possesses or carries arms or ammunition contrary to a prohibition imposed under this Act, or
- (f) acts contrary to a provision in section 3,

commits an offence and is liable on conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding one year or to both the fine and the imprisonment.

10. Interpretation

In this Act, unless the context otherwise requires,

“ammunition” includes explosives, munitions of war and materials for loading firearms;

“arms” includes firearms and offensive weapons of any description, artillery, apparatus for the discharge of any kind of projectiles, explosive or gas-diffusing flame-throwers, bombs, grenades, machine-guns and rifled small-bore breech-loading weapons of any kind and the parts of any of the arms;

“firearms” includes a gun, rifle, machine-gun, cap-gun, flint-lock gun or pistol, revolver, cannon or any other firearms and an air gun, air rifle, or air pistol, whether whole or in detached pieces;

“Minister” means the Minister responsible for the Interior;

“offensive weapon” means an article made or adapted for causing injury to a person or intended by

the person having it for use in causing injury;

“organiser” means the person who signed the notification provided for under section 1 (2) or on whose behalf the notification was signed;

“public place” means a place to which, at the material time, the public have or are permitted to have access whether on payment or otherwise;

“special event” means a procession, parade, carnival, street dance, celebration of traditional custom, an outdooring of a traditional ruler, a demonstration, public meeting or similar event but does not include

- (a) a religious meeting;
- (b) a charitable, social or sporting gathering;
- (c) a lawful public entertainment or meeting.

11. Repeal

Spent.2(2)

Endnotes

1 (Popup - Footnote)

1. The Act was assented to on 30th December, 1994.

2 (Popup - Footnote)

2. The section provided for the repeal of the Public Order Decree, 1972 (N.R.C.D. 68) and the Public Order (Amendment) Law, 1983 (P.N.D.C.L. 48).