

ANGUILLA

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PUBLIC MEETINGS AND PROCESSIONS ACT

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PUBLIC MEETINGS AND PROCESSIONS ACT

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PUBLIC MEETINGS AND PROCESSIONS ACT

Interpretation

1. In this Act—

"Commissioner of Police" means the person for the time being holding the office or performing the duties of Commissioner of Police in Anguilla;

"noisy instrument" includes loudspeakers, loudhailers, megaphones, amplifiers, tape recorders and gramophones;

"Police Force" means the Royal Anguilla Police Force;

"public meeting" means any meeting, gathering, or assembly of persons, whether held in a public place or not, for the purpose of the discussion of matters of public interest or for the purpose of the expression of views on such matters; but shall not include any assembly of persons on private premises to which the public in general have no right of entry, nor *bona fide* religious services;

"public place" includes any highway, public park or garden, any sea beach, wharf, pier, jetty, and any public bridge, landing place, road, street, lane, footway, sidewalk, square, courtyard, alley, or passage, whether a thoroughfare or not; every theatre or cinema, place of public entertainment of any kind, or other place of general resort; and includes any open space to which, for the time being, the public have or are permitted to have access or are admitted, whether on payment or otherwise;

"public procession" means a march or procession in a public place comprising pedestrians (wholly or in part) and vehicles of all descriptions, but shall not include a *bona fide* funeral or other religious procession.

Public meetings

2. (1) Any person who desires to hold a public meeting in a public place shall, not less than 48 hours and not more than 14 days previous to the time at which he desires to hold such meeting, notify

the Commissioner of Police in writing of his intention to hold such meeting and of the time and place at which the meeting is to be held, but, where the Commissioner of Police is satisfied in respect of any public meeting in a public place that having regard to the circumstances or for any other reason the notice could not reasonably have been given within the time specified therefor in this subsection, he may in respect of such meeting accept such shorter period of notice as he shall think fit.

(2) Where notice has been given under subsection (1) of the holding on the same date of 2 or more public meetings within one half of a mile of each other, the Commissioner of Police may, having regard to the proximity of the meetings and of the times at which they are to be held, prohibit or impose restrictions on the holding of any such meeting, other than the public meeting in respect of which notice was first received, whenever he shall consider it desirable in the interest of public order or public safety so to do, but, the organizer of any such meeting may appeal to the Governor from the decision of the Commissioner of Police and in such case the Governor may give such directions to the Commissioner of Police as he may think fit regarding the proposed public meeting of such appellant.

(3) Where the Commissioner of Police prohibits or imposes restrictions on the holding of any public meeting under subsection (2), he shall cause notice in writing to be given thereof to the person giving notice of the holding of such meeting under subsection (1).

(4) Any person who holds or speaks at any public meeting in a public place in respect of which no notice or insufficient notice has been given contrary to the requirements of subsection (1) or which has been prohibited by or is held contrary to any restrictions imposed by the Commissioner of Police under subsection (2) is guilty of an offence against this Act and is liable on summary conviction to a fine of $5,000 or to imprisonment for a term of 6 months.

(5) Any member of the Police Force may stop and cause to be dispersed any public meeting in a public place in respect of which no notice or insufficient notice has been given contrary to the requirements of subsection (1), or which has been prohibited by, or is being held contrary to, any restrictions imposed by the Commissioner of Police under subsection (2).

(6) Any member of the Police Force not below the rank of corporal may, as occasion requires, direct the conduct of all meetings in public places and direct any public meeting to disperse if he has reasonable grounds for apprehending a breach of the peace at such meeting.

(7) Any person remaining at the scene of any public meeting which has been called upon or directed to be dispersed under the provisions of subsection (5) or (6) is guilty of an offence against this Act and is liable on summary conviction to a fine of $2,500 or to imprisonment for a term of 3 months.

(8) It shall be the duty of all members of the Police Force to keep order in public places and prevent obstructions on the occasions of public meetings and in any case where public thoroughfares may be thronged or may be liable to be obstructed.

Public processions

3. (1) No person shall hold, organize or take part in any public procession unless the permission in writing of the Commissioner of Police has been first obtained.

(2) It shall not be lawful for any public procession to take place during the night.

(3) Any person who desires to hold a public procession during daylight shall, not less than 3 days previous to the time at which he desires to hold the procession, apply in writing to the Commissioner of Police for permission so to do. Such application shall contain particulars of the point of departure, route and termination of the public procession to which such application relates, the hours between which such procession will take place, and an estimate of the number of persons and vehicles, if any, who or which are expected to participate in such procession.

(4) If the Commissioner of Police, having regard to the time and place at which any public procession is intended to take place, the route proposed to be taken or any other relevant circumstances, apprehends that the procession may occasion serious public disorder, he may—

(a) refuse to grant the application; or

(b) give directions, imposing upon the persons holding or taking part in the procession, such conditions as appear to him to be necessary for the preservation of public order, including conditions prescribing the route to be taken by the procession and the hours between which it shall take place, and prohibiting the use of any noisy instrument and the entry of the procession into any specified street or other public place.

(5) If the Commissioner of Police refuses to grant permission for the holding of a public procession, the person who has applied for such permission may appeal in writing against such refusal to the Governor, and in such case the Governor may give such directions to the Commissioner of Police regarding such application as he may think fit.

(6) Any member of the Police Force not below the rank of corporal may require any person leading a public procession during the night or a public procession being held without a permit or otherwise than in accordance with the conditions of a permit, or any person appearing to him to be the leader or one of the leaders of such public procession, to call upon such public procession to disperse.

(7) Any person required under the provisions of subsection (6) to call upon any public procession to disperse who refuses, fails or neglects forthwith to call upon such public procession to disperse is guilty of an offence against this Act and is liable on summary conviction to a fine of $5,000 or to imprisonment for a term of 6 months.

(8) Any person who takes part in a public procession—

(a) during the night;

(b) in respect of which a permit has not been granted; or

(c) otherwise than in accordance with the conditions of a permit;

is guilty of an offence against this Act and is liable on summary conviction to a fine of $1,500.

(9) Any person who organizes or attempts to organize or incites any person to organize or take part in any public procession contrary to the provisions of this section is guilty of an offence against this Act and is liable on summary conviction to a fine of $5,000 or to imprisonment for a term of 6 months.

(10) In this section—

"daylight" means the interval between 5 a.m. and 6 p.m. of the same day;

"night" means the interval between 6 p.m. and 5 a.m. of the next succeeding day.

Noisy instruments

4. (1) Any person who in any public place or at any public meeting uses any noisy instrument for the purpose of announcing or summoning any public meeting or public procession or during the course of any public meeting or public procession, in any case without having first obtained the permission in writing of the Commissioner of Police so to do, is guilty of an offence against this Act and is liable on summary conviction to a fine of $1,000.

(2) The Commissioner of Police may in his discretion grant permission to any person to use a noisy instrument for the purpose of any public meeting or public procession upon such terms and conditions and subject to such restrictions as he may think fit.

Offences and penalties generally

5. (1) Any person who, at a lawful public meeting, acts in a disorderly manner for the purpose of preventing the transaction of the business of the meeting or whereby the transaction of the business of the meeting is likely to be prevented or obstructed is guilty of an offence against this Act and is liable on summary conviction to a fine of $2,500.

(2) Any person who incites any other person to commit an offence against subsection (1) is guilty of a like offence and is liable to a like penalty as a principal offender would be.

(3) If any member of the Police Force reasonably suspects any person of committing an offence against subsection (1) or (2) he may, or if requested so to do by the chairman of the public meeting shall, require such person forthwith to leave the meeting or its immediate vicinity.

(4) If any person having been required to leave any public meeting or its immediate vicinity pursuant to the provisions of subsection (3) unlawfully refuses or fails forthwith to leave such meeting or its immediate vicinity, as the case may be, he is guilty of an offence against this Act and is liable on summary conviction to a fine of $1,500.

(5) Any person who at any public meeting or in the immediate vicinity thereof uses any 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 against this Act and is liable on summary conviction to a fine of $2,500.

Provisions of this Act to be additional

6. The provisions of this Act shall be in addition to and not in derogation of the provisions of any other Act, and nothing in this Act shall exempt any person from any penalty to which he would have been subject if this Act had not been passed, but so that a person shall not be punished twice for the same offence.

Citation

7. This Act may be cited as the Public Meetings and Processions Act, Revised Statutes of Anguilla, Chapter P140.

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