

ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER P150

PUBLIC ORDER ACT

Showing the Law as at 15 December 2008

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition revises Act 1/2007, in force 12 December 2008

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PUBLIC ORDER ACT

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PUBLIC ORDER ACT

PRELIMINARY

Interpretation

1. In this Act—

"Commissioner of Police" has the same meaning as in the Anguilla Police Act;

"Fire and Rescue Service" means the Anguilla Fire and Rescue Service established by section 3 of the Fire and Rescue Service Act;

(Act 1/2007, s. 88)

"local authority" means any statutory body declared by the Governor to be a local authority for the purposes of this Act;

"meeting" means any assembly or gathering of persons held for the purpose of the transaction of matters of public interest or for the discussion of such matters or for the purpose of the expression of views on such matters;

"Minister" means the Minister of the Government of Anguilla responsible for the subject of Home Affairs;

"offensive weapon" includes—

(a) any firearm as defined in the Firearms Act; and

(b) any stick, rod, bar or similar implement or any stone, brick or other missile, whether similar to the foregoing or not; or any grenade, bomb or other explosive of any description; or any catapult or similar implement;

"person not belonging to Anguilla" means every person other than a person who is regarded as belonging to Anguilla under the Constitution of Anguilla;

"Police Force" means the Royal Anguilla Police Force;

"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 or any meeting which the public or any section thereof are permitted to attend, whether on payment or otherwise;

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

"public procession" means a procession in a public place comprising pedestrians (wholly or in part) and vehicles of all descriptions;

"trade union" means a trade union registered under the Trade Unions Act.

PART 1

POLITICAL UNIFORMS, QUASI-MILITARY ORGANISATIONS AND TRAINING FOR MILITARY PURPOSES

Prohibition of uniforms in connection with political objects

2. (1) Any person who in any public place or at any public meeting wears a uniform signifying his association with any political organisation or with the promotion of any political object is guilty of an offence.

(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 Attorney General except such as the court may think necessary by remand (whether in custody or on bail) or otherwise to secure the due appearance of the person charged, so, however, that, if that person is remanded in custody, he shall, at the expiration of 3 days from the date on which he was so remanded, be entitled to be discharged from custody on entering into a recognizance without sureties unless within that period the Attorney General has consented to such further proceedings as aforesaid.

Prohibition of quasi-military organisations

3. (1) If the members 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 function of the police, or of the armed forces of the Crown; or

(b) organised and trained or organised and equipped 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 a 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 and management of the association, or in so organising or training or equipping as aforesaid any members or adherents thereof is guilty of an offence, but, 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 that he neither consented to, nor connived at, the organisation training or equipping of members or adherents of the association in contravention of this section.

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

(3) If upon application being made by the Attorney General it appears to the High Court that any association is an association of which the 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 as aforesaid and as to the affairs of the association and make such further orders as

appear 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 and towards the repayment of money to persons who became subscribers or contributors to the association in good faith and without knowledge of any such contravention as aforesaid, and in and towards any costs incurred in connection with any such inquiry and report as aforesaid 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 as aforesaid shall be forfeited to the Crown.

(4) In any civil or criminal 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 not below the rank of sergeant, grant a search warrant authorising any such officer as aforesaid named in the warrant together with any other person 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 everything 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, but 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.

Unlawful drilling

4. (1) All meetings and assemblies of persons for the purpose of training or drilling themselves or of being trained or drilled to the use of arms or for the purpose of practising military exercise, movements or evolutions without any lawful authority from the Governor by commission or otherwise for so doing shall be, and the same are, hereby prohibited as dangerous to the peace and security of the Government and the people; and every person who shall be present at or attend any such meeting or assembly for the purpose of training or drilling any other person or persons to the use of arms or the practice of military exercise, movements or evolutions or who shall train or drill any other person or persons to the use of arms or the practice of military exercise, movements or evolutions or who shall aid and assist therein is guilty of an offence.

(2) Every person who shall attend or be present at any such meeting or assembly as aforesaid for the purpose of being, or who shall at any such meeting or assembly be, trained or drilled to the use of arms, or the practice of military exercise, movements or evolutions, is guilty of an offence.

Penalties

5. (1) Any person who commits an offence under section 3 or 4 is liable on summary conviction to imprisonment for a term of 2 years or to a fine of $25,000 or to both.

(2) Any person guilty of an offence under section 2 is liable on summary conviction to imprisonment for a term of 6 months or to a fine of $5,000 or to both.

PART 2

MARCHES AND PROCESSIONS

Interpretation

6. In this Part—

"daylight" means the interval between 5:00 a.m. and the succeeding 6:00 p.m.;

"night" means the interval between 6:00 p.m. and 5:00 a.m. of the next succeeding day;

"permit" means a permit granted under section 10.

Marches in the night prohibited

7. It shall be unlawful for any public march to take place during the night.

Marches in daylight

8. It shall be unlawful for any public march to take place in daylight unless a permit has been issued in respect thereof.

Public march

9. A public march is any march or procession in a public place comprising (whether wholly or partly) pedestrians, vehicles and bicycles (however propelled or drawn) except a march or procession—

(a) by any of Her Majesty's Forces;

(b) by the Police Force;

(c) which is a component part of a *bona fide* religious meeting or assembly of persons, procession or march or of any religious ceremony including a wedding or funeral, not being in any way connected with any political demonstration or celebration; or

(d) by any other body approved by the Executive Council.

Applications for permits

10. (1) Any person who desires to organise any public march in daylight shall, at least 3 days before such intended public march, make application to the Commissioner of Police.

(2) Every application made in accordance with subsection (1) shall contain particulars of the point of departure, route and termination of the public march to which such application relates, the hours between which such march will take place, and an estimate of the number of persons who are expected to participate in such march.

Permits

11. If an officer to whom application is made in accordance with the provisions of section 10, having regard to the time and place at which any public march or procession is intended to take place and the route proposed to be taken, apprehends that the march or procession may occasion serious public disorder, he may—

(a) refuse to grant the application; or

(b) give directions imposing upon the persons organising 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 march or procession and the hours between which it shall take place and prohibiting the use of loud speakers, musical and noisy instruments, the display of flags, banners or emblems and the entry of the march or procession into any public place.

Leader of march may be called upon to disperse march

12. Any member of the Police Force not below the rank of corporal may require any person leading a public march or procession in the night or without having been granted a permit or otherwise than in accordance with the conditions of a permit or any person who appears to him to be the leader or one of the leaders of such public march or procession to call upon such public march or procession to disperse.

Failure to obey is an offence

13. Any person required under the provisions of section 12 to call upon any public march or procession to disperse who refuses, fails or neglects forthwith to call upon such public march or procession to disperse is guilty of an offence.

Taking part in prohibited march

14. Any person who takes part in a public march or procession—

(a) prohibited by section 7;

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

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

is guilty of an offence.

Organising unlawful marches

15. Any person who organises or attempts to organise or incites any person to organise or take part in any public march in contravention of this Part is guilty of an offence.

PART 3

SPECIAL PROVISIONS FOR MEETINGS AND MARCHES

Power to prohibit meetings and marches

16. (1) Notwithstanding anything contained in Part 2 or in any other law, rule, or regulation, whenever the Governor is satisfied or whenever representations are made by the Commissioner of Police that in any area, or in any district, town or village in Anguilla there is a reasonable apprehension that the maintenance of law and order may be endangered by the holding of public meetings or by public marches and it appears to the Governor to be in the interest of public order, public safety, or public health so to do, he may by proclamation, prohibit in any area or in any district, town or village in Anguilla—

(a) all public meetings or public marches; or

(b) all persons from organising, holding or speaking at or attending any public meeting or taking part in any public march except in cases where a permit is issued in accordance with the provisions of section 18.

(2) A proclamation made under this section shall be published in the *Gazette* and local newspapers and shall remain in force for a period of not more than 30 days (without prejudice to the power to issue a further proclamation at or before the end of such period).

(3) A proclamation made under this section may at any time be varied, altered, amended or revoked by the Governor.

(4) If at any time it is impossible or impracticable to publish any such proclamation in the *Gazette* and local newspapers in Anguilla, the Governor shall cause it to be published by notices thereof affixed to public buildings or distributed among the public or by oral public announcements through the public broadcasting station or otherwise.

Applications for permits

17. Where any person desires to organise or hold a public meeting or a public march, in any place to which a proclamation under section 16 applies, he shall, at least 24 hours before such intended event, make application to the Commissioner of Police.

Permits

18. (1) The Commissioner of Police to whom application is made in accordance with the provisions of section 17 may in the exercise of his discretion refuse or grant the application.

(2) In cases where such application is granted, the Commissioner of Police shall issue to the applicant a permit for the desired event to take place, but every such permit shall be issued subject to such terms and conditions (to be observed by all persons organising, speaking or attending at the event) as the Commissioner of Police may think necessary in order to effect the objects of the proclamation.

Appeal

19. Any applicant for a permit under section 17 who is aggrieved by the refusal of the Commissioner of Police to grant a permit or by the terms and conditions prescribed in the permit may within 7 days appeal in writing to the Governor.

Power to disperse meetings and marches

20. (1) When a public meeting is being held or a public march is in progress contrary to any of the provisions of this Part or of any proclamation made or permit issued thereunder, any member of the Police Force not below the rank of corporal may order such meeting or march to disperse and, the more effectively to enforce such an order, may require any person addressing or known by him to have addressed or organised such meeting or march, or anyone appearing to him to be the leader or one of the leaders of such meeting or march, to call upon such meeting or march to disperse.

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

Taking part in prohibited meeting or march

21. Any person who—

(a) contravenes or fails to comply with any of the terms or requirements of a proclamation under this Part;

(b) contravenes or fails to comply with any of the terms and conditions subject to or upon which a permit under section 18 has been issued;

(c) holds, organises, speaks at, or takes part in any public meeting or public march contrary to any provisions of this Part or of any proclamation made or permit issued thereunder; or

(d) attempts to commit any of the aforesaid offences or who incites, aids or abets any other person to commit such an offence;

is guilty of an offence.

Penalties

22. A person found guilty of an offence under this Part is liable on summary conviction to a fine of $5,000 or to imprisonment for a term of 6 months or to both.

PART 4

GENERAL PROVISIONS

Disorderly behaviour at public meeting

23. (1) Any person who at a lawful public meeting acts in a disorderly manner for the purpose of preventing or in a disorderly manner likely to prevent or obstruct the transaction of the business of the meeting is guilty of an offence.

(2) Any person who incites any other person to commit an offence against this section is guilty of a like offence.

(3) If any police officer reasonably suspects any person of committing an offence against subsection (1) or subsection (2), he may, or if requested to do so by the chairman shall, require that person to leave the meeting forthwith.

(4) If any person having been required to leave any meeting by any police officer pursuant to the provisions of subsection (3) refuses or fails forthwith to leave such meeting, he is guilty of an offence.

Prohibition of conduct conducive to a breach of the peace

24. 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.

Permit required by certain persons for public meetings and public marches

25. (1) Notwithstanding anything contained in any other enactment, but subject to the exemptions specified in the Schedule, no person not belonging to Anguilla shall organise, hold, call together, speak at, or take part in any public meeting or public march unless a permit so to do has been issued to him by the Minister.

(2) A person not belonging to Anguilla who desires to organise, hold, call together, speak at, or take part in any public meeting or public march shall, at least 3 days before the day on which he intends to hold, call together, speak at, or take part in such public meeting or public march, apply to the Minister for a permit so to do.

(3) Every application made by a person not belonging to Anguilla under the provisions of subsection (2) shall be in writing and shall specify—

(a) the name or names of the person or persons desirous of organising, holding, calling together, speaking at, or taking part in the public meeting or public march;

(b) the purpose or purposes of the public meeting or public march;

(c) the place at which the public meeting is to be held or the point of departure, route and termination of the public march;

(d) the time at which the public meeting or public march is to begin; and

(e) the name of the applicant and the name of the country, state or territory of which he is a citizen or to which he belongs.

(4) Notwithstanding the provisions of subsection (2), the Minister may consider an application by a person not belonging to Anguilla for permission to organise, hold, call together, speak at, or take part in any public meeting or public march where there has not been compliance with the provisions as to the time for making such application as provided in subsection (2) if the Minister is satisfied that such non-compliance was due to circumstances beyond the control of the applicant.

Grant of permit

26. (1) The Minister may grant or refuse any application made to him under section 25 and it shall be a sufficient ground for refusal that the Minister is satisfied that such permission would prejudice public order, public safety, public morality, public peace or is likely to lead to breaches of the peace.

(2) Where permission is granted, the Minister shall issue to the applicant a permit specifying therein such terms and conditions as he may consider necessary in the interests of public safety, public order, public morality or public peace.

(3) The Minister shall, at least 12 hours before the time specified in the application in accordance with section 25(3)(d), notify the applicant of his decision, so however that this subsection shall not apply to any application made under the provisions of section 25(4).

Reference of decision to High Court

27. Nothing in section 25 or 26 shall be deemed to prejudice or abrogate any right which any person not belonging to Anguilla may or may be taken to have to refer a decision of the Minister on an application under these sections to a judge of the High Court.

Offence

28. (1) Any person not belonging to Anguilla who—

(a) organises, holds, calls together, speaks at, or takes part in any public meeting or public march contrary to the provisions of this Act; or

(b) contravenes any of the terms and conditions specified in a permit granted under the provisions of section 26;

is guilty of an offence and is liable on summary conviction to imprisonment for 6 months or to a fine of $2,400 or to both.

(2) Any person who aids, abets, counsels or procures the commission of any offence under subsection (1) is guilty of an offence and is liable on summary conviction to imprisonment for 6 months or to a fine of $2,400 or to both.

Non-application of Act to certain public meetings and public marches

29. (1) Sections 25, 26 and 27 shall not apply to any public meeting or public march held or organised for any of the purposes set out in the Schedule.

(2) The Minister may from time to time by regulation amend, vary, or alter the Schedule in any respect and may add thereto or remove therefrom any purpose or name.

Prohibition of offensive weapon at public meeting

30. (1) Any person who, while present at any public meeting or on the occasion of any public march or procession, has with him (either openly or concealed) any offensive weapon otherwise than in pursuance of lawful authority is guilty of an offence against this subsection, and—

(a) if the offence is committed at a political meeting, is liable on summary conviction to imprisonment for a term of 12 months or to a fine of $10,000 and in default of payment is liable to imprisonment for a term not exceeding 12 months; or

(b) in any other case, is liable on summary conviction to imprisonment for a term of 6 months or to a fine of $5,000 and in default of payment to imprisonment for a term not exceeding 6 months.

(2) For the purposes of this section, a person shall not be deemed to be acting in pursuance of lawful authority unless—

(a) if the offensive weapon involved is a firearm, he is a Minister of the Executive Council and is carrying such firearm for his own protection or is a person acting in his capacity as a member of the Police Force; or

(b) if the offensive weapon involved is other than a firearm, 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 the Fire and Rescue Service.

(Act 1/2007, s. 88)

(3) For the avoidance of doubt, it is expressly declared that the lawful possession of any licence or permit to carry a firearm in any public place shall not afford a defence to any proceedings under this section.

Power of search

31. (1) Subject to the provisions of subsections (2) and (3), where any police officer has reasonable cause to suspect that any person has concealed about his person any offensive weapon contrary to the provisions of section 30, he may search such person, and, if necessary, take such person to a police station for the purpose.

(2) No article of a person's clothing shall be removed for the purposes of any search authorised by this section unless such person is first taken to a police station.

(3) No woman shall be searched by any person other than a woman.

(4) Any person who resists or obstructs any search authorised by this section or who absconds before such search is concluded is guilty of an offence.

Power of arrest

32. A police officer may arrest without warrant any person reasonably suspected by him to be committing or to have committed any offence against this Act.

Trial of offences

33. Every offence against this Act, except where otherwise expressly provided, shall be tried summarily and any person found guilty of any such offence is liable on summary conviction to imprisonment for a term of 6 months or to a fine of $5,000 or to both.

Citation

34. This Act may be cited as the Public Order Act, Revised Statutes of Anguilla, Chapter P150.

———————

SCHEDULE

(Section 29)

PERMITTED PUBLIC MEETINGS AND PUBLIC MARCHES

1. Religious services or meetings held under the authority of the head of any religious denomination or of the Salvation Army.
2. Educational classes and recreation in schools or other educational institutions.
3. *Bona fide* cinematographs, musical and theatrical entertainments, dancing, beauty competitions or other similar shows.
4. *Bona fide* horse racing, cricket, football, hockey, polo, water polo, basketball, netball, tennis, boxing, athletics, swimming and other *bona fide* sports.
5. Meetings organised by or on behalf of, and in furtherance of the lawful industrial objects of, a trade union.
6. Meetings organised by or on behalf of any *bona fide* youth organisation which is not organised for any political purpose or is not connected with any political organisation.