

# PUBLIC GATHERINGS

Act 30 of 1991 – 30 August 1991

## Amended 7/02

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#### 1 Short title

This Act may be cited as the Public Gatherings Act.

#### 2 Interpretation

In this Act –

“Commissioner” means the Commissioner of Police;

“meeting”–

- (a) means an assembly of 12 or more persons wherever convened or organised for any purpose; but
- (b) does not include a meeting or assembly of persons convened or organised exclusively for the purpose of any public or corporate body held otherwise than in a public place;

“Minister” means the Minister to whom responsibility for the subject of internal affairs is assigned;

“offensive weapon” means an article made, or adapted for use, or suitable for causing injury to the person, or intended by the person having it in his possession or under his control for that use by him or by some other person;

“police officer” includes an officer of the Special Mobile Force;

“procession” means a body of persons or vehicles proceeding in succession;

“public entertainment” means dancing, singing or music, charity bazaars, stage plays or performances, cinematograph exhibitions given or held indoors or outdoors, to which the public has been convened or has or is entitled or permitted to have access, whether on payment or otherwise;

“public gathering” means a public meeting or a public procession;

“public meeting”–

- (a) means a meeting held or to be held in a public place;
- (b) includes a meeting of school children, a sports meeting and a meeting for public entertainment; but
- (c) does not include a meeting held exclusively for a religious purpose;

“public place” means any place in which the public has or is entitled or permitted to have access, whether on payment or otherwise;

“public procession”–

- (a) means a procession in, to or from, a public place consisting of 12 or more persons proceeding on foot or in more than one vehicle; but
- (b) does not include –
  - (i) a procession held exclusively for a religious purpose;
  - (ii) a marriage or funeral procession;

“public safety or public order” includes –

- (a) the securing of the safety of persons and property;
- (b) the maintenance of supplies and services essential to the life of the community;
- (c) the prevention and suppression of violence, intimidation, disorder and crime;
- (d) the prevention and suppression of mutiny, rebellion and concerted defiance of and disobedience to the law and lawful authority; and
- (e) the maintenance of the administration of justice;

“road” includes any highway, street, thoroughfare, pathway, passage, footway, pavement or square;

“sports meeting” means a race meeting, a regatta or an athletic, field or other game, whether held indoors or outdoors, to which the public has been convened or has or is entitled or permitted to have access, whether on payment or otherwise;

“vehicle”–

- (a) means a vehicle designed or adapted for use on any road; and
- (b) includes any other means of conveyance;

“vessel” includes a ship or boat.

### **3 Notice of public gatherings**

(1) Any person wishing to hold or organise a public gathering shall give written notice to the Commissioner not less than 7 clear days before the day the gathering is to be held or organised.

(2) No public gathering shall be advertised or otherwise publicised unless notice has been given in accordance with this section.

(3) Notwithstanding subsection (1), the Commissioner may, on good cause shown to him, accept a shorter notice.

(4) A notice under this section shall be in writing and shall, in relation to the public gathering –

- (a) state the date on which and the exact place at which the meeting or procession is to be held;
- (b) state the time at which it will start and its approximate duration;
- (c) in the case of a meeting, be accompanied by the written authorisation of the person or authority owning, occupying or administering the premises on which the meeting is to be held;
- (d) in the case of a procession, state the starting place and destination of the procession and the route through which the procession is to pass;
- (e) state the names and addresses of the organisers and bear their signatures not exceeding three.

(5) Where notice to hold or organise a public gathering has been given and the holder or organiser of the gathering later decides to cancel or postpone it, notice of the cancellation or postponement shall immediately be given to the Commissioner.

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

### **4 Regulation of public gatherings**

(1) The Commissioner shall have power, for the purpose of preventing public disorder, damage to property or disruption of the life of the community, to impose conditions on the holding of a gathering.

(2) Where the Commissioner intends to exercise his powers under subsection (1), he shall within 48 hours from receiving notice of the gathering, call the organisers and inform them of his intention to impose conditions on the holding of the gathering and the reasons for those conditions.

(3) The Commissioner shall have power to prohibit the gathering where he reasonably believes that imposing conditions would not be sufficient to prevent public disorder, damage to property or disruption of the life of the community and shall so inform the organisers within 48 hours of receiving the notice.

(4) Any person aggrieved by a decision of the Commissioner under this section may refer the matter to a Judge in Chambers who shall, after hearing the parties, make such order as he may deem fit in the circumstances.

## **5 Putting an end to public gatherings**

(1) Where, during the course of a public gathering, a police officer not below the rank of Inspector has reasonable ground to believe that the continuance of the gathering is prejudicial to public safety or public order, he may direct the organisers of the gathering to put an end to it.

(2) Any person who fails to comply with any direction given under this section shall commit an offence.

## **6 Unauthorised public gatherings**

(1) Where the Commissioner is informed that a public gathering is about to be held or is being held without the required notice, he may issue such orders as he considers appropriate and may –

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

(2) Where access to any public place is prohibited under subsection (1), this fact shall be notified –

- (a) by means of notices exhibited; or
- (b) by the erection of physical barriers, at the points of access to the public place; or
- (c) in such other manner as the Commissioner thinks fit.

(3) Any person who –

- (a) neglects or refuses to obey any order issued under subsection (1);
- (b) without lawful authority, enters or remains in any public place to which access has been prohibited under subsection (1),

shall commit an offence.

## **7 Additional permission**

(1) Subject to section 3, no public gathering may be held in any public garden within the area of a local authority without the written permission of its mayor or Chairman, as the case may be.

(2) Subject to section 3, no public gathering shall be held on any public beach without the written permission of the Beach Authority.

[Amended 7/02]

(3) The organiser of a public gathering who fails to comply with this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding Rs 2,000.

(4) In this section, “Beach Authority” and “public beach” have the same meaning as in the Beach Authority Act 2002.

[Added 7/02]

## **8 Restriction on public gatherings**

(1) Except with the written authorisation of the Commissioner, no public gathering shall be held in the district of Port Louis on any day on which the Assembly meets and sits.

(2) Where a poll is to be taken on any day in an electoral area under the Representation of the People Act, no public gathering shall, after 6 pm on the eve of that day, be held anywhere in that electoral area.

(3) No public gathering shall be held in an electoral area on the day of, and on the 3 days following, the declaration of the result of the poll at an election in that electoral area.

(4) Any person who contravenes with this section shall commit an offence.

#### **9 Possession of offensive weapon**

Any person who, while present at a public gathering, has in his possession, without lawful authority or reasonable excuse, an offensive weapon shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to penal servitude for a term not exceeding 5 years.

#### **10 Misbehaving at public gatherings**

Any person who, at a public gathering, uses threatening, obscene, abusive or insulting words or behaviour, whether or not directed against any person, body or group of persons, shall commit an offence.

#### **11 Breaking up public gatherings**

Any person who, at a public gathering, acts in a disorderly manner for the purpose of preventing the transaction of the business for which the gathering was called, or incites others so to act, shall commit an offence.

#### **12 Violence at public gatherings**

Any person who, at a public gathering, makes a statement or behaves in a manner which is intended or which he knows or ought to know is likely to incite or induce any person to –

- (a) assault any person;
- (b) insult any person;
- (c) damage any property;
- (d) deprive any person by force or fear of the possession or use of any property, either permanently or temporarily,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 25,000 rupees or to penal servitude for a term not exceeding 10 years.

#### **13 Exercise and delegation of power**

(1) Subject to subsection (2), the Commissioner may delegate the powers conferred upon him by this Act to –

- (a) the Deputy Commissioner of Police; or
- (b) an Assistant Commissioner of Police.

(2) Where the powers conferred by this Act are required to be exercised in respect of Rodrigues, the Commissioner may, after consultation with the Minister, make such arrangements as may be necessary for the exercise of those powers.

#### **14 Regulations**

The Minister may make such regulations as he thinks fit for the purposes of this Act.

#### **15 Prosecution for offence**

(1) Notwithstanding any other enactment –

- (a) a prosecution for an offence under this Act shall take place, at the discretion of the Director of Public Prosecutions, before –
  - (i) the Intermediate Court; or
  - (ii) a Magistrate;
- (b) a Court may, on motion by or on behalf of the Director of Public Prosecutions, order that no person shall publish –

- (i) the name, address or photograph of any witness in any case tried or about to be tried before it for any offence; or
  - (ii) any evidence or any other matter likely to lead to the identification of the witness;
  - (c) a Court shall, at the request of the Director of Public Prosecutions, in the interest of public safety or public order, exclude from proceedings instituted for any offence under this Act, any person other than the parties and their legal representatives.
- (2) Any person who contravenes an order made under subsection (1) (b) shall commit an offence.

**16 Publicity to order and direction**

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

**17 Affixing of notice**

(1) A police officer may, for securing public safety or public order, affix any notice to, or cause any notice to be displayed on, any premises, vessel or vehicle.

(2) Any unauthorised person who removes, alters, defaces or obliterates a notice affixed or displayed under subsection (1) shall commit an offence.

**18 Penalty**

Any person who commits an offence under this Act for which no specific penalty is provided or under any regulation made under this Act, shall, on conviction, be liable to a fine not exceeding 2,000 rupees and to imprisonment for a term not exceeding 2 years.