



ST. CHRISTOPHER AND NEVIS

CHAPTER 19.10

PUBLIC MEETINGS AND PROCESSIONS ACT

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PUBLIC MEETINGS AND PROCESSIONS ACT

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CHAPTER 19.10
PUBLIC MEETINGS AND PROCESSIONS ACT

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CHAPTER 19.10**PUBLIC MEETINGS AND PROCESSIONS ACT**

AN ACT TO MAKE PROVISION FOR PUBLIC MEETINGS AND PROCESSIONS IN ORDER TO FACILITATE POLICE ARRANGEMENTS FOR THE PRESERVATION OF ORDER AT PUBLIC MEETINGS AND PROCESSIONS; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

Short title.

1. This Act may be cited as the Public Meetings and Processions Act.

Interpretation.

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

“Chief of Police” means the person for the time being holding the office or performing the duties of Chief Officer of Police in the State, and includes any Police Officer in charge of a police division of the State as provided in section 3 of the Police Act, Cap. 19.07;

“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;

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

“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.

3. (1) Any person who desires to hold a public meeting in a public place shall, not less than forty-eight hours and not more than fourteen days previous to the time at which he or she desires to hold such meeting notify the Chief of Police in writing of his or her intention to hold such meeting and of the time and place at which the said meeting is to be held:

Provided however that where the Chief 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 said notice could not reasonably have been given within the time specified therefor in this subsection, he or she may in respect of such meeting accept such shorter period of notice as he or she shall think fit.

- (2) Where notice has been given under subsection (1) of this section of the holding on the same date of two or more public meetings within one half of a mile of each other the Chief 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 or she shall consider it desirable in the interest of public order or public safety so to do:

Provided however that the organiser of any such meeting may appeal to the Governor-General from the decision of the Chief of Police and in such case the Governor-General may give such directions to the Chief of Police as he or she may think fit regarding the proposed public meeting of such appellant.

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

(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) of this section or which has been prohibited by or is held contrary to any restrictions imposed by the Chief of Police under subsection (2) of this section, commits an offence against this Act and shall be liable, on summary conviction, to a fine not exceeding two thousand five hundred dollars or to imprisonment for a term not exceeding six months.

(Amended by Act 9 of 1986)

(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) of this section, or which has been prohibited by or is being held contrary to any restrictions imposed by the Chief of Police under subsection (2) of this section.

(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 or she 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 subsection (6) of this section commits an offence against this Act and shall be liable, on summary conviction, to a fine not exceeding one thousand five hundred dollars or to imprisonment for a term not exceeding three months.

(Amended by Act 9 of 1986)

(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.

4. (1) No person shall hold, organise or take part in any public procession unless the permission in writing of the Chief 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 three days previous to the time at which he or she desires to hold the procession apply in writing to the Chief of Police for permission so to do.

(4) 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.

(5) If the Chief 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 or she 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 or her 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.

(6) If the Chief 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-General, and in such case the Governor-General may give such directions to the Chief of Police regarding such application as he or she may think fit.

(7) 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 or her to be the leader or one of the leaders of such public procession, to call upon such public procession to disperse.

(8) Any person required under the provisions of subsection (7) of this section to call upon any public procession to disperse who refuses, fails or neglects forthwith to call upon such public procession to disperse commits an offence against this Act and shall be liable, on summary conviction, to a fine not exceeding two thousand five hundred dollars or to imprisonment for a term not exceeding six months.

(Amended by Act 9 of 1986)

(9) 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;

commits an offence against this Act and shall be liable, on summary conviction, to a fine not exceeding seven hundred and fifty dollars.

(Amended by Act 9 of 1986)

(10) Any person who organises or attempts to organise or incites any person to organise or take part in any public procession contrary to the provisions of this section commits an offence against this Act and shall be liable, on summary conviction, to a fine not exceeding two thousand five hundred dollars or to imprisonment for a term not exceeding six months.

(Amended by Act 9 of 1986)

(11) In this section—

“daylight” means the interval between five o’clock in the morning and six o’clock in the evening of the same day;

“night” means the interval between six o’clock in the evening and five o’clock in the morning of the next succeeding day.

Noisy instruments.

5. (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 Chief of Police so to do, commits an offence against this Act and shall be liable, on summary conviction, to a fine not exceeding five hundred dollars.

(Amended by Act 9 of 1986)

(2) The Chief of Police may in his or her 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 or she may think fit.

Offences and penalties generally.

6. (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, commits an offence against this Act and shall be liable, on summary conviction, to a fine not exceeding one thousand five hundred dollars.

(Amended by Act 9 of 1986)

(2) Any person who incites any other person to commit an offence against subsection (1) of this section commits a like offence and shall be 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 subsection (2) of this section he or she may, or if requested so to do by the Chairperson 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) of this section unlawfully refuses or fails forthwith to leave such meeting or its immediate vicinity as the case may be, he or she commits an offence against this Act and shall be liable, on summary conviction, to a fine not exceeding seven hundred and fifty dollars.

(Amended by Act 9 of 1986)

(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 commits an offence against this Act and shall be liable, on summary conviction, to a fine not exceeding one thousand five hundred dollars.

(Amended by Act 9 of 1986)

Provisions of this Act to be additional.

7. The provisions of this Act shall be in addition to and not in derogation of the provisions of any other enactment; and nothing in this Act shall exempt any person from any penalty to which he or she 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.