



## ST. CHRISTOPHER AND NEVIS

### CHAPTER 19.11 PUBLIC ORDER ACT

**Revised Edition**  
showing the law as at 31 December 2002

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This edition contains a consolidation of the following laws—

#### **PUBLIC ORDER ACT**

**Act 16 of 1967** ... in force 16th August 1967

Amended by: Act 14 of 1971  
Act 6 of 1976  
Act 9 of 1986  
Act 6 of 2000

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## **CHAPTER 19.11**

### **PUBLIC ORDER ACT**

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**CHAPTER 19.11**  
**PUBLIC ORDER ACT**

AN ACT TO PROHIBIT THE WEARING OF UNIFORMS IN CONNECTION WITH POLITICAL OBJECTS AND THE MAINTENANCE BY PRIVATE PERSONS OF ASSOCIATIONS OF A MILITARY OR SIMILAR CHARACTER; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

**PART I**  
**PRELIMINARY**

**Short title.**

1. This Act may be cited as the Public Order Act.

**Interpretation.**

2. In this Act—

“armed forces of the Crown” includes members of the Saint Christopher and Nevis Defence Force established under the Saint Christopher and Nevis Defence Force Act, Cap. 19.14;

“Chief of Police” has the same meaning as in the Police Act, Cap. 19.07;

“Her Majesty’s Forces” includes members of the Saint Christopher and Nevis Defence Force established under the Saint Christopher and Nevis Defence Force Act;

“local authority” means any Local Government Council or any other statutory body declared by the Governor-General 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 Government of Saint Christopher and Nevis responsible for the subject of National Security;  
*(Amended by Act 6 of 2000)*

“offensive weapon” includes—

- (a) any firearm as defined in the Firearms Act, Cap. 19.05; 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 Saint Christopher and Nevis” means every person other than a person who is regarded as belonging to Saint Christopher and Nevis as defined in the Immigration Act, Cap. 6.02;

“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 sea 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, Cap. 18.36.  
*(Amended by Act 14 of 1971)*

## PART II

### PROHIBITION OF CERTAIN UNIFORMS AND QUASI-MILITARY OR ORGANISATIONS

#### **Prohibition of uniforms in connection with political objects.**

3. (1) Any person who in any public place or at any public meeting wears uniform signifying his or her association with any political organisation or with the promotion of any political object commits 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 or her without the consent of the Director of Public Prosecutions 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 or she shall, at the expiration of three days from the date on which he or she was so remanded, be entitled to be discharged from custody on entering into a recognisance without sureties unless within that period the Director of Public Prosecutions has consented to such further proceedings as aforesaid.

#### **Prohibition of quasi-military organisations.**

4. (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 commits an offence:

Provided that 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 or she 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 Director of Public Prosecutions.

(3) If, upon application being made by the Director of Public Prosecutions, 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 monies 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 or she 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 officers of police 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 as aforesaid:

Provided that 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.**

5. (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-General 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 is present at or attends any such meeting or assembly for the purpose of training and drilling any other person or persons to the use of arms or the practice of military exercise, movements or evolutions or who trains or drills any other person or persons to the use of arms or the practice of military exercise, movements or evolutions or who aids and assists therein commits an offence.

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

**Penalties.**

6. (1) Any person who commits an offence under sections 3 and 4 of this Act shall be liable, on summary conviction, to imprisonment for a term not exceeding twelve months or to a fine not exceeding five thousand dollars or to both such imprisonment and fine, and, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine not exceeding twelve thousand five hundred dollars or to both such imprisonment and fine.

*(Amended by Act 9 of 1986)*

(2) Any person who is found guilty of an offence under section 2 of this Act shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand five hundred dollars or to both such imprisonment and fine.

*(Amended by Act 9 of 1986)*

**PART III****MARCHES AND PROCESSIONS****Interpretation.**

7. In this Part of this Act—

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

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

“permit” means a permit granted under section 10 of this Act.

**Marches in the night prohibited.**

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

**Marches in daylight.**

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

**Public March.**

10. 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 of Saint Christopher and Nevis;
- (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 Cabinet of Ministers.

**Applications for permits.**

11. (1) When any person desires to organise any public march in daylight he or she shall, at least three days before such intended public march, make application to the Chief of Police or to the police officer in charge of a police division of the State as provided in the Police Act, Cap. 19.07.

(2) Every application made in accordance with sub-section (1) of this section 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.**

12. (1) If an officer to whom application is made in accordance with the provisions of section 11 of this Act, 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 or she 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 or her 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.**

13. 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 or her 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, an offence.**

14. Any person required under the provisions of section 13 of this Act 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 commits an offence.

**Taking part in prohibited March.**

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

- (a) prohibited by section 8 of this Act;
- (b) in respect of which a permit has not been obtained; or
- (c) otherwise than in accordance with the conditions of a permit,

commits an offence.

**Organising unlawful Marches.**

16. 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 of the Act commits an offence.

PART IV

MEETINGS AND MARCHES (SPECIAL PROVISIONS)

**Power to prohibit meetings and marches.**

17. (1) Notwithstanding anything contained in Part III of this Act or in any other law, rule, or regulation, whenever the Governor-General is satisfied or whenever representations are made by the Chief of Police that in any area, or in any parish, district, town or village in the State 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-General to be in the interest of public order, public safety, or public health so to do, he or she may by Proclamation, prohibit in any area or in any parish, district, town or village in the State—

- (a) all public meetings or public marches;
- (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 of this Act.

(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 thirty 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-General.

(4) If at any time it is impossible or impracticable to publish any such proclamation in the *Gazette* and local newspapers in the State the Governor-General

shall cause the same 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.**

**18.** Where any person desires to organise or hold in any place to which a Proclamation under section 17 of this Act applies a public meeting or a public march he or she shall, at least twenty-four hours before such intended event, make application to the Chief of Police or to the police officer in charge of a police division of the State for a permit.

#### **Permits.**

**19.** (1) An officer to whom application is made in accordance with the provisions of section 18 of this Act may in the exercise of his or her discretion refuse or grant the application.

(2) In cases where such application is granted the officer 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 officer may think necessary in order to effect the objects of the Proclamation.

#### **Appeal.**

**20.** Any applicant for a permit under section 18 of this Act who is aggrieved by the refusal of an officer to grant a permit or by the terms and conditions prescribed in the permit, may, within seven days, appeal in writing to the Governor-General.

#### **Power to disperse meetings and marches.**

**21.** (1) When a public meeting is being held or a public march is in progress contrary to any of the provisions of this Part of the Act 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 or her to have addressed or organised such meeting or march or anyone appearing to him or her 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 sub-section (1) of this section 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 commits an offence.

#### **Taking part in prohibited meeting or march.**

**22.** Any person who—

- (a) contravenes or fails to comply with any of the terms or requirements of a Proclamation under this Part of this Act;
- (b) contravenes or fails to comply with any of the terms and conditions subject to or upon which a permit under section 18 of this Act 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 of this Act 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,

commits an offence.

### **Penalties.**

**23.** A person found guilty of an offence under this Part of the Act shall be liable on summary conviction to a fine not exceeding two thousand five hundred dollars or to imprisonment for any term not exceeding six months, or to both such fine and imprisonment.

*(Amended by Act 9 of 1986)*

## PART V

### GENERAL PROVISIONS

#### **Disorderly behaviour at public meeting.**

**24.** (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 commits an offence.

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

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

(4) If any person having been required to leave any meeting by any constable pursuant to the provisions of subsection (3) of this section refuses or fails forthwith to leave such meeting he or she commits an offence.

#### **Prohibition of conduct conducive to a breach of the peace.**

**25.** 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 commits an offence.

#### **Permit required by certain persons for public meetings and public marches.**

**26.** (1) Notwithstanding anything contained in any other enactment, but subject to the exemptions specified in the Schedule to this Act, no person not belonging to Saint Christopher and Nevis 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 or her by the Minister.

(2) A person not belonging to Saint Christopher and Nevis who desires to organise, hold, call together, speak at, or take part in any public meeting or public march shall, at least three days before the day on which he or she 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 Saint Christopher and Nevis under the provisions of subsection (2) of this section 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 or she is a citizen or to which he or she belongs.

(4) Notwithstanding the provisions of subsection (2) of this section, the Minister may consider an application by a person not belonging to Saint Christopher and Nevis 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) of this section if the Minister is satisfied that such non-compliance was due to circumstances beyond the control of the applicant.

*(Inserted by Act 14 of 1971 – originally section 24A)*

#### **Grant of permit.**

**27.** (1) The Minister may grant or refuse any application made to him or her under section 26 of this Act 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 or she may consider necessary in the interests of public safety, public order, public morality or public peace.

(3) The Minister shall, at least twelve hours before the time specified in the application in accordance with paragraph (d) of subsection (3) of section 26 of this Act, notify the applicant of his or her decision, so however that this subsection shall not apply to any application made under the provisions of subsection (4) of section 26 of this Act.

*(Inserted by Act 14 of 1971 – originally section 24B)*

#### **Reference of decision to High Court.**

**28.** Nothing in sections 26 and 27 of this Act shall be deemed to prejudice or abrogate any right which any person not belonging to Saint Christopher and Nevis 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.

*(Inserted by Act 14 of 1971 – originally section 24C)*

#### **Offence.**

- 29.** (1) Any person not belonging to Saint Christopher and Nevis 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 27 of this Act,

commits an offence and shall be liable, on summary conviction, to imprisonment for six months or to a fine of one thousand dollars or to both such imprisonment and such fine.

(2) Any person who aids, abets, counsels or procures the commission of any offence under subsection (1) of this section commits an offence and shall be liable, on summary conviction, to imprisonment for six months or to a fine of one thousand dollars or to both such imprisonment and such fine.

*(Inserted by Act 14 of 1971 – originally section 24D. Amended by Act 9 of 1986)*

#### **Non-application of Act to certain public meetings and public marches.**

**30.** (1) Sections 26, 27 and 28 shall not apply to any public meeting or public march held or organized for any of the purposes set out in the Schedule to this Act.

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

*(Inserted by Act 14 of 1971 – originally section 24E)*

#### **Prohibition of offensive weapon at public meeting.**

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

- (a) if the offence is committed at a political meeting, shall be liable, on conviction, to imprisonment with or without hard labour for a term not exceeding twelve months or to a fine not exceeding five thousand dollars and in default of payment to imprisonment with or without hard labour for a term not exceeding twelve months; or
- (b) in any other case, shall be liable on conviction to imprisonment with or without hard labour for a term not exceeding six months or to a fine not exceeding two thousand five hundred dollars and in default of payment to imprisonment with or without hard labour for any term not exceeding six months.

*(Amended by Act 9 of 1986)*

(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 be a firearm, he or she is a Minister of the Cabinet and is carrying such firearm for his or her own protection or is a person acting in his or her capacity as a member of the Police or the Defence Force or as a constable; or
- (b) if the offensive weapon involved be other than a firearm, he or she is acting in his or her capacity as a servant of the Crown or of any local authority or as a constable or as a member of a fire brigade.

(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.**

**32.** (1) Subject to the provisions of subsections (2) and (3) of this section, where any constable has reasonable cause to suspect that any person has concealed about his

or her person any offensive weapon contrary to the provisions of section 30 of this Act he or she 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 female shall be searched by any person other than a female.

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

#### **Power of arrest.**

**33.** A constable may arrest without warrant any person reasonably suspected by him or her to be committing or to have committed any offence against this Act.

#### **Trial of offences.**

**34.** Every offence against this Act, except where otherwise expressly provided, shall be tried summarily and any person found guilty of any such offence shall be liable, on conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand five hundred dollars or to both such imprisonment and fine.

*(Amended by Act 9 of 1986)*

*(Note: Sections of this Act have been renumbered as a result of transferring the Interpretation section from the end of the Act and making it section 2.)*

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## **SCHEDULE**

*(Section 29)*

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, basket ball, 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.

*(Inserted by Act 14 of 1971)*

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