

THE PUBLIC ORDER ACT

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## SCHEDULES

## THE PUBLIC ORDER ACT

[16th December, 1957.]

Laws  
44 of 1957,  
27 of 1960.  
Act  
42 of 1969  
3rd Sch.

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

Short title.

PART I. *Interpretation*

2. In this Act—

Interpreta-  
tion.

“local authority” means the Kingston and Saint Andrew Corporation, any Parish Council, the Water Commission, or any other statutory body declared by the Minister by order 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 upon such matters;

“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 catapult or similar implement unless it is proved to the satisfaction of the Court that it was not used or intended to be used as such by the person charged;

“political meeting” means a meeting held—

- (a) in a constituency between nomination day and election day, both days inclusive, at an election for a member of the House of Representatives for that constituency; or

(b) in an electoral division between nomination day and election day, both days inclusive, at an election for a member of a Parish Council or for a Councillor of the Kingston and Saint Andrew Corporation for that electoral division, for the purpose of furthering or criticizing the aims, objects, action or programme of any political party or for the purpose of supporting or opposing the candidature for any individual as against any other or others at such election, and if any speaker at any meeting held as aforesaid refers to or discusses the aims, objects, action or programme of any political party or the candidature of any individual at such election such meeting shall, until the contrary is proved, be deemed to be a political meeting;

27/1960  
S. 2.

“public march” means any march or procession in a public place comprising (whether wholly or partly) pedestrians, vehicles (however propelled or drawn), or bicycles (however propelled), except a march or procession—

- (a) by any of Her Majesty’s Forces; or
- (b) by the Jamaica Constabulary Force; or
- (c) which takes place as a component part of any religious ceremony, including a wedding or funeral, not being in any way connected with any political demonstration or celebration; or
- (d) which is confined to the pupils and teachers of any school; or
- (e) by any other body approved by the Minister;

“public meeting” includes any meeting in a public place and 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, 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 or are permitted to have access, whether on payment or otherwise.

## PART II. *Marches and Processions*

### 3. In this Part—

“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 the provisions of section 8.

Interpretation.

4. It shall be unlawful for any public march to take place in the night.

Marches in the night prohibited.

5. Any member of the Jamaica Constabulary Force not below the rank of Corporal may require any person leading any public march in the night or appearing to him to be the leader or one of the leaders of such public march to call upon such public march to disperse.

Leader of night march may be required to call upon march to disperse.

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

Marches in daylight.

7.—(1) Where any person desires to organize any public march in daylight he shall, at least three days before such intended public march, make application for a permit to the senior officer of the Jamaica Constabulary Force for the

Applications for permits.

parish in which the public march is to take place, or to the Commissioner of Police if the application relates to the Corporate Area of Kingston and Saint Andrew.

(2) Every application made in accordance with subsection (1) shall contain particulars of the point of departure, route and point of 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.

**8.**—(1) An officer to whom application is made in accordance with the provisions of section 7 may, in any case, 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 public march specifying therein the route to be followed and the times between which it shall take place.

Leader of permitted march may be required to call upon march to disperse.

**9.** Any member of the Jamaica Constabulary Force not below the rank of Corporal may require any person leading any public march otherwise than in accordance with the terms of a permit or appearing to him to be the leader or one of the leaders of such public march to call upon such public march to disperse.

Leader failing to call upon march to disperse.

**10.** Any person required under the provisions of section 5 or section 9 to call upon any public march to disperse who refuses, fails or neglects forthwith to call upon such public march to disperse shall be guilty of an offence and upon summary conviction before a Resident Magistrate shall be liable to a fine not exceeding one hundred dollars or to imprisonment for any term not exceeding six months with or without hard labour or to both such fine and imprisonment.

11. Any person who takes part in any public march—

- (a) prohibited by section 4; or
- (b) in respect of which a permit has not been obtained;  
or
- (c) otherwise than in accordance with the terms of a permit,

Taking part  
in prohibited  
march.

shall be guilty of an offence and on summary conviction before a Resident Magistrate shall be liable to a fine not exceeding twenty dollars or to imprisonment with or without hard labour for any term not exceeding three months.

12. Any person who organizes or attempts to organize or incites any person to organize or take part in any public march in contravention of the provisions of this Part shall be guilty of an offence and on summary conviction before a Resident Magistrate shall be liable to a fine not exceeding one hundred dollars or to imprisonment with or without hard labour for any term not exceeding six months or to both such fine and imprisonment.

Organizing  
marches.

13. During any period in which an order is in force under Part III, the operation of sections 6 to 9 (both inclusive) shall be suspended in any area, or in any parish, district, village or town in the Island to which such order relates.

Suspension  
of sections  
6 to 9.

### PART III. *Meetings and Marches (Special Provisions)*

14.—(1) Notwithstanding anything contained in Part II or in any other enactment, rule or regulation, where at any time it appears to the Minister to be in the interest of good order or the public safety so to do, he may, by order, subject to such exemptions as are, or from time to time hereafter may be, included in the First Schedule, prohibit in any area, or in any parish, district, village or town in the Island—

Power to  
prohibit  
meetings  
and  
marches.

- (a) all public meetings and all public marches;

First  
Schedule.

- (b) all persons from organizing, holding or speaking at, or attending, any public meeting or any public march,

save in cases where a permit is issued in accordance with the provisions of section 15.

(2) Every order under this section—

- (a) shall remain in force for a period of not more than one month (without prejudice to the power to issue a further order at or before the end of such period);
- (b) shall be published in the *Gazette*;
- (c) may at any time be varied, altered, amended or revoked by the Minister.

Applications  
for permits.

**15.** Where any person desires to organize or hold in any place to which an order under section 14 applies a public meeting, or a public march, he shall, at least twenty-four hours before such intended event, make application for a permit to the Resident Magistrate or the senior officer of the Jamaica Constabulary Force for the parish in which the event is to take place, or to the Commissioner of Police if the application relates to the Corporate Area of Kingston and Saint Andrew.

Permits.

**16.—(1)** An officer to whom application is made in accordance with the provisions of section 15 may, in any case, 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 organizing, speaking at or attending the event) as the officer may think necessary in order to effect the objects of the order.



17. Any applicant for a permit under section 15 who is aggrieved by the refusal of an officer to grant the permit or by the terms of the permit, may within seven days, appeal in writing to the Minister.

Appeal.

18.—(1) Any member of the Jamaica Constabulary Force not below the rank of Corporal may, in relation to any public meeting being held or any public march in progress contrary to any of the provisions of this Part or of any order made or permit issued thereunder, require any person addressing or known to him to have addressed such meeting or leading such march or appearing to him to be the promoter or organizer or one of the promoters or organizers or the leader or one of the leaders of such meeting or march to call upon such meeting or march to disperse.

Power to disperse meetings and marches.

(2) Any person required under subsection (1) to call upon any public meeting or public march to disperse, who refuses, fails or neglects forthwith to call upon such meeting or march to disperse shall be guilty of an offence against this section, and upon summary conviction before a Resident Magistrate shall be liable to a fine not exceeding one hundred dollars, or to imprisonment with or without hard labour for any term not exceeding three months, or to both such fine and imprisonment.

19. Any person who—

- (a) contravenes or fails to comply with any of the terms or requirements of an order under this Part; or
- (b) contravenes or fails to comply with any of the terms and conditions subject to or upon which a permit under section 16 has been issued; or
- (c) holds, organizes, speaks at, attends or takes part in any public meeting or public march contrary to any of the provisions of this Part or of any order made, or permit issued, thereunder; or

Taking part in prohibited meeting or march.

(d) attempts to commit any of the aforesaid offences or who incites, aids or abets any other person to commit such an offence, shall be guilty of an offence and be liable, on summary conviction before a Resident Magistrate, to a fine not exceeding one hundred dollars or to imprisonment with or without hard labour for any term not exceeding three months, or to both such fine and imprisonment.

Exemptions. **20.**—(1) Nothing in this Part shall apply to any meetings or marches held or organized in connection with any of the purposes set out in the First Schedule (so long as such purpose continues to form part of such Schedule), or in connection with such other purposes as may from time to time be included in such Schedule as provided for by this section.

First  
Schedule.

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

(3) The powers of the Minister under subsection (2) of this section may be exercised in an order issued for the purposes of this section, or in any order issued under section 14.

#### PART IV. *Public Offices*

Interpreta-  
tion.

**21.** In this Part—

“official premises” means any premises vested in the Government of Jamaica or any local authority, or in any person in trust for or on behalf of such Government or such authority, and any premises, whether so vested or not, occupied by any officer of the Government of Jamaica or of any local authority for the purposes of performing his duties as such;

“scheduled premises” means any official premises specified in the Second Schedule;

“specified distance” means a radius of two hundred yards from any point within the curtilage of any scheduled premises.

Second  
Schedule.

**22.—**(1) Any member of the Jamaica Constabulary Force not below the rank of Corporal may, in relation to either—

Power to  
disperse  
public  
marches  
and  
meetings.

(a) any public meeting held within the specified distance of any scheduled premises; or

(b) any public march in progress which comes within the specified distance of any scheduled premises, require any person addressing or known to him to have addressed such meeting or leading such march or appearing to him to be the promoter or organizer or one of the promoters or organizers or 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 any meeting or march to disperse, who refuses, fails or neglects forthwith to call upon such meeting or march to disperse shall be guilty of an offence against this section, and upon summary conviction before a Resident Magistrate shall be liable to a fine not exceeding fifty dollars or to imprisonment with or without hard labour for any term not exceeding three months, or to both such fine and imprisonment.

**23.** Where any person who is required under section 22 to call upon any meeting or march to disperse refuses, fails or neglects so to do, any constable of the Jamaica Constabulary Force may call upon such meeting or march to disperse.

Power of  
constable to  
call upon  
march or  
meeting to  
disperse.

When  
march or  
meeting  
called upon  
to disperse  
participants  
to do so.

24.—(1) Every person who is present at any meeting or march which is called upon to disperse under section 22 or section 23 shall forthwith upon the meeting, or march being called upon to disperse go to some place beyond the specified distance from the scheduled premises by some route no point of which is nearer to the scheduled premises than is the place at which the meeting or march was called upon to disperse.

(2) Every person who fails or neglects to comply with the provisions of subsection (1) shall be guilty of an offence, and upon summary conviction before a Resident Magistrate shall be liable to a fine not exceeding ten dollars or to imprisonment with or without hard labour for any term not exceeding two months, or to both such fine and imprisonment.

Inciting.

25. Every person who incites any person to contravene the provisions of subsection (1) of section 24 shall be guilty of an offence and upon summary conviction before a Resident Magistrate shall be liable to a fine not exceeding fifty dollars or to imprisonment with or without hard labour for any term not exceeding three months, or to both such fine and imprisonment.

Power to  
add to  
Second  
Schedule.

26. The Minister may by order add to or remove from the Second Schedule any official premises.

#### PART V. *General Provisions*

Disorderly  
behaviour  
at public  
meeting.

27.—(1) Any person who at a public meeting acts in a disorderly manner likely to prevent or obstruct the transaction of the business of the meeting shall be guilty of 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

one year or to a fine not exceeding two hundred dollars and in default of payment thereof 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 a fine not exceeding one hundred dollars and in default of payment thereof to imprisonment with or without hard labour for a term not exceeding three months.

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

(3) If any constable reasonably suspects any person of committing an offence against subsection (1) or subsection (2) he may, or, if required so to do 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 constable pursuant to the provisions of subsection (3) refuses or fails forthwith to leave such meeting he shall be guilty of an offence against this subsection and liable on summary conviction before a Resident Magistrate to a fine not exceeding one hundred dollars and in default of payment thereof to imprisonment with or without hard labour for any term not exceeding three months.

**28.** 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, shall be guilty of an offence against this section, and—

Prohibition  
of conduct  
conducive  
to breaches  
of the  
peace.

- (a) if the offence is committed at a political meeting or within two hundred yards of any polling station at which the poll is open for the purpose of the election of a member of the House of Representatives or of any Parish Council or of a Councillor

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of the Kingston and Saint Andrew Corporation shall be liable on conviction thereof to imprisonment with or without hard labour for any term not exceeding one year or to a fine not exceeding two hundred dollars and in default of payment thereof to imprisonment with or without hard labour for any term not exceeding twelve months; or

- (b) in any other case shall be liable on conviction thereof to a fine not exceeding one hundred dollars and in default of payment thereof to imprisonment with or without hard labour for any term not exceeding three months.

Prohibition  
of offensive  
weapon.

29.—(1) Any person who, while present at any public meeting, has with him (either openly or concealed about his person) any offensive weapon otherwise than in pursuance of lawful authority shall be guilty of 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 any term not exceeding one year or to a fine not exceeding two hundred dollars and in default of payment to imprisonment with or without hard labour for any term not exceeding twelve months; or
- (b) in any other case, shall be liable on conviction to a fine not exceeding one hundred dollars and in default of payment to imprisonment with or without hard labour for any term not exceeding three months.

(2) Every person who at any time when any public meeting is in progress has with him any firearm upon any thoroughfare or in any public place within earshot of any speaker at such meeting shall be deemed to have had such

firearm while present at such public meeting until he proves affirmatively that his presence upon such thoroughfare or in such public place at such time was neither directly nor indirectly consequent upon the fact that such meeting was in progress at such time.

(3) For the avoidance of doubt it is expressly declared that—

- (a) 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; and
- (b) a person shall be deemed to be within earshot of any speaker at any time when he is at any point at which the voice of the speaker is in fact audible, notwithstanding that it would not have been so audible but for the use of a microphone, amplifier or other apparatus or device.

(4) Any person who on the day of any election for a member of the House of Representatives or of any Parish Council or for a Councillor of the Kingston and Saint Andrew Corporation at any time during the period between one hour before the hour appointed for the opening of the poll and six hours after the closing of the poll, while in any public place within the constituency or electoral division or electoral area in which the election is taking place, has with him any offensive weapon otherwise than in pursuance of lawful authority, shall be guilty of an offence against this subsection and shall be liable on conviction to imprisonment with or without hard labour for any term not exceeding one year or to a fine not exceeding two hundred dollars and in default of payment to imprisonment with or without hard labour for any term not exceeding twelve months.

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3rd Sch.

(5) 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 is acting in his capacity as a member of the Armed Forces of the Crown or as a constable; or
- (b) if the offensive weapon involved be other than a firearm, he is acting in his capacity as a servant of the Crown or of any local authority or as a constable or as a member of a fire brigade.

Power of  
search.

**30.**—(1) Subject to the provisions of subsections (2) and (3), where any constable has reasonable cause to suspect that any person has concealed about his person any offensive weapon contrary to the provisions of section 29 he may search such person and, if he considers it 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 authorized by this section unless such person is first taken to a police station.

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

(4) Any person who resists or obstructs any search authorized by this section or who absconds before such search is concluded shall be guilty of an offence against this section and shall be liable on conviction thereof to imprisonment with or without hard labour for a term not exceeding one year or to a fine not exceeding two hundred dollars and in default of payment thereof to imprisonment with or without hard labour for any term not exceeding twelve months.

Power of  
arrest.

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



32. Every offence against this Part may, except where otherwise expressly provided, be tried either summarily before a Resident Magistrate or on indictment before a Circuit Court.

Trial of offences.

33. Upon the trial of any person charged with having committed an offence against section 27, section 28 or section 29 it shall not be necessary to set out in the information or indictment that the offence was committed at a political meeting, but if the Court is satisfied that it was so committed such finding shall be recorded in the judgment.

Form of information, etc., where offence committed at political meeting.

## PUBLIC ORDER

## FIRST SCHEDULE

(Sections 14, 20)

1. Religious services held under the authority of the heads of the following denominations—

- (a) The Church in Jamaica in the Province of the West Indies.
- (b) The Roman Catholic Church.
- (c) The Presbyterian Church.
- (d) The Methodist Church.
- (e) The Baptist Union.
- (f) The Congregational Union.
- (g) The Christian Science Churches.
- (h) The Jamaica Association of Christian Churches.
- (i) The Church of Christ.
- (j) The Moravian Church.
- (k) The Friends Churches.
- (l) The Salvation Army.
- (m) The African Methodist Episcopal Churches.
- (n) The Seventh-day Adventist Church.
- (o) The Church of God.
- (p) The United Congregation of Israelites.

2. The Jamaica Agricultural Society.

3. Burial Scheme Societies.

4. Educational classes, and recreation in schools.

5. *Bona fide* cinematograph, musical and theatrical entertainments and dancing.

6. *Bona fide* horse racing, cycle racing, cricket, football, hockey, polo, athletics, tennis, boxing, swimming and other sports.

## SECOND SCHEDULE

(Sections 21, 26)

Headquarters House, Duke Street, Kingston.

The Offices of the Kingston and St. Andrew Corporation, Kingston.

The Head Offices of all Ministries.

Jamaica House.

King's House.

Gordon House.

The Cabinet Offices.

L.N.  
125/65.  
142/65.