



LAWS OF FIJI

CHAPTER 20

PUBLIC ORDER

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PUBLIC ORDER

Ordinance 15 of 1969, Act 19 of 1976

AN ORDINANCE

TO FACILITATE THE MAINTENANCE OF PUBLIC ORDER

[15th October 1969]

Short title

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

Interpretation

2. In this Act, unless the context otherwise requires—
- “appropriate authority” means a district officer within his area of jurisdiction;
 - “assembly” means any gathering of three or more persons assembled for a common purpose;
 - “local authority” means any local authority constituted under the provisions of section 10 of the Public Health Act; (Cap. 111.)
 - “meeting” means an assembly held for the purpose of discussion on matters of public interest or for the purpose of the expression of views on such matters;
 - “procession” means a procession of five or more persons or three or more vehicles;
 - “public” (with its grammatical variations and cognate expressions) means the public or any class thereof;
 - “public place” means—
 - (a) any highway, public street, public road, public park or garden, any sea beach, river, public bridge, wharf, jetty, lane, footway, square, court, alley or passage whether a thoroughfare or not; or
 - (b) any—
 - (i) land or open space, whether such land or space is closed or unenclosed; and
 - (ii) place or building of public resort, other than a dwelling house,
to which for the time being the public have or are permitted to have access whether on payment or otherwise.

Prohibition of uniforms, emblems, etc.

- 3.—(1) The Minister may, by order, prohibit the wearing, in public places or at meetings or assemblies of any uniform, distinctive dress or emblem by members or adherents of any organization or association, whether incorporated or not, specified or described in such order, when it appears to the Minister that members

of that organization or association are organized or trained or equipped for the purpose of enabling them to be employed—

- (a) in usurping the functions of the Royal Fiji Police Force or of Her Majesty's Armed Forces;
- (b) for the purpose of display of physical force in promoting any political or other object, or in such manner as to arouse reasonable apprehension that they are organized, trained or equipped for that purpose.

(2) Any person who wears any prohibited uniform, distinctive dress or emblem in contravention of any order made under the provisions of subsection (1) shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred dollars or to both such imprisonment and fine.

(3) No prosecution shall be instituted under this section without the consent of the Director of Public Prosecutions.

Unlawful drilling

4.—(1) If the members or adherents of any association of persons whether incorporated or not, are—

- (a) organised, trained or equipped for the purpose of enabling them to be employed in usurping the functions of the police or the armed forces; or
- (b) organised, trained or equipped either for the purpose of enabling them to be employed for the use or display of physical force in promoting any political or other object, or in such a manner as to arouse reasonable apprehension that they are organised or trained or equipped for that purpose,

then any member or adherent of such association shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding five years and any person who promotes or conspires with another to promote, or who takes part in the control or management of the association, or in so organising or training or equipping as aforesaid any member or adherent thereof, shall be guilty of an offence and shall be liable upon conviction to imprisonment for a term not exceeding seven years:

Provided that, in any proceedings against any 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 to prove that he neither consented to, nor connived at, the organisation, training or equipment of any member or adherent of the association in contravention of the provisions of this section.

(2) No prosecution shall be instituted under this section without the consent of the Director of Public Prosecutions.

Unlawful oath to commit capital offences

5. Any person who—

- (a) administers, or is present at or consents to the administration of, any oath, or engagement in the nature of an oath, purporting to bind that person who takes it to commit murder or any offence punishable by death; or

(b) takes any such oath or engagement, not being compelled to do so, shall be guilty of an offence and shall be liable on conviction to imprisonment for life.

Other unlawful oaths to commit offences

6. Any person who—
- (a) administers, or is present at, or consents to, the administering of, any oath or engagement in the nature of an oath, purporting to bind the person who takes it to act in any of the following ways:—
 - (i) to engage in any mutinous or seditious enterprise;
 - (ii) to commit any offence other than murder not punishable by death;
 - (iii) to disturb the public peace;
 - (iv) to be a member of any association, society or confederacy formed for the purpose of doing any act as aforesaid;
 - (v) to obey the orders or commands of any committee or body of men not lawfully constituted, or of any leader or commander or other person not having authority by law for the purpose;
 - (vi) not to inform or give evidence against any associate or confederate or other person;
 - (vii) not to reveal or discover any unlawful association, society or confederacy or any illegal oath or engagement that may have been administered or tendered to or taken by himself or any other person, or the import of any such oath or engagement;
 - (b) takes any such oath or engagement not being compelled to do so, shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding seven years.

Compulsion, how far a defence

7. A person who takes any such oath or engagement as is mentioned in sections 5 and 6 may not set up as a defence that he was compelled to do so, unless within fourteen days after taking such oath or engagement, or if he is prevented by actual force or sickness, he declares by information to a police officer or by information on oath before a magistrate, or, if he is on actual service in Her Majesty's Armed Forces or in the Royal Fiji Police Force, either by information on oath before a magistrate or by information to his commanding officer, the whole of what he knows concerning the matter, including the person or persons by whom and in whose presence and the place where and the time when, the oath or engagement was administered or taken.

Permits required for meetings and processions in a public place

- 8.—(1) Any person who wishes to organize or convene a meeting or procession in a public place shall first make an application for a permit in that behalf to the appropriate authority and, unless such authority is satisfied for good reason that such a meeting or procession is likely to prejudice the maintenance of peace of good order, he shall issue a permit specifying—
- (a) in the case of a procession, the purpose for which, and the routes of which, and the times at which, such procession may pass and such other conditions as he may think fit to impose;
 - (b) in the case of a meeting, the purpose for which and the place or times at or between which, such meeting may be held and such other conditions as he may think fit to impose; and
 - (c) the name or names of the person or persons to whom such permit is issued.

(2) Every person to whom a permit is issued under the provisions of subsection (1) shall be responsible for the due observance of all the conditions specified in the permit.

(3) Every application for a permit under the provisions of this section shall be made in writing to the appropriate authority at least seven days, or within such lesser time as he may specify in any particular case, prior to the date on which it is proposed to organize or convene a meeting or procession.

(4) The provisions of this section shall not apply to processions solely in connection with marriages or funerals.

(5) Notwithstanding any of the other provisions of this Act, any sporting, recreational or social event or fixture, any private entertainment, or any assembly for religious or charitable purposes, conducted with the permission of the local authority or other body or person having control of the public place in which such event, fixture, entertainment or assembly is held, shall be exempted from the provisions of this section.

Powers of Minister

9.—(1) The Minister may, if it appears to him expedient to do so in the interests of public safety and the maintenance of public order, at any time, by order—

(a) prohibit the holding of any assembly in any place, whether such place is a public place or not, in any area specified in the order, either generally or subject to any specified conditions; or

(b) prohibit the holding of any meeting or procession, in any place other than a public place, in any area specified in the order either generally or subject to any specified conditions.

(2) Nothing in this section shall apply to any assembly or procession held in, or in the curtilage of, any church, temple, mosque or other place of worship solely for the purpose of a religious ceremony in accordance with the normal rites of such church, temple, mosque or other place of worship.

Powers to order dispersal of processions, etc.

10.—(1) Any police officer may stop any procession for which no permit has been issued under the provisions of subsection (1) of section 8 or which contravenes any of the conditions specified in such permit, or which has been convened or is taking place in contravention of an order made under the provisions of section 9 or any of the conditions specified in such order, or which contravenes any other written law, and may order such procession to disperse.

(2) Any police officer may order any meeting which has been convened without a permit issued under the provisions of subsection (1) of section 8, or which contravenes any of the conditions specified in such permit, or any meeting or assembly which has been convened or is taking place in contravention of any order made under the provisions of section 9 or any of the conditions specified in such order, to disperse.

When assembly or procession unlawful

11. Any meeting or procession convened or taking place in a public place for which no permit has been issued under the provisions of subsection (1) of section 8, or which contravenes any of the conditions specified in such permit, and any meeting, assembly or procession convened or taking place in contravention of an

order made under the provisions of section 9, or of any conditions specified in such order, shall be deemed to be an unlawful assembly within the meaning of section 86 of the Penal Code. (Cap. 17.)

Exemption from requirement for procession permit

12. Notwithstanding any of the other provisions of this Act, nothing in this Act shall prevent a parade or march by the Royal Fiji Police Force or by any of Her Majesty's Armed Forces or any friendly foreign power, with or without bands, from taking part without any permission being required under this Act if notice of any such parade or march shall be given to the appropriate authority by an officer of the Royal Fiji Police Force or of the Armed Forces concerned at least twenty-four hours prior to such parade or march taking place, and the appropriate authority may, on account of special reasons, which reasons shall be stated by him forthwith in writing to the Minister prohibit the holding of such parade or march.

Offences and penalties

13.—(1) Any person who wilfully and unlawfully—

- (a) takes part in a meeting or procession in a public place for which no permit has been issued under the provisions of subsection (1) of section 8;
- (b) takes part in a meeting or procession held in contravention of any condition of a permit issued under the provisions of this Act; or
- (c) takes part in any meeting, assembly or procession convened or taking place in contravention of an order under the provisions of section 9 or of any of the conditions specified in such order,

shall be guilty of an offence and on conviction shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred dollars or to both such imprisonment and fine.

(2) Any person who organizes or assists in organizing any procession, meeting or assembly held, or intended to be held, in contravention of an order made under the provisions of this Act, or who incites any person to take part in such a procession, meeting or assembly, or who continues to take part in such a procession, meeting or assembly after having been ordered by a police officer under the provisions of section 10 to disperse shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding four hundred dollars or to both such imprisonment and fine.

Disturbances in public places

14. Any person who—

- (a) in any public place or at any meeting uses threatening, abusive or insulting words or behaves with intent to provoke a breach of the peace or whereby a breach of the peace is likely to be occasioned; or
- (b) having been given by any police officer any directions to disperse or to prevent obstruction or for the purpose of keeping order in any public place, without lawful excuse, contravenes or fails to obey such direction,

shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred dollars or to both such imprisonment and fine.

*Malicious acts***15.** Any person who—

- (a) maliciously fabricates or knowingly spreads abroad or publishes, whether by writing or by word of mouth or otherwise, any false news or false report tending to create or foster public alarm, public anxiety or disaffection or to result in the detriment of the public; or
- (b) acts or is acting in a manner prejudicial to the public safety or to the peace and good order in any part of Fiji; or
- (c) endeavours to disturb the public peace by inciting hatred or contempt of any class of person,

shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand dollars or to both such imprisonment and fine.

Incitement to violence and disobedience of the law

16. Any person who, without lawful excuse, the burden whereof shall lie on him, utters, spreads or publishes any words or does any act or thing, knowing or implying that it is or may be desirable to do, or omit to do, any act, the doing of or the omission to do which is calculated—

- (a) to bring death or physical injury to any person or to any class, community or body of persons; or
- (b) to lead to the damage or destruction of any property; or
- (c) to prevent or defeat by violence or by other unlawful means the execution of or the enforcement of any written law or to lead to defiance or disobedience of any such law,

shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding one thousand dollars or to both such imprisonment and fine.

Inciting racial antagonism

***17.—(1)** Any person who by words, either spoken or intended to be read or by signs or by visible representation or otherwise—

- (a) spreads any report or makes any statement which is likely to—
 - (i) incite racial dislike or hatred of any race or community; or
 - (ii) promote feelings of enmity or ill will between different races or communities; or
 - (iii) prejudice the public peace;
- (b) makes any intimidating or threatening statement in relation to a race or community other than his own which is likely to arouse fear, alarm or a sense of insecurity amongst members of that other race or community;
- (c) spreads any report or makes any statement which incites to violence, counsels disobedience to law or any lawful order given by any member of the armed forces of the Crown, the Royal Fiji Police Force or Prisons Service acting in the course of his duty,

shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding five hundred dollars or to both such fine and imprisonment.

*Subsection (1) substituted by 19 of 1976.

(2) The provisions of subsection (1) relating to any report or statement which is likely to prejudice the public peace shall not apply to any report or statement published by or under the authority of the Minister or to any fair and accurate report of any true statement published in any newspaper or broadcast by the Fiji Broadcasting Commission which is merely a fair and accurate repetition of such latter reports or statements.

(3) If any person has in his possession or on premises in his occupation or under his control, any document or recording of whatsoever nature containing any report or statement, the publication of which would be a contravention of the foregoing provisions of this section, he shall be guilty of an offence and shall be liable on conviction to imprisonment for six months or to a fine not exceeding two hundred dollars or to both such imprisonment and fine:

Provided that it shall be a defence to any proceedings under this section that such person as aforesaid—

- (a) had such document or recording of whatsoever nature in his possession or on such premises with lawful authority or reasonable excuse;
- (b) did not know and had no reason to suspect that the document or recording of whatsoever nature contained any such report or statement; or
- (c) had no intention of transmitting or circulating the document or recording of whatsoever nature or distributing copies thereof to or amongst other persons.

(4) No prosecution shall be instituted under this section without the consent of the Director of Public Prosecutions.

Powers of arrest

18. Any police officer may arrest without a warrant any person committing or who, in the opinion of such police officer, is about to commit, or who he has reason to suspect has committed, an offence against the provisions of this Act.

Publication of orders, etc.

19. When any order or direction is made under the provisions of this Act, the Minister or other authority shall cause notice of the effect of such order or direction to be given as soon as possible in such a manner as the Minister or authority shall consider necessary for bringing it to the notice of all persons who, in the opinion of the Minister or the authority, ought to have notice thereof, and such order or direction shall have effect as soon as such notice as aforesaid has been given without the necessity for publication thereof in the Gazette but shall nevertheless be published in the Gazette as soon as practicable.

Regulations

20. The Minister may make regulations for the carrying out of the provisions of this Act and, in particular, without prejudice to the generality of the foregoing—

- (a) prescribing the forms to be used under the provisions of this Act;
- (b) prescribing the procedure to be followed in carrying out and in giving effect to any of the provisions of this Act.

Controlled by Ministry of Home Affairs

SECTION 20 PUBLIC ORDER REGULATIONS

Made by the Governor

Regulations 30th September, 1969

Short titles

1. These Regulations may be cited as the Public Order Regulations.

Forms

2. The forms set out in the Schedule shall be the forms to be used for the purpose of the Act.

FORM 1.

SCHEDULE

PUBLIC ORDER ACT
(CHAPTER 20)

APPLICATION FOR A PERMIT FOR A PUBLIC MEETING/
PROCESSION
(Section 8)

Note—This application must be submitted in duplicate to the District Officer within whose jurisdiction the meeting/procession will be held at least 7 days or such other period as may be specified by the District Officer before the date of the proposed meeting/procession.

1. Full Name of Applicant
2. Address of Applicant
3. Application made on behalf of: (self or organization)
4. Whether for public meeting and/or public procession
5. Date and times of meeting/procession: on (date)
commencing at (time)..... ending at (time)
6. If meeting, location of meeting
7. If procession, description of place of assembly, route and place of dispersal
8. Maximum number of persons and vehicles participating in meeting/procession
9. Details of any Band, Loudspeaker, Banner, Placard, Emblem or Flag wished to be used during meeting/procession
10. Names of persons who will organize and assist to organize meeting/procession
11. Reasons for public meeting/procession

(Date)

(Signature of Applicant)

PUBLIC ORDER ACT
(CHAPTER 20)

PERMIT FOR A PUBLIC MEETING/PROCESSION
(Section 8)

1. In exercise of the powers conferred upon me by section 8 (1) of the Public Order Act, I hereby grant permission to the person(s) named in paragraph 4 below to hold the following public meeting/and public procession:—

2. This permit is subject to the following conditions:—

(a) that the public meeting/and public procession shall be collected, convened, formed or held in the public places mentioned in this permit and in no other place;

(b) that the public meeting/and public procession shall not be held before or after the above times on the above date;

(c) that the maximum number of persons participating in the public meeting/and public procession shall not exceed

(d) that the maximum number of vehicles participating in the public procession shall not exceed.....;

(e) that not more than.....loudspeakers shall be used in the public meeting/and public procession;

(f) that no band, banner, placard, emblem or flag other than

shall be included in the public meeting/and public procession;

(g) that no sticks or offensive weapons or crackers or torches or firesticks shall be carried by any member of the public meeting/and public procession;

(h)

3. The purpose of this public meeting/and public procession is:

4. This permit is issued to:—

.....
(Date)

.....
(District Officer)

Distribution: