

ACT

Assented to in Her Majesty's name this 31st day of *December, 1965*

H.J.L. BOSTON
Governor-General

No. 46



1965

The Public Order Act, 1965

Being an Act to Consolidate and Amend the Law Relating to Public Order

[31st December, 1965.]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Representatives in this present Parliament assembled, and by the authority of the same, as follows:—

PART I— PRELIMINARY

Interpretation.

1. In this Act, unless the contrary intention appears—

“Commissioner of Police” includes the principal officer of the Sierra Leone Police Force, any police officer authorised by him to exercise any of his powers under this Act and any other person appointed by the Governor-General by Notice in the *Gazette* to exercise and perform any or all of the powers and functions assigned to the Commissioner of Police under this Act;

No. 62 of 1964.

“highway” has the same meaning assigned to it in section 2 of the Road Traffic Act, 1964;

“offensive weapon” means any article made or adapted for use for causing injury to a person or intended by the person having it with him for such use by him;

“public place” includes any highway and any other premises or place to which at the material time the public have or are permitted to have access whether on payment or otherwise.

PART II – BREACH OF PUBLIC ORDER

Public insult and provocation.

2. Any person who in the view of the public or in any public place, insults any person in his presence, in such a manner as would be likely to provoke that person to commit a breach of the peace, shall, on conviction, be liable to a fine, not exceeding twenty leones or to imprisonment not exceeding three months or both.

Insulting conduct.

3. Any person who—

- i. makes use of any threatening, abusive, insulting or obscene language, gesture, or behaviour, or says or sings any insulting or offensive song or ballad or makes any noise with intent to provoke any other person to commit a breach of the peace; or
- ii. makes use of any threatening, abusive, insulting, obscene or profane language, or says or sings any insulting

- or offensive song or ballad, or makes a noise to the annoyance of any person in any place; or
- iii. sends or delivers to any person any threatening, scurrilous, offensive, or obscene writing, print, engraving, picture or other representation; or
- iv. calls any person by a name or description other than his own, with intent to insult or annoy such person; or
- v. with intent to insult or annoy any person knowingly publishes, or causes to be published, in any newspaper, any false notice or advertisement of any birth, marriage or death,

shall, on conviction, be liable to a fine, not exceeding twenty leones or imprisonment for a period not exceeding three months or both.

Intimidation or
annoyance by violence
or otherwise.

4. Every person who, with a view to compel any other person to abstain from doing or to do any act which such other person has a legal right to do or abstain from doing, wrongfully and without legal authority—

- i. uses violence to or intimidates such other person or his wife or children, or injures his property, or
- ii. persistently follows such other person about from place to place, or
- iii. hides any tools, clothes, or other property owned or used by such other person, or deprives him of or hinders him in the use thereof, or
- iv. watches or besets the house or other place where such other person resides or works or carries on business or happens to be or the approach to such house or place, or
- v. follows such other person with two or more other persons in a disorderly manner in or through any street or road,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding eighty leones or imprisonment for a period not exceeding three months or both.

Peaceful picketing and
prevention of
intimidation.

Cap. 222

5. Notwithstanding anything contained in this Act or in the Trade Disputes (Declaration of Law) act, it shall be lawful for one or more persons, acting on their own behalf or on behalf of a trade union or of an individual employer or firm in contemplation or furtherance of a trade dispute, to attend at or near a house or place where a person resides or works or carries on business or happens to be, if they so attend merely for the purpose so peacefully obtaining or communicating information, or of peacefully persuading any person to work or abstain from work.

Throwing of missiles.

6. Any person, except acting in obedience to lawful authority, who shall fire any cannon, gun or other firearm, or throw any squib, rocket, or firework, or thrown any storm or other missile to the injury, danger or annoyance of any person, or to the danger of another's property shall be liable, on conviction thereof, to a fine, not exceeding ten leones or to imprisonment for a period not exceeding one month or both.

Idle and disorderly
persons.

7. Any person loitering in or about any stable house or building, or under any piazza, or in the open air, and not having any visible means of subsistence, and not giving a good account of himself, shall be deemed an idle and disorderly person, and shall, on conviction thereof, be liable to imprisonment for any period, not exceeding one month.

Rogues and
vagabonds.

8. Any person found in or upon any dwelling-house, store, warehouse, kitchen, stable or out-house, or in any enclosed yard or garden, for any unlawful purpose, and every suspected person or reputed thief frequenting any quay, wharf, or landing place, or any street, highway or avenue leading thereto, or any place of public resort or any avenue leading thereto, or any street or highway or place adjacent, with intent to commit felony, and every person having in his possession any pick-lock key, key, crow, jack or other implement with intent feloniously to break into any dwelling house, warehouse, store, kitchen, stable or out-house, or having upon his person any instrument with intent to commit any felonious act, and every person who, having been convicted of the same offence, shall be deemed a rogue and a vagabond, and shall, on conviction thereof be imprisoned for any period any exceeding three months and every such pick-lock key, key, crow, jack or other implement, and every such instrument as aforesaid, shall on the conviction of the offender, be forfeited and destroyed.

Drunkenness.

9. Any person who shall be found drunk, or boxing or fighting in any public place, street, highway, or court or yard, or on any quay or wharf, shall on conviction thereof, be liable to a fine, not exceeding two leones.

Beating drums, etc.

10. (1) It shall be unlawful for persons to assemble and remain in any street or public place or in any house, out-house, building, shed, yard or other place, beating any drum, going, tom-tom or other such instrument, or dancing thereto, before the hour of four in the afternoon, or after the hour of nine in the evening; and it shall be lawful for any constable to warn persons assembling or remaining in any street or public place as aforesaid forthwith to depart, and by himself, or with such assistance as he may take to his aid, to enter such house, out-house, building, shed, yard, or other place in which persons are unlawfully assembled as aforesaid, and to warn all persons therein forthwith to depart.

(2) If any person, after being so warned, except the persons actually dwelling in any such house, out-house, building, shed, yard or other place shall refuse or neglect forthwith to depart, it shall be lawful for such constable, or any other person or persons he may have called to his aid, to apprehend any person so refusing or neglecting to depart, and every person, on conviction of such refusal or neglect to depart, shall be liable to a fine not exceeding ten leones and every such drum, gong, tom-tom, or other such instrument shall be destroyed and broken up, and the owner or occupier of such house, out-house, building, shed, yard, or other place, who shall have permitted such persons unlawfully to assemble or remain as aforesaid shall on conviction thereof be liable to a fine, not exceeding ten leones.

(3) It shall be unlawful for any person except with the permission of the Commissioner of Police, first had and obtained, to play, or cause to be played, in or upon any house, out-house, building, shed, yard, or other place after the hour of midnight or before the hour of six in the morning, any gramophone or similar instrument, and the occupier of any such house, out-house, building, shed or other place in or upon which any such instrument shall have been played between the said hours, without such permission, shall be guilty of an offence and shall on conviction thereof, be liable to a fine, not exceeding ten leones;

Provided that no prosecution shall be brought under this section in respect of an offence committed in a private house, unless the occupier of such private house has been warned in writing by a Police Officer on not less than three occasions when a similar offence was alleged to have been committed, and with the consent of the Attorney-General.

Affray.

11. Every person, who takes part in any affray or incites any other person to take part in or commence any affray shall be guilty of an offence and shall be liable on conviction, to a term of imprisonment not exceeding twelve months or to a fine not exceeding one hundred and fifty leones or both.

For the purposes of this section the expression “affray” means the fighting of two or more persons in the presence of any person who neither participates in, nor encourages the fighting and is thereby frightened or put in fear.

Riotous conduct.

12. Every person who—

- a) in any public way or place, or, in any house, yard, or garden or other place open to public view, or within public hearing; or
- b) in any Court or police station, or in any lock-up near a Courtroom; or
- c) in any theatre, concert hall, lecture room or other place of public entertainment or instrument of whatever kind, is guilty of any riotous, indecent, disorderly, or insulting behaviour,

shall, on conviction thereof, be liable to a fine, not exceeding two hundred leones or to imprisonment for a period not exceeding eighteen months or both.

Street noises.

13. (1) No person shall sound or play upon any music or noisy instrument, or sing in any street, before the hour of six in the morning or after the hour of ten in the evening. Any person contravening this section shall on conviction thereof, be liable to a fine not exceeding ten leones.

(2) Any person who, in any street or public place, shall wilfully, or wantonly, and after being warned to desist, ring

any bell or blow any horn or shell, or sound or play any musical or noisy instrument, or shout, sing, or make any other loud or unseemly noise to the annoyance or disturbance of any person, shall on conviction thereof be liable to a fine, not exceeding ten leones:

Provided that this section shall not apply to the ringing of the bell of any church, chapel or other place of worship, or the beating of tom-toms or drums in any mosque or other place of worship, either for divine service or for the purpose of making an alarm in case of an outbreak of fire.

(3) Where two or more persons are jointly charged and convicted of any offence under this section, they shall each be liable on conviction to a fine not exceeding ten leones.

(4) Any person found committing an offence against this and the preceding section may be taken into custody without warrant, by any constable or other police officer.

Permission for bands.

14. It shall be unlawful for any band of musicians to parade any street without the written permission of the Commissioner of Police, first had and obtained, and any person having the charge or control of any such band which shall parade any street without such permission, and shall wilfully refuse to desist, when called upon to do so by any constable shall be guilty of an offence, and on conviction thereof shall be liable to a fine, not exceeding four leones:

Provided that nothing in this section shall be deemed to apply to any military or police band, bugle, fife or drum of the Sierra Leone Armed Forces or Police.

Trespass.

15. (1) Every person who—

- a) unlawfully enters, in an insulting, annoying, or threatening manner, upon any lawn, yard, garden, house, or premises belonging to any other person; or
- b) unlawfully enters upon or, in, any such land, or other place as aforesaid, after having been forbidden by the owner thereof, or his servant, to do so; or
- c) unlawfully enters and remains upon, or in any such land or other place as aforesaid, after having been required by the owner thereof or his servant, to depart therefrom; or
- d) having lawfully entered upon, or in, any such land or other place as aforesaid misconducts himself by behaving thereon in an insulting, annoying or threatening manner, or
- e) having lawfully entered upon, or in, any such land or other place as aforesaid, remains thereon, after having been lawfully required by the owner thereof or his servant to depart therefrom;

shall be deemed a wilful trespasser.

(2) Every person who is convicted of a wilful trespass under this section shall be liable to a fine not exceeding four leones.

(3) Every constable shall assist in the apprehension and detention of any wilful trespasser, whenever called upon to do so by the owner, or by the servant of the owner of the property on which the trespass takes place.

(4) Every complaint for an offence under this section shall be made by the owner of the property on, or with respect to, which the offence is committed.

(5) In this section the term “owner” includes any tenant or occupier, and the attorney or agent of any owner.

(6) Nothing in this section contained shall extend to any case in which the party trespassing acted under a fair and reasonable supposition that he had a right to go into, or upon, such land or other place as aforesaid.

CARRYING OF OFFENSIVE WEAPONS

Prohibition of carrying of offensive weapons without lawful authority or reasonable excuse.

- 16.** (1) Any person who without lawful authority or reasonable excuse, the proof whereof shall lie on him, carries with him in any public place any offensive weapon shall be guilty of an offence, and shall be liable on conviction to imprisonment for a term not exceeding five years or to a fine not exceeding one thousand leones, or both.
- (2) Where any person is convicted of an offence under subsection (1) the court may make an Order for the forfeiture or disposal of any weapon in respect of which the offence was committed.
- (3) A constable may arrest without warrant any person whom he has reasonable cause to believe to be committing an offence under subsection (1) if the constable is not satisfied as to that person's identity or place of residence, or has reasonable cause to believe that it is necessary to arrest him in order to prevent the commission by him of any other offence in the course of committing which an offensive weapon might be used.

PART III – PROCESSIONS

Processions may be prohibited.

- 17.** (1) Any person who intends to take part or takes part in organising or holding any procession shall first notify the Commissioner of Police in writing of his intention to do so and any person who fails to give such notification as aforesaid shall be guilty of an offence.
- (2) The Commissioner of Police shall by order in writing addressed to such persons giving notice, disallow the holding of any procession or impose such conditions as he shall think fit on any procession where in his opinion the interests of defence, public order, public safety or public morality so require.
- (3) Any person who takes part in any procession which has been disallowed by the Commissioner of Police or fails to comply with any of the conditions imposed by him under the provisions of sub-section (2) shall be guilty of an offence.
- (4) Any person found guilty of an offence under this section shall be liable on conviction to a fine not exceeding two hundred leones or to imprisonment for a period not exceeding six months or both.
- (5) This section shall not apply to processions of the following nature—
- a) circumcision;
 - b) funeral;
 - c) marriage;
 - d) scouts or girl guides;
 - e) schools.

Power to stop processions.

- 18.** (1) Any police officer may stop any procession which has been disallowed under this Part or which violates any of the conditions imposed under this part, and may order such procession to disperse.
- (2) All persons taking part in any such procession who refuse to obey an order by a police officer to stop or disperse shall be liable on conviction to a fine not exceeding forty leones or to imprisonment for a period not exceeding three months or to both.

Provisions as to exempted processions.

- 19.** (1) Every person taking part in any procession exempted under the provisions of subsection (6) of section 17 shall keep to the left of the middle line of any road through which such procession shall pass and shall comply with any direction of the police in regard to the route which it shall follow.
- (2) Any person who contravenes any of the provisions of subsection (1) or who shall in any way interfere with vehicular or pedestrian traffic shall be guilty of an offence and liable, on conviction thereof, to a fine not exceeding ten leones or to imprisonment for a period not exceeding one month or both.

Prohibition of certain

- 20.** (1) No person taking part in a procession shall except with the permission in writing of the Commissioner of

acts.	Police— a) carry a lighted torch; or b) carry or bear any offensive weapons.
Penalties.	(2) Any person who contravenes any of the provisions of this section shall be guilty of an offence and liable, on conviction thereof, to a fine not exceeding two hundred leones or to imprisonment for a period not exceeding six months or both.
Power of Governor-General to exempt certain classes of persons from operation of the Act.	21. (1) The Governor-General may from time to time by Order exempt from the operation of this Part or any provisions thereof, any general or particular class of persons subject to any terms or conditions as he may by such Order impose. (2) Any person to whom such Order shall apply who fails or neglects to comply with any such terms or conditions or otherwise contravenes the terms of any such Order shall be guilty of an offence and shall be liable to a fine not exceeding one hundred leones or to imprisonment for a term not exceeding six months or both.
Interpretation.	22. In this Part— “procession” includes the proceeding on any highway of any body of persons or vehicles in orderly succession.
PART IV – PUBLIC MEETINGS	
Attempted intimidation of House of Representatives or any committee.	23. (1) If any persons to the number of twelve or more shall come in a riotous, tumultuous or disorderly manner to the precincts of the House of Representatives or any committee in sitting, in order either to hinder or to promote the passing of any bill, resolution, or other matter pending before the House of Representatives or such committee, they shall each be guilty of an offence and shall, on conviction, each be liable to a fine of four hundred leones or to imprisonment for twelve months, or to both such fine and imprisonment. (2) If any person shall incite any other persons to come in a riotous, tumultuous or disorderly manner to the precincts of the House of Representatives while the House of Representatives or any committee is sitting in order either to hinder or to promote the passing of any bill, resolution or any matter pending before the House of Representatives or such committee, he shall be guilty of an offence and shall on conviction, be liable to a fine of four hundred leones, or to imprisonment for twelve months, or to both such fine and imprisonment. (3) Any person who within five hundred yards of the precincts of the House of Representatives is guilty of any riotous, indecent, disorderly or insulting behaviour, shall on conviction be liable to a fine of one hundred leones or to imprisonment for six months or to both such fine and imprisonment. (4) It shall be unlawful for any person to convene or call together or to give any notice for convening or calling together any meeting consisting of more than <i>fifty</i> persons or for any number of persons exceeding fifty to meet in any street, road or other public place within a distance of one mile from the House of Representatives for the purpose or on the pretext of considering or preparing any petition, complaint, remonstrance, declaration or other address to the Governor-General or to the House of Representatives for alteration of matters of state on any day on which the House of Representatives shall meet or be summoned or prorogued to meet: Provided that nothing in this subsection contained shall be deemed or taken to apply to or affect any sitting of any court by law established.
Public meetings in the Provinces.	24. (1) Any person who intends to convene or hold a public meeting at any place in the provinces shall first notify in writing the Paramount Chief of the Chiefdom in which such place is situated.

(2) A Paramount Chief to whom notice has been given under subsection (1) shall by order in writing addressed to such person giving notice, disallow the convening or holding of the public meeting in any place in the Provinces or impose such conditions as he may consider necessary on any such meeting where the interests of defence, public order, public safety or public morality reasonably so require.

(3) Any person who convenes or holds a public meeting in contravention of an order made by the Paramount Chief prohibiting the same or fails to comply with any of the conditions imposed by the Paramount Chief under subsection (2) shall be guilty of an offence.

(4) Any person found guilty of an offence under this section shall be liable on conviction to a fine not exceeding two hundred leones or to imprisonment for a period not exceeding six months or both.

(5) Any person who breaks up or in any other way prohibits or interferes with a public meeting convened in the Provinces by a candidate for any election or by a political party or agent acting on his behalf shall be guilty of an offence and liable on conviction to a fine not exceeding four hundred leones or imprisonment for a period not exceeding twelve months:

Provided that a Paramount Chief, Chiefdom Council or Local Authority or District or Police Officer shall not be guilty of an offence under this section where such authority as aforesaid has broken up or in any other way prohibited or interfered with any such public meeting which is likely to lead to a breach of the peace or has in fact become disorderly.

Penalty on endeavour
to break up public
meeting.

No. 14 of 1962.

25. Any person who at a lawful meeting acts in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together shall be guilty of an offence and on conviction shall be sentenced to imprisonment for a period not exceeding two years, and if the offence is committed at a political meeting held in any Parliamentary constituency between the date of the issue of a Proclamation made under section 6 of the Electoral Provisions Act, 1962 and the date appointed in such Proclamation for the election, he shall be guilty of an offence and on conviction shall be sentenced to imprisonment for a period not exceeding three years.

PART V – DEFAMATORY AND SEDITIONS LIBEL DEFAMATION

Knowingly publishing
a false defamatory
libel.

26. Any person who maliciously publishes any defamatory matter knowing the same to be false shall be guilty of an offence called libel and liable on conviction to imprisonment for any term not exceeding three years or to a fine not exceeding one thousand leones or both.

Defamatory libel.

27. Any person who maliciously publishes any defamatory matter shall be guilty of an offence called libel and liable on conviction to a fine not exceeding seven hundred leones or to imprisonment for a period not exceeding two years or to both such fine and imprisonment.

Plea of truth.

28. (1) On the trial of an offence of libel against sections 26 or 27, the accused having pleaded such plea as hereinafter mentioned, the truth of the matters charged may be inquired into, but shall not amount to a defence, unless it was for the public benefit that the said matters charged should be published; and to entitle the accused to give evidence of the truth of such matters charged as a defence to such charge it shall be necessary for the accused in pleading to the said charge, to allege in writing the truth of the said matters charged in the manner now required in pleading a fair comment and justification to an action for a defamation and further to allege in writing that it was for the public benefit that the said matters charged should be published and the particular fact or facts by reason whereof it was for the public benefit that the said matters charged should be published to which plea the prosecutor shall be at liberty to reply generally, denying the whole thereof.

(2) Where the alleged libel contains several charges, and the accused fails in proof of the truth of any one of the matters alleged in it, or where the alleged libel is general and the accused fails to prove so much of the plea under this section as would justify the libel, the Court shall find the accused guilty, and it shall be competent for the Court, in pronouncing sentence, to consider whether the guilty of the accused is aggravated or mitigated by the said plea, and

by the evidence given to prove or disprove the same.

(3) The matter charged in the alleged libel complained of by such charge shall be presumed to be false, and the truth thereof shall in no case be inquired into in the absence of such plea as mentioned in subsection (1).

(4) IN addition to such plea it shall be competent to the defendant to plead a plea of not guilty.

(5) Subject to the provisions of this section, nothing in this Part contained shall take away or prejudice any defence under the plea of not guilty which is now competent to the defendant to make under such plea to any charge brought under sections 26 or 27.

Publication absolutely privileged.

29. No person shall be criminally liable for the publication of defamatory matter in the following cases—

- a) where the matter is published by the Governor-General or by Order of the Governor-General in any official document, *Gazette*, or proceeding; or
- b) where the publication is made in a petition to the Governor-General or to a Minister;
- c) where the publication takes place in any proceeding held before or under the authority of any court by law established or under any Act or Order or under the authority of the Governor-General or of a Minister; or
- d) where the publication takes place in any official report made by a person appointed to hold an inquiry under the authority of any Act or Order or of the Governor-General or a Minister; or
- e) where the matter is published concerning a person subject to military discipline for the time being and relates to his conduct as a person subject to such discipline, and is published by some person having authority over him in respect of such conduct; or
- f) where the publication is contained in any communication between Ministers, Ministries and public officers, members of the Armed Forces; public officers and members of the Armed Forces; members of the Armed Forces, public officers in the course of their respective duties.

Cases in publication is conditionally privileged.

30. No person shall be criminally liable for the publication of a defamatory matter in the following cases—

- a) where the defamatory matter consists of an extract from, or an abstract of, a petition to, or a *Gazette* or document published by or under the authority of, the Governor-General or a Minister and the publication is made without express malice to the person defamed; or
- b) where the defamatory matter constitutes, in whole or in part a fair report, for the information of the public, of any proceeding of any Court, whether preliminary or final; or of any public proceeding of any body constituted or authorised to hold such proceeding, by any Act or Order or of any public meeting so far as the public is concerned in the matter published if, in every case the publication is made without express malice to the person defamed; or
- c) where the publication is for the information of the public at the request of any Minister or public officer, or where the defamatory matter is any notice or report issued by a department of Government or public officer, for the information of the public, and where in every such case the publication is made without express malice to the person defamed; or
- d) where the defamatory matter consists of fair comment wither on any matter the publication of which or on nay report which, is referred to in sections 26 to 29 or in this section; or
- e) where the defamatory matter consists of fair comment upon the public conduct of any person in public affairs, or upon the public conduct of any person employed in the public service in the discharge of his public duties, or upon the character of any such persons so as it appears by such conduct; or
- f) where the defamatory matter consists of fair comment on any published book or other literary production, or any composition or work of art, or performance publicly exhibited, or any subject; or of the character of the author of such book, production, composition, work of art, or the person exhibiting such performance, so far as their characters may appear therefrom respectively; or
- g) where the publication is in good faith for the purpose of seeking remedy or redress for any private or public wrong or grievance from a person who has or is reasonably believed by the person publishing to have, the right to remedy or redress such wrong or grievance; or
- h) where the publication is made in good faith by a person having any lawful authority over another, and is

made by him in the course of a censure passed by him on the conduct of that other, in matters to which such lawful authority relates; or

- i) where the publication is made on the invitation of the person defamed; or
- j) where the publication is made in order to answer or refute some other defamatory matter published by the person defamed, concerning the person making the publication; or
- k) where the defamatory matter constitutes an answer to inquiries made of the person publishing it, relating to some subject as to which the person by whom or on whose behalf the inquiry is made, has, or on reasonable grounds is believed by the person publishing to have, an interest in knowing the truth, and if the publication is made in good faith for the purpose of giving information in respect of that matter to that person; or
- l) where the defamatory matter constitutes information given to the person to whom the defamatory matter is published with respect, to some subject as to which he has, or is on reasonable grounds believed to have, such an interest in knowing the truth, as to make the conduct of the person giving the information reasonable in the circumstances:

Provided that as regards paragraphs (h), (i), (j) and (k), the person making the publication honestly believes the matter published is relevant to the matter the existence of which may excuse the publication of defamatory matter, and the manner and extent of the publication do not exceed what is reasonably sufficient for the occasion; and as regards paragraph (l) that the defamatory matter is relevant to the subject therein mentioned; and that it is either true or is made without malice to the person defamed and in the honest belief, on reasonable grounds, that it is true.

Protection of innocent sellers.

31. The sale by any person of any book, pamphlet, or other printed or written matter or, of any number or part of any periodical is not a publication thereof for the purposes of this Part, unless such person knows that such book pamphlet or written matter, or number or part, contains defamatory matter; or, in the case of any part or number of any periodical that such periodical habitually contains defamatory matter.

Publication of false news.

32. (1) Any person who publishes any false statement, rumour or report which is likely to cause fear or alarm, to the public or to disturb the public peace shall be guilty of an offence and liable on conviction to a fine not exceeding three hundred leones or to imprisonment for a period not exceeding twelve months, or to both such fine and imprisonment.

(2) Any person who publishes any false statement, rumour or report which is calculated to bring into disrepute any person who holds an office under the Constitution, in the discharge of his duties shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred leones or to imprisonment not exceeding two years or both.

(3) Any person who publishes any false statement, rumour or report which is likely to injure the credit or reputation of Sierra Leone or the Government shall be guilty of an offence and liable on conviction to a fine not exceeding three hundred leones or to imprisonment for a term not exceeding twelve months or both.

(4) This section shall not apply to any defamatory matter exempted under the provisions of section 30.

(5) It is no defence to a charge under this section that the person charged did not know or did not have reason to believe that the statement, rumour or report was false, unless he proves that before he communicated such statement, rumour or report, he took reasonable measures to verify the accuracy of this statement, rumour, or report.

SEDITIONOUS LIBEL

Offences.

33. (1) Any person who—

- a) does or attempts to do, or makes any preparation to do, or conspires with any person to do, any act with a seditious intention; or
- b) utters any seditious words; or
- c) prints, publishes, sells, offers for sale, distributes or reproduces any seditious publication; or

d) imports any seditious publication, unless he has no reason to believe that it is seditious,

shall be guilty of an offence and liable for a first offence to imprisonment for a term not exceeding three years, or to a fine not exceeding one thousand leones or to both such imprisonment and fine, and for a subsequent offence shall be imprisoned for a term not exceeding seven years, and every such seditious publication shall be forfeited to the Government.

Legal proceedings.

34. (1) No prosecution for an offence under section 33 shall be begun except within six months after the offence is committed.

(2) A person shall not be prosecuted for an offence under section 33 without the written consent of the Attorney-General.

Evidence.

35. No person shall be convicted of an offence under section 33 on the uncorroborated testimony of one witness only.

Governor-General may prohibit publication of newspapers in certain circumstances.

36. (1) Where any person convicted of an offence under sections 26, 27, 32 or 33 or of an attempt or a conspiracy to commit or of complicity in, any such offences, is a publisher, the Court shall forthwith send a report of such a case to the Governor-General.

(2) The Governor-General may either of his own motion or on the recommendation of the Court if in his opinion the interest of public order, public safety, public defence or public morality so requires, by order prohibit the publication of the newspaper in which the defamatory, seditious or false matter appears, for any period not exceeding six months.

(3) Any person who fails to comply with an order made by the Governor-General under subsection (2) shall be guilty of an offence and liable on conviction to be imprisoned for a period not exceeding eighteen months.

(4) It shall be an offence to begin or continue to publish any newspaper under the substantial management of any publisher in respect of whose newspaper an Order had been made under subsection (2) unless the order is no longer in force and any person guilty of an offence under this section shall be liable on conviction to be imprisoned for a period not exceeding eighteen months.

(5) For the purpose of this section—

“publisher” means any printer, editor or proprietor of a newspaper and every agent or employee or other person acting on the instructions of any such editor or proprietor, or any person concerned with the management of a newspaper;

“proprietor” includes as well as the sole proprietor of any newspaper, as also in the case of a divided proprietorship the person who as partners or otherwise represent and are responsible for any share or interest in the newspaper as between themselves and the persons in like manner representing or responsible for the other shares or interests therein and no other person;

“newspaper” means any paper containing public news or occurrences, or any remarks or observations therein, printed for sale and published periodically or in parts or numbers.

Interpretation.

37. In this Part—

“defamatory matter” means any matter which if published of and concerning a person (deceased or alive) is likely to expose him to public hatred, contempt or ridicule or to damage him in his trade, business, profession, calling, or office whether such matter be expressed in spoken words or in any audible sounds or in words legibly marked or in any substance whatever or by any sign or object signifying such matter otherwise than by words wither directly or by insinuation or irony;

“import” means to being into Sierra Leone;

“periodical publication” includes every publication issued periodically or in parts or numbers at intervals whether regular or irregular;

“seditious intention” includes an intention—

- i. to bring into hatred or contempt or to excite disaffection against the person of Her Majesty, her Heirs or successors, or the Governor-General or the Cabinet or the administration of the Government of Sierra Leone as by law established; or
- ii. to excite citizens of Sierra Leone or other residents in Sierra Leone to attempt to procure the alteration, otherwise than by lawful means, of any other matter in Sierra Leone as by law established; or
- iii. to bring into hatred or contempt or to excite disaffection against the administration of justice in Sierra Leone; or
- iv. to raise discontent or disaffection amongst citizens of Sierra Leone or other residents in Sierra Leone; or
- v. to encourage or promote feelings of ill-will and hostility between different tribes or nationalities or between persons of different religious faith in Sierra Leone;

but does not include an intention—

- a) to show that Her Majesty has been misled or mistaken in any of her measures; or
- b) to point out errors or defects in the government or Constitution of Sierra Leone as by law established or a legislation or in the administration of justice with a view to the remedying of such errors or defects; or
- c) to persuade the Citizens or inhabitants of Sierra Leone to attempt to procure by lawful means the alteration of any matter in Sierra Leone as by law established; or
- d) to point out, with a view to their removal, any matters which are producing, or have a tendency to produce, feelings of ill-will and enmity between different classes of the population of Sierra Leone; and

in determining whether the intention with which any act was done, any words were spoken or any document was published, was or was not seditious, every person shall be deemed to intend the consequences which would naturally follow from his conduct at the time and under the circumstances in which he so conducted himself:

“seditious publication” means a publication having a seditious intention;

“seditious words” means words having a seditious intention;

“to publish” includes—

- a) with reference to spoken words or audible sounds, to speak such words or make such sounds in the hearing of another person;
- b) in all other cases, to cause, directly or indirectly the print, writing, painting, effigy or other means by which the defamatory, seditious or false matter is conveyed, to be so dealt with, either by exhibition, reading, recitation, description, delivery or otherwise, so that the defamatory, seditious or false meaning thereof become known or is likely to become known to any person (including the class of persons or person whom the defamatory, seditious or false matter may be understood to refer to).

PART VI – PUBLIC EMERGENCY

Regulation.

38. (1) During a period of public emergency, the Governor-General acting in accordance with the advice of the Prime

Minister may make such Regulations as appear to him to be necessary or expedient for the purposes of maintaining and security peace, order and good Government in Sierra Leone or any part thereof.

(2) Without prejudice to the generality of the powers conferred by subsection (1), the Regulations may, so far as appears to the Governor-General acting as aforesaid to be necessary or expedient for any of the purposes mentioned in that subsection—

- a) make provision for the detention of persons and the deportation and exclusion of persons from Sierra Leone or any part thereof;
- b) authorise—
 - i. the taking of possession or control on behalf of the Government of any property or undertaking;
 - ii. the acquisition, on behalf of the Government of any property other than land;
- c) authorise the entering and search of any premises;
- d) provide for amending any law, for suspending the operation of any law, and for applying any law with or without modification;
- e) provide for charging, in respect of the grant or issues of any license, permit certificate or other document for the purposes of the Regulations such fees as may be prescribed by or under the Regulations;
- f) provide for payment of compensation and remuneration to persons affected by the Regulations;
- g) provide for the apprehension, trial and punishment of persons offending against the Regulations;
- h) provide for maintaining such supplies and services as are, in the opinion of the Governor-General acting as aforesaid, essential to the life of the Community:

Provided that nothing in this subsection shall authorise the making of provision for the trial of persons by military courts.

(3) The payment of any compensation or remuneration under the provisions of such Regulations shall be a charge upon the Consolidated Revenue Fund.

(4) Regulations made under this subsection shall apply to the whole of Sierra Leone or to such part or parts thereof as may be specified in the Regulations.

Orders and Rules
under the Regulation.

39. Regulations made under section 38 may provide for empowering such authorities or persons as may be specified in the Rules Regulations to make Orders and Rules for any of the purposes for which the Regulations are authorised by this Act to be made and may contain such incidental and supplementary provisions as appear to the Governor-General acting as aforesaid to be necessary or expedient for the purposes of the Regulations.

Regulations, Orders
and Rules to be
approved by
Parliament.

40. (1) Every Regulation made under section 38 and every Order or Rule made in pursuance of such a regulation shall, without prejudice to the validity of anything lawfully done thereunder, from the date upon which it came into operation unless, before the expiration of that period, it has been approved by resolution passed by the House of Representatives.

(2) Any such Regulation, Order Rule may, without prejudice to the validity of anything lawfully done thereunder at any time be amended or revoked by resolutions passed by the House of Representatives.

Inconsistency.

41. Every Regulation made under section 38 and every Order or Rule made in pursuance of such a Regulation shall have effect notwithstanding anything in consistent therewith contained in any law; and any provisions of a law which is inconsistent with any such Regulation, Order or Rule shall, whether that provision has or has not been amended, modified or suspended in its operation under this act, to the extent of such inconsistency have no effect so long as such Regulation, Order or Rule remains in force.

Presumption of
authenticity.

42. Every document purporting to be an instrument made or issued by the Governor-General or other authority or person in pursuance of this Act, or of any Regulation made under section 38 and to be signed by or on behalf of the Governor-General or such other authority or person, shall be received in evidence, and shall until the contrary is proved, be deemed to be an instrument made or issued by the Governor-General or that authority or person.

Interpretation.

43. In this Part—

“period of public emergency” means any period during which—

- a) Sierra Leone is at war; or
- b) there is in force a resolution of the House of Representatives supported by the votes of not less than two-thirds of all the members of the House declaring that a state of public emergency exists.

PART VII – POWERS AND DUTIES OF THE POLICE

Powers to close
licensed premises in
case of riot.

44. A police officer not below the rank of Superintendent, a Magistrate or two Justices of the Peace, whenever any tumult, riot, or felony happens, or is expected to happen in any place may order every person who sells intoxicating liquors on premises in or near the place where such tumult, riot or felony happens, or is expected to happen to close such premises during any time which the said police officer, Magistrate or Justices may order; and any person who keeps open any such premises during any time during which the said police officer, Magistrate or Justices shall have ordered them to be closed, shall on conviction, be liable to a penalty not exceeding three hundred leones; and it shall be lawful for any member of the Police Force, after such order has been given, to use such force as may be necessary for the purpose of closing such premises.

Provisions only to
apply when not in
force by proclamation.

48. It shall be lawful for the Prime Minister, whenever any tumult or riot has taken place or may reasonably be apprehended, or public order is otherwise endangered, by Proclamation, to put in force for a period not exceeding three months in such areas as are named in the said Proclamation all or any of the following provisions—

- a) a police officer may disperse any assemblage whatever; which in his opinion is likely to cause, provoke, facilitate or render more serious, any disturbance or breach of the peace in any street, highway, path or public place and may arrest any person in such assemblage refusing or delaying to disperse, or reassembling, after dispersal. Any person so reassembling shall if the Magistrate considers that there was reasonable ground for dispersing the assemblage, be liable on summary conviction to imprisonment for a period not exceeding six months, or to a fine not exceeding one hundred leones, or both.
- b) any person found in a street, highway, path or public place in possession of any stick, stave, bludgeon, iron bar, or weapon of any sort or description which, in the opinion of the police officer, he is carrying either for the purpose of assisting a disturbance or is likely to use in case of a disturbance arising, may be arrested, and if the Magistrate is of the same opinion, be summarily convicted by him, and punished in like manner as is laid down in paragraph (a);
- c) any person making use of any words or gestures which in the opinion of a police officer is likely to lead to a breach of the peace, may be arrested and may be summarily convicted; by him and punished in like manner as is laid down in paragraph (a).

Repeal and savings.

49. The Acts mentioned in the first column of the Schedule are hereby repealed to the extent specified in the second column:

Provided that any action instituted or permit issued under any enactment repealed by the section shall continue in force, as if the same had been instituted, issued or made under this Act.

SCHEDULE

	<i>Short Title</i>	<i>Extent of Repeal</i>
Cap. 4	1. House of Reps. Powers and Privileges Act	Section 9.
Cap. 29	2. The Sedition Act	The whole Act.
Cap. 37	3. Summary Conviction Offences Act	Section 20, 21, 29, 31, 32, 34, 36-40 & 62.
Cap. 73	4. Processions Act	The whole Act.
Cap. 222	5. Trade Disputes (Declaration of Law) Act	Section 7 & 8.
14 of 1962	6. Electoral Provisions Act	Sections 85 & 87.
70 of 1962	7. Emergency Powers Act 1962	The whole Act.
No. 24 of 1963	8. Prevention of Crime Act	The whole Act.
No. 7 of 1964	9. Police Act	Sections 28-33.
32 Geo. 3 c. 60	10. Libel Act 1792	The whole Act.
57 Geo. 3 c. 19	11. The United Kingdom Seditious Meetings Act 1817	The whole Act.
60 Geo. 3 & 1 Geo. 4 c. 8	12. Criminal Libel Act 1819	The whole Act.
6 & 7 Vic c. 96	13. The United Kingdom Libel Act 1843	The whole Act.
38 7 39 Vic c. 86	14. Conspiracy and Protection of Property Act 1875	The whole Act.

PASSED in the House of Representatives this 14th day of December, in the year of our Lord one thousand nine hundred and sixty-five.

S.V. WRIGHT
Clerk of the House of Representatives.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed the House of Representatives and found by me to be a true and correctly printed copy of the said Bill.

S.V. WRIGHT
Clerk of the House of Representatives.