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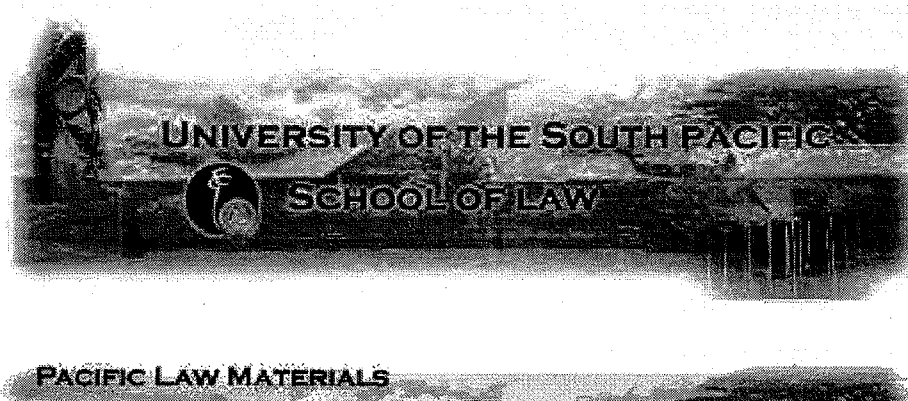
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Vanuatu - Legislation

Commencement: 23 July 1974

LAWS OF THE REPUBLIC OF VANUATU

REVISED EDITION 1988

CHAPTER 84

PUBLIC ORDER

JR 11 or 1974
JR 26 or 1975
JR 8 or 1976
JR 36 or 1977
JR 39 or 1977
JR 2 or 1980
Act 19 or 1982

ARRANGEMENT OF SECTIONS

Section

1. Interpretation
2. Prohibition of uniforms, emblems, etc.
3. Prohibition of passports, constitutions, etc.
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SCHEDULE - Table of offences with maximum punishments

PUBLIC ORDER

To provide for public order .

INTERPRETATION

1. In this Act the following expressions shall have the meanings hereby respectively assigned to them-

"appropriate authority" means the District Commissioner of the administrative district concerned and in the case of the absence of a District Commissioner from his normal place of residence shall be deemed to include an Assistant District Commissioner in place of such a District Commissioner;

"assembly" means any gathering of three or more persons;

"barrier" includes any device for the purpose of preventing or impeding the passage of vehicles on a road;

"constitution" means any written document purporting to be fundamentally establishing any authority of a governmental nature or of a pretended governmental nature;

"demonstration" means an assembly formed to express publicly by spoken or written words or by any other means any view on a matter of public interest;

"meeting" means an assembly held for the purpose of discussion of matters of public interest or for the purpose of the expression of views on such matters;

"Minister" means the Minister responsible for home affairs;

"parade" means a parade of five or more persons or 3 or more vehicles;

"passport" means any written document purporting to be issued in the name of a governmental authority or of a pretended

governmental authority, whether to a named individual or otherwise, intended to be presented to individuals or to the governments of foreign nations and to be used for the protection of any person in any foreign country or to evidence the lawful authority of any governmental authority or pretended governmental authority;

"police force" means the Vanuatu Police Force established under the Police Act, Cap. 105;

"procession" means a procession of five or more persons or 3 or more vehicles;

"public" refers not only to all persons within Vanuatu, but also to the persons inhabiting or using any particular place, or any number of such persons, and also to such indeterminate persons as may happen to be affected by the conduct in respect of which such expression is used;

"public place" means any place whatever, whether publicly or privately owned, which is habitually frequented by the public or to which the public has access, whether on payment or otherwise and shall be deemed to include any place not falling within the foregoing definition at which the public has been invited, whether by individual or general notices, radio announcements or any other medium of information whatever, to attend a meeting.

PROHIBITION OF UNIFORMS, EMBLEMS, ETC.

2. (1) The Minister may by order prohibit the wearing in public places or at meetings or assemblies of-

(a) any uniform or distinctive dress or emblem signifying association with any political organization or with the promotion of any political object; or

(b) 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 him that members of that organization or association are organized or trained or equipped for the purpose of enabling them to be employed-

(i) in usurping the functions of the police force; or

(ii) for the purpose 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 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.

(3) (a) The importation of every uniform, distinct dress or other clothing signifying usage as referred to in subsection (1)(b)(i) or (ii) above and the importation of all flags, whether new or used, shall be subject to the prior permission of the Minister.

(b) Any article referred to in paragraph (a) above which is imported without the permission of the Minister may be seized and detained, and any person who so imports any such article shall be guilty of an offence.

PROHIBITION OF PASSPORTS, CONSTITUTIONS, ETC.

3. (1) The importation or possession by any person in Vanuatu of any passport, constitution (or other document) purporting to be issued within Vanuatu other than by the Government of Vanuatu is prohibited where the same is calculated to give rise to an assertion of governmental authority by any person or by any body of persons or by any organisation within Vanuatu other than the said Government or which may be reasonably interpreted as being of a seditious nature.

(2) Any article the importation or possession of which is prohibited under the provisions of subsection (1) may be seized and detained and any person who imports or is in possession of any such article shall be guilty of an offence.

UNLAWFUL DRILLING

4. (1) Any person, other than a police officer or a member of any body or association specially exempted by order of the Minister, who-

(a) is present at or attends any meeting or assembly for the purpose of training or drilling themselves to the use of arms, or of being so trained or drilled, or for the purpose of practising military exercises, movements or evolutions; or

(b) is present at or attends any such meeting or assembly for the purpose of training or drilling any other person to the use of arms, or the practice of military exercises, movements or evolutions,

shall be guilty of an offence.

(2) Any person, other than a police officer or a member of any body or association specially exempted by order of the Minister, who-

(a) trains or drills any other person to the use of arms or the practice of military exercises, movements or evolutions; or

(b) takes part in the control or management of any association or organization whose members are trained or drilled in the practice of military exercises, movements or evolutions;

shall be guilty of an offence.

(3) Notwithstanding the foregoing provisions of this section, no offence will be committed in the case of a person instructing a relation or friend in the use of firearms for the purpose of hunting or target shooting.

UNLAWFUL OATHS TO COMMIT CAPITAL OFFENCES

5. (1) Any person who-

(a) administers, or is present at and 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 under or any offence punishable with death; or

(b) subject to subsection (2), takes any such oath or engagement, shall be guilty of an offence.

(4) Compulsion shall be a defence to a charge under paragraph (b) of subsection (1) provided that the person taking such oath or engagement shall, as soon as may be, declare the same together with the whole of what he knows concerning the same, and the person or persons by whom and in whose presence and when and where such oath or engagement was administered or taken, to the appropriate authority or to any police officer

OTHER UNLAWFUL OATHS TO COMMIT OFFENCES

6. (1) Any person who-

(a) administers, or is present at and 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 ways following, that is to say-

(i) to engage in a mutinous or seditious enterprise;

(ii) to commit an offence not punishable with 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 such 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 act done or to be done, or any illegal oath or engagement which may have been administered or tendered to or taken by himself or another person, or the import of any such oath or engagement, or

(b) subject to subsection (2), takes any such oath or engagement, shall be guilty of an offence.

(2) Compulsion shall be a defence to a charge under paragraph (b) of subsection (1) provided that the person taking such oath or engagement shall, as soon as may be, declare the same together with the whole of what he knows concerning the same, and the person or persons by whom and in whose presence and when and where such oath or engagement was administered or taken, to the appropriate authority or to any police officer

MEETINGS

7. (1) Meetings may be lawfully held without prior authorisation upon and subject to the following conditions-

(a) such meetings shall not be held in any public place;

(b) such meetings shall not continue after 11 o'clock in the evening without a special permit of the appropriate authority; every such meeting must appoint a committee of not fewer than three people, responsible for maintaining order, preventing any offence against the law, forbidding any speech contrary to public order or morality or inciting the commission of any crime or offence;

(c) The members of the committee shall be elected by the meeting and shall be liable for any breach of the provisions of this section;

(d) an administrative or judicial government officer may be appointed by the appropriate authority to attend any such meeting and may place himself where he chooses.

(2) Every person who organises or takes part in any meeting in contravention of the provisions of subsection (1) shall commit an offence.

PUBLIC PROCESSIONS, DEMONSTRATIONS, ETC.

8. (1) A prior notification to the appropriate authority must be made for any procession, parade, assembly or demonstration held in a public place:

Provided that a prior notification shall not be necessary for any gathering

in a public place which is in accordance with local custom.

(2) (a) such notification shall be delivered to the appropriate authority in the district where such procession, parade, assembly or demonstration is to take place, not fewer than 4 clear days and not more than 1 calendar month before the intended date thereof;

(b) the notification shall include the full names and addresses of the organizers and shall be signed by one of them who must declare his place of residence within the district;

(c) the notification shall disclose the purpose of the procession, parade, assembly or demonstration, the place, the date and time that the persons taking part will be assembling and the intended route;

(d) the appropriate authority shall upon receiving such notification issue a receipt therefore.

POWER TO PROHIBIT DEMONSTRATIONS

9. (1) If the appropriate authority considers that the proposed procession, parade, assembly or demonstration is likely to disturb the public peace, it shall prohibit the same and give immediate notice of such prohibition to the person who signed the notification either personally or by leaving the same at his declared place of residence.

(2) The appropriate authority shall within 24 hours forward the notification or a copy thereof to the Minister, together with, as the case may be, a copy of the order of prohibition. The Minister shall without delay either confirm or annul such order of prohibition.

(3) In the circumstances set out in subsections (1) and (2), the appropriate authority and the Minister may instead of making or confirming an order of prohibition, make an order approving the procession, parade, assembly or demonstration subject to such conditions or amendments with respect to the date, time, place or route thereof as may be therein prescribed and the foregoing provisions of this section shall apply to such order.

(4) Notwithstanding the foregoing provisions of this section, the Minister may, if he considers that a proposed procession, parade, assembly or demonstration which has not been prohibited under subsection (1) is by reason of changed circumstances likely to disturb the public peace, at any time by order which shall be communicated to any organizer thereof either personally or by leaving notification thereof at his place of residence, prohibit the said procession, parade, assembly or demonstration or restrict the same by imposing conditions with respect to the date, time, place or route thereof.

POWER TO DISPERSE PUBLIC MEETINGS

10. (1) Any public meeting for which a committee has not been

established in accordance with paragraph (c) of subsection (1) of section 7 may be dispersed.

(2) The appropriate authority may, either directly or by a person authorised for the purpose by the appropriate authority, when so requested by the committee or in the event of disorder or acts of violence, order the dispersal of the meeting and may, if necessary, use the police force for this purpose.

OFFENCES CONCERNING PROCESSION, PARADES, ASSEMBLIES AND DEMONSTRATIONS

11. Any person who-

(a) makes an incomplete or, incorrect notification which is misleading as to the nature of the proposed procession, parade, assembly or demonstration or who, without having submitted a notification thereof in accordance with section 8, or after prohibition thereof, issues by any means an invitation to others to take part in such proposed procession, parade, assembly or demonstration;

(b) organises or takes part i a procession, parade, assembly or demonstration which has not been notified or which has been prohibited;

(c) organises or takes part in a procession, parade, assembly or demonstration in which conditions or amendments by which it has been restricted have not been complied with,

shall be guilty of an offence.

DISTURBANCE IN PUBLIC PLACES

12. Any person who-

(a) in any public place or at any meeting, uses threatening, abusive or insulting words or behaves with intent t provoke a breach of the peace or whereby a breach of the peace is likely to be occasioned; or

(b) having been. given by ant police officer any direction for the purpose of preventing obstruction, or keeping order in any public place, without lawful excuse contravenes or fails to comply with any direction so given to him,

shall be guilty of an offence.

SPREADING FALSE RUMOURS, ETC.

13. Any person who-

(a) maliciously fabricates 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 produce public detriment; or

(b) act or is acting in a manner prejudicial to the public safety or to the peace and good order of any part of Vanuatu; or

(c) endeavours to disturb the public peace by inciting hatred or contempt of any class of persons,

shall be guilty of an offence.

INCITEMENT TO VIOLENCE AND DISOBEDIENCE OF THE LAW

14. Any person who, without lawful excuse, the burden of proof whereof shall lie on him, utters, prints, or publishes any words, or does any act or thing, indicating or implying that it is or might be desirable to do, or omit to do, any act, the doing or omission of 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 or enforcement of any written law or to lead to defiance or disobedience of any such law,

shall be guilty of an offence.

UNLAWFUL ORGANISATION

15. (1) The President of the Republic on the advice of the Prime Minister may by proclamation declare any organisation to be an unlawful organisation if he is satisfied that a substantial number of its members have been involved in the commission or instigation of offences under this Act or have incited others to commit the same.

(2) Any person who is a member of an unlawful organisation or any person who acts in any manner on behalf of such organisation shall be guilty of an offence.

(3) In this section "organisation" includes an association or combination of persons.

POWER TO PROHIBIT ENTRY OR RESIDENCE

16. The Minister may if he considers it desirable in the interests of public

order and security by order prohibit any person who has been convicted within the preceding 5 years of an offence against this Act from entering or residing in any part or parts of Vanuatu either indefinitely or for such period as may be specified in the said order and any person who contravenes any such prohibition shall be guilty of an offence.

POWER TO RESTRICT MOVEMENT OF VEHICLES, ETC.

17. (1) Notwithstanding any other provision of law, the appropriate authority may, if it appears to it expedient so to do in the interest of public safety and the maintenance of public order, prohibit or restrict the entry, operation or use of any vehicle, vessel or aircraft, or any class of vehicle, vessel or aircraft, in any specified area or areas within the administrative district either generally or during particular hours, and any person who uses any vehicle, vessel or aircraft in contravention of any such prohibition or restriction shall be guilty of an offence.

(2) Without limiting the generality of the powers conferred by subsection (1), the appropriate authority may for the purposes of that subsection-

(a) close or restrict the use of any road by any vehicle or class of vehicles;

(b) close or restrict the use of any port or landing by any vessel or class of vessels;

(c) order any vessel to enter or to depart from any port or landing;

(d) close or restrict the use of any airfield by any aircraft or class of aircraft;

(e) order any aircraft to land at any airfield or to depart from any airfield or other place at which it has landed.

(3) For the purpose of enforcing any order made or direction given under the provisions of subsection (1), any police officer may, if the circumstances so require, seize and temporarily detain any vehicle, vessel or aircraft for any period not exceeding 72 hours.

(4) Any police officer may upon the issue by a magistrate of a general or special warrant for the purpose search any vehicle, vessel or aircraft which he has reasonable grounds to suspect is being used or is about to be used in the commission of an offence against any Act or regulations and may search any occupant of such vehicle, vessel or aircraft: Provided that no woman shall be searched by a person other than a woman.

(5) Notwithstanding the provisions of section 20, any order or direction given under the provisions of subsection (1) or (2) shall have effect as soon as the same shall be given.

(6) For the avoidance of doubt, it is hereby declared that any prohibition or restriction issued by the appropriate authority with respect to the movement of any aircraft or vessel shall have effect, unless otherwise

specified therein, within the territorial airspace or waters, as the case may be, of Vanuatu relative to the administrative district concerned.

ROAD BARRIERS

18. (1) Notwithstanding the provisions of any other written law, the Commissioner of Police may if he considers it necessary so to do for the maintenance and preservation of law and order, or for the prevention or detection of crime, erect or place barriers in or across any public road or street or in any public place within Vanuatu in such a manner as he may think fit.

(2) Any police officer in uniform may take all reasonable steps to prevent any vehicle or person passing such barrier, and may, by any reasonable signal, indicate where such vehicle or person is required to stop; and any driver of any vehicle or any person who fails to comply with such signal shall be guilty of an offence.

(3) No police officer shall be liable for any loss or damage resulting to any vehicle or for any injury to the driver or any other occupant of such vehicle or to any person failing to obey any police officer acting under the provisions of subsection (2).

POWER OF ARREST

19. A police officer may arrest without warrant any person-

(a) committing;

(b) whom he has reason to suspect is about to commit;

(c) whom he has reason to suspect has committed, an offence against this Act.

NOTICE OF ORDER OR DIRECTION

20. When any order or direction is made under the provisions of this Act, the Minister or the appropriate authority shall cause notice of the substance and effect of such order or direction to be given as soon as may be in such a manner as they or it think necessary for bringing it to the notice of all persons who, in their or its opinion, ought to have notice of the order or direction, and such order or direction shall have effect as soon as notice aforesaid has been given without publication in the *Gazette*.

PUNISHMENT OF OFFENCES

21. (1) The Schedule to this Act shall have effect, subject to and in accordance with the following provisions of this section, with respect to the punishment of the offences listed in the first column of the Schedule, being the offences under this Act.

(2) The second column of the Schedule shows, for any offence, the maximum punishments which may be imposed on conviction.

(3) The competent court may on the conviction of any person for an offence against this Act punishable by imprisonment for 2 years or more, in addition to any other sentence, make an order prohibiting that person for a period not exceeding 5 years from residing in any part or parts of Vanuatu.

SCHEDULE

(section 21)

TABLE OF OFFENCES MAXIMUM PUNISHMENT

1 Wearing prohibited uniform, distinctive dress or emblem (section 2(2);	Imprisonment for 6 months or a fine of VT40,000 or both.
2 Unlawful importation (section 2 (3);	Imprisonment for 3 months or a fine of VT20,000 or both.
3. Unlawful importation or possession of a passport or a constitution (section 3);	Imprisonment for 2 years or a fine of VT50,000 or both.
4. Unlawful drilling (section 4 (1));	Imprisonment for 5 years.
5. Unlawful drill instruction (section 4(2));	Imprisonment for 5 years.
6. Unlawful oaths to commit capital offences (section 5);	Imprisonment for 3 years.
7. Other unlawful oaths to commit offences (section 6);	Imprisonment for 6 months or a fine of VT50,000 or both.
8. Organising or taking part in a meeting contrary to section 7(1) (section 7(2));	Imprisonment for 6 months or a fine of VT50,000 or both.
9. Making incomplete or misleading notification of	Imprisonment for 6 months or a

proposed procession etc. , (section 11(a));	
10. Inviting others to take part in a procession etc., which has not been notified or has been prohibited (section 11(a));	Imprisonment for 6 months or a fine of VT50,000 or both.
11. Organising or taking part in a procession etc., which has not been notified or has been prohibited (section 11(b));	Imprisonment for 6 months or a fine of VT50,000 or both.
12. Organising or taking part in a procession etc., in which conditions or amendments restricting the same have not been complied with (section 11(c));	Imprisonment for 3 months or a fine of VT20,000 or both. Imprisonment for 3 months or a fine of VT20,000 or both.
13. Disturbances in public places (section 12(a) and (b));	Imprisonment for 2 years or a fine of VT50,000 or both.
14. Spreading false rumours, etc., (section 13(a), (b) and (c));	Imprisonment for 6 months or a fine of VT50,000 or both.
15. Incitement to violence and disobedience of the law (section 14(a), (b) and (c));	Imprisonment for one year or a fine of VT75,000 or both.
16. Being a member or acting in any manner on behalf of an unlawful organisation (section 15);	
17. Contravening order of prohibition (section 16);	
18. Using a vehicle, vessel or aircraft in contravention of an order made under section 17 (section 17);	Imprisonment for 6 months or a fine of VT50,000 or both.
19. Failing to comply with signal given by police officer at road barrier under section 18(2) (section 18(2)).	Imprisonment for 6 months or a fine of VT50,000 or both.