

THE PUBLIC ORDER ACT, 1967

No. 6



of 1967

AN ACT TO REGULATE AND CONTROL PUBLIC MEETINGS AND PUBLIC PROCESSIONS

Date of Assent: 21.4.67.

Date of Commencement: 21.4.67.

ENACTED by the Parliament of Botswana.

Short Title.

1. This Act may be cited as the Public Order Act, 1967.

Interpretation.

2. In this Act, unless the context otherwise requires —

“controlled area” means any area declared by the Minister to be a controlled area in pursuance of the provisions of section 4(1);

“public meeting” or “meeting” means any meeting in a public place and any meeting which the public or any section thereof are permitted to attend, whether on payment or otherwise;

“public place” includes any public way and any building or place to which for the time being, the public are entitled or permitted to have access either without any condition or upon condition of making any payment, and any building or place which is for the time being used for any public or religious meeting or assembly;

“public procession” or “procession” means a procession in, through, across or along a public place;

“public way” includes any highway, market place, square, street, bridge or other way which is lawfully used by the public.

Powers for the Preservation of Public Order on the Occasion of Public Meetings and Public Processions

3. If any police officer of or above the rank of Assistant Superintendent, having regard to the time or place at which and the circumstances in which any public meeting or any public procession is taking place or is intended to take place and in the case of a public procession to the route taken or proposed to be taken by the procession, has reasonable grounds for believing that the meeting or the procession, as the case may be, may occasion serious public disorder, he may give directions imposing on the persons organising or taking part in the meeting or procession such conditions as appear to him necessary for the preservation of public order, including, in the case of a procession, conditions prescribing the route to be taken by the procession and conditions prohibiting the procession from entering any public place specified in the directions:

Provided that no conditions restricting the display of flags, banners, or emblems shall be imposed under this section except such as are reasonably necessary to prevent a breach of the peace.

Regulation of Certain Public Meetings and Public Processions.

4. (1) The Minister may, by notice in the *Gazette*, declare any area of Botswana to be a controlled area for the purposes of this section.

(2) For the purposes of this section, the regulating officer for any controlled area —

- (a) which forms part of any tribal territory, shall be the Chief of that tribal territory; and
- (b) in any other case, shall be the District Commissioner of the district which includes such area.

(3) Any person who wishes to convene a public meeting or to form a public procession within a controlled area shall first make application in that behalf to the regulating officer of the area concerned, and, unless such officer is satisfied that such public meeting or public procession is likely to cause or lead to a breach of the peace, he shall issue a permit in writing authorising such public meeting or public procession and specifying the name of the person to whom it is issued and such conditions attaching to the holding of such public meeting or public procession as the regulating officer may deem necessary to impose for the preservation of public peace and order.

(4) It may be a condition of every permit issued under this section that the person to whom a permit has been issued shall be present at the public meeting or with the public procession from its first assembly to its final dispersal.

(5) Without prejudice to the generality of subsection (3) the conditions which may be imposed in issuing a permit under that subsection may relate to all or any of the following matters —

- (a) the date upon which and the place and time at which the public meeting or public procession is authorised to take place;
- (b) the maximum duration of the public meeting or public procession;
- (c) the granting of adequate facilities for the the recording of the proceedings of such public meeting in such manner and by such person or class of person as the regulating officer may specify:

Provided that such conditions may not require the convener of a public meeting to provide equipment;

- (d) any other matter designed to preserve public peace and order.

(6) Any police officer may stop any public procession within a controlled area for which no permit has been issued under this section or which, if such permit has been issued, contravenes or fails to comply with any conditions specified therein, and may order any such public procession or any public meeting which has been convened in a public place without such a permit or which, if such a permit has been issued, contravenes or fails to comply with any conditions of such permit, to disperse.

(7) Any regulating officer may issue directions for the purpose of regulating within his controlled area the extent to which music may be played or to which music or human speech or any other sound may be amplified, broadcast, relayed or otherwise reproduced by artificial means —

- (a) in public places; or
- (b) in places other than public places if such playing, amplification, broadcasting, relaying or other reproduction is, in his opinion, likely to affect persons who are or may be in public places.

Penalty for Disobeying a Direction or Violating the Conditions of a Permit.

5. Any person who knowingly —

- (a) opposes or disobeys any direction issued under section 3 or section 4(7); or
- (b) violates any condition of a permit issued under section 4(3);

shall be guilty of an offence and liable on conviction to a fine not exceeding R100 or to be imprisonment for a period not exceeding six months or to both such fine and imprisonment.

When Public Meetings and Public Processions are Unlawful.

6. Any public meeting or public procession within a controlled area —
- (a) which takes place without a permit issued under section 4(3); or
 - (b) in which three or more persons taking part neglect or refuse to obey any order given under section 4(6);

shall be unlawful, and all persons taking part in such public meeting or public procession and, in the case of a public meeting or public procession for which no permit has been issued, all persons taking part in convening or directing such public meeting or public procession shall be guilty of an offence and liable on conviction to a fine not exceeding R100 or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

Exemptions.

7. Unless the Minister shall, by notice in the *Gazette* direct otherwise, the provision of sections 4, 5 and 6 shall not apply —

- (a) to any public meeting convened —
 - (i) for any religious, educational, recreational, sporting, social or charitable purpose;
 - (ii) for the conduct of any agricultural or industrial show or for the sale of goods or cattle;
 - (iii) for the purpose of viewing or participating in any theatrical, cinematographic or musical event or any circus or firework display;
 - (iv) in kgotla;
 - (v) by a town council or district council;
- (b) to any public procession formed for any religious, educational, recreational, sporting, social or charitable purpose.

Powers for the Preservation of Public Order in Respect of Public Meetings and Processions.

8. (1) If at any time the Minister is of opinion that, by reason of particular circumstances existing in Botswana or in any part thereof, the powers conferred by this or any other written law will not be sufficient to enable the police to prevent serious public disorder being occasioned by the holding of public processions or public meetings in Botswana or any part thereof, he may by order published in the *Gazette* and in such manner as he may deem sufficient to bring the order to the knowledge of the general public in the area to which it relates, prohibit the holding within Botswana or any part thereof of all public processions or public meetings, or of any class of public processions or public meetings

specified in the order, for such period not exceeding three months as may be so specified.

(2) An order made under subsection (1) shall have effect from the time when it is first published in any manner authorised by the provisions of that subsection or from such later time as may be specified in the order, and a certificate under the hand of the Minister specifying the time of publication other than a publication in the *Gazette* shall be conclusive evidence thereof in all legal proceedings.

(3) Any person who knowingly —

(a) organises or assists in organising any public procession or public meeting held or intended to be held in contravention of any order made under this section; or

(b) takes part in or attends, or incites any other person to take part in or attend, any such procession or meeting;

shall be guilty of an offence and liable on conviction to a fine not exceeding R200 or to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

(4) A police officer may, without warrant, arrest any person reasonably suspected by him to be committing an offence against this section.

Repeal.

9. The Public Order Proclamation (Cap. 54) is repealed.

Passed by the National Assembly this day, the 20th March, 1967.

G.T. MATENGE,
Clerk of the National Assembly.