

CHAPTER 168A

PUBLIC ORDER 1970-15

This Act came into operation on 8th June, 1970.

Amended by:

1992-12

1999-17

Law Revision Orders

The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:

1993

2002

Guide to symbols in historical notes:

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument

CHAPTER 168A

**PUBLIC ORDER
1970-15**

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**BARBADOS****PUBLIC ORDER
1970-15**

An Act to provide for the maintenance of public order with reference to public meetings, marches and processions and for matters connected therewith and incidental thereto.

[Commencement: 8th June, 1970]

Short title

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

**PART I
PRELIMINARY****Interpretation**

- 2.(1) For the purposes of this Act, the expression “constituency” has the same meaning as in section 2 of the *Representation of the People Act*, Cap. 12;

“meeting” means any assembly or gathering of persons called together for the purpose of the transaction of matters of public interest or for the discussion of such matters or for the purpose of the expression of views on such matters;

“notice of election” means the notice of election provided for in the election rules in the *Second Schedule* to the *Representation of the People Act*, Cap. 12;

“offensive weapon” includes

- (a) any gun as defined in [section 2 of the *Firearms Act*, Cap. 179];
- (b) any article made or adapted for use for causing injury to the person, or intended by the person having it with him for such use by him; and
- (c) any article or device made or adapted for use for causing damage to any property or intended by the person having it with him for such use by him;

“political meeting” means a meeting held in a constituency between the day of publication of the notice of election relating to a constituency and the day preceding polling day in that constituency for the purpose of furthering or criticising the aims, objects, action or programme of any political party or for the purpose of supporting or opposing the candidature of any individual as against any other or others at such election;

“polling day” means the day fixed for the holding of a poll of electors at an election for a constituency;

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

- (a) by members of the Police Force or the Fire Service; or
- (b) by members of the Barbados Regiment; or

- (c) which takes place as a component part of any religious ceremony, including a wedding or funeral, not being in any way connected with any political demonstration or celebration; or
- (d) which is confined to the pupils and teachers of any school; or
- (e) organised by or on behalf of, and in furtherance of the lawful industrial objects of, a trade union; or
- (f) by members of any youth organisation or of any other body approved by the Minister, being an organisation or body which is not in any way connected with any political organisation;

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

“public place” means any highway, street, public park or garden, any beach and any public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not, and includes any open or enclosed space to which, for the time being, the public have or are permitted to have access whether on payment or otherwise;

“trade union” means a trade union registered under the *Trade Unions Act*, Cap. 361.

(2) For the purposes of this Act, a meeting held for any of the purposes specified in the definition of the expression

“political meeting” shall, until the contrary is proved, be deemed to be a political meeting if any speaker at such meeting refers to or discusses the aims, objects, action or programme of any political party or the candidature of any individual at any election referred to in that definition.

(3) References in this Act to a member of the Police Force shall be construed as references to a member of the Police Force in uniform.

PART II
MEETINGS

Permit required for public meetings

3. Notwithstanding anything contained in any other enactment, but subject to section 8, no person may organise, hold, call together or address a meeting in any public place unless a permit has been issued in respect thereof by or on behalf of the Commissioner of Police.

Applications for permits for meetings

4.(1) Subject to subsection (3), any person who desires to organise, hold or call together a meeting in a public place shall, at least two days before the day on which it is proposed to hold such meeting, apply to the Commissioner of Police for a permit and any such application may be made by delivering it to the Commissioner of Police or to a member of the Police Force in charge of the police station nearest to the place at which the meeting is to be held.

(2) Every application under subsection (1) shall be in writing and shall specify—

- (a) the name or names of the person or persons desiring to organise, hold or call together the meeting;
- (b) the purpose or purposes of the meeting;
- (c) the place at which the meeting is to be held and the approximate time at which it is to begin; and
- (d) the name of every speaker other than a citizen of Barbados who is to address the meeting.

(3) Notwithstanding that an application under this section does not comply with the time limit specified in subsection (1), the Commissioner of Police, if satisfied that such failure was due to circumstances beyond the control of the applicant, may consider the application and shall give his decision thereon as

soon as possible, but shall not in any such case be bound by subsection (3) of section 5.

Grant of permits for meetings

5.(1) The Commissioner of Police, on an application made to him under section 4, may, in any case, grant or refuse the application but shall not refuse an application for a permit unless there are reasonable grounds for apprehending that the meeting in respect of which the application is made may occasion a breach of the peace or serious public disorder.

(2) Where an application is granted the Commissioner of Police shall issue to the applicant a permit for the desired meeting specifying therein the times between which the meeting may be held and such other terms as the Commissioner of Police may consider necessary for the preservation of public order.

(3) The Commissioner of Police shall, at least twelve hours before the time specified in an application in accordance with paragraph (c) of subsection (2) of section 4 notify the applicant of his decision; and where the application is refused he shall state in writing the reasons for such refusal.

Power to require dispersal of meetings

6.(1) Any member of the Police Force not below the rank of corporal may, in relation to any meeting being held in contravention of any of the provisions of this Part or of any permit issued thereunder, require any person, addressing or known to him to have addressed such meeting or appearing to him to be the organiser or promoter or one of the organisers or promoters of such meeting, to call on the meeting to disperse.

(2) Any person required under subsection (1) to call on any meeting to disperse, who refuses, fails or neglects immediately to call on such meeting to disperse, is guilty of an offence under this section.

Offence to take part in unauthorised meeting

7. Any person who—
- (a) contravenes any of the terms subject to or on which a permit under this Part has been issued; or
 - (b) organises, holds, calls together or addresses any meeting in contravention of section 3 or of any permit issued under this Part; or
 - (c) attempts to commit any of the aforesaid offences or incites, aids or abets any other person to commit any such offence,

is guilty of an offence under this section.

Non-application of this Part, and suspension of sections 3 to 6

8.(1) Nothing in this Part applies to the organising, holding, calling together or addressing of—

- (a) a political meeting in any public place in any constituency at any time between the day of publication of the notice of election relating to that constituency and the day preceding polling day; or
- (b) any meeting in connection with any of the purposes for the time being set out in the First Schedule or in connection with such other purposes as may from time to time be included in such Schedule as provided for by section 21.

(2) During any period when an order is in force under Part IV the operation of sections 3, 4, 5 and 6 shall be suspended throughout Barbados or in any area thereof to which such order relates.

PART III
MARCHES AND PROCESSIONS

Permit required for public marches

9. Notwithstanding anything contained in any other enactment no person may organise, lead or take part in any public march unless a permit has been issued in respect thereof by the Commissioner of Police.

Applications for permits for marches

10.(1) Any person who desires to organise any public march, shall, at least three days before the day on which such public march is to take place, apply to the Commissioner of Police for a permit.

(2) Every application under subsection (1) shall be in writing and shall contain particulars of—

- (a) the name or names of the person or persons desiring to organise the public march to which the application relates;
- (b) the purpose or purposes of the march;
- (c) the point of departure, route and point of termination of the march;
- (d) the hours between which the march will take place; and
- (e) an estimate of the number of persons who are expected to take part in the march.

Grant of permits for marches

11.(1) The Commissioner of Police, on an application made to him under section 10, may, in any case, grant or refuse the application.

(2) Where an application is granted, the Commissioner of Police shall issue to the applicant a permit for the desired march specifying therein the route to be followed and the times between which it may take place and such other terms as

the Commissioner of Police may consider necessary for the preservation of public order.

(3) The Commissioner of Police shall, at least twenty-four hours before the time specified in the application in accordance with paragraph *(d)* of subsection (2) of section 10 as the time at which the march is to begin, notify the applicant of his decision, and where the application is refused he shall state in writing the reasons for such refusal.

Leader of march may be required to call on march to disperse

12.(1) Any member of the Police Force not below the rank of corporal may require any person—

- (a)* leading any public march in contravention of this Part or otherwise than in accordance with the terms of a permit issued thereunder; or
- (b)* appearing to him to be the leader or one of the leaders of any such public march,

to call on such public march to disperse.

(2) Any person required under subsection (1) to call on any public march to disperse who refuses, fails or neglects immediately to call on such public march to disperse, is guilty of an offence under this section.

Offence to take part in unauthorised march

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

- (a)* in respect of which a permit under this Part has not been obtained; or
- (b)* otherwise than in accordance with the terms of a permit under this Part,

is guilty of an offence under this section.

Offence to lead or organise unauthorised marches

- 14.** Any person who—
- (a) leads; or
 - (b) organises or attempts to organise; or
 - (c) incites any person to organise or take part in,

any public march in contravention of any of the provisions of this Part is guilty of an offence under this section.

Suspension of sections 9 to 12

- 15.** During any period when an order is in force under Part IV, the operation of sections 9, 10, 11 and 12 shall be suspended throughout Barbados or in any area thereof to which such order relates.

PART IV**MEETINGS AND MARCHES—SPECIAL PROVISIONS****Power to prohibit meetings and marches**

16.(1) Notwithstanding anything contained in Parts II and III or in any other enactment, where at any time the Minister is satisfied that, by reason of particular circumstances existing in Barbados or in any area thereof, serious public disorder would be occasioned by the holding of public meetings or marches in Barbados or any area thereof and that it would be in the interest of public safety and necessary for the preservation of public order so to do, he may by order, subject to such exemptions as are from time to time specified in the First Schedule, prohibit throughout Barbados or in any area thereof—

- (a) all public meetings and all public marches;
- (b) all persons from organising, holding or speaking at or attending, any public meeting or public march,

except in cases where a permit is issued under this Part.

- (2) Every order made under this section—
- (a) shall unless previously revoked remain in force for a period of not more than one month but may be extended from time to time for a further period of not more than one month by a like order which shall be subject to affirmative resolution;
 - (b) shall be published in the *Official Gazette*; and
 - (c) may at any time be varied, altered, amended or revoked by the Minister.

Applications for permits

17. Any person who desires to organise or hold a public meeting or a public march in any place to which an order under this Part applies shall, at least two days before such intended event, apply in writing to the Commissioner of Police for a permit.

Grant of permits

18.(1) The Commissioner of Police, on an application made to him under section 17, may, in any case, grant or refuse the application.

(2) Where an application is granted, the Commissioner of Police shall issue to the applicant a permit for the desired event to take place specifying therein such terms and conditions as he considers necessary in the interest of public safety and for the preservation of public order.

(3) The Commissioner of Police shall, at least twelve hours before the time at which the desired event is to begin, notify the applicant of his decision, and where the application is refused, he shall state in writing the reasons for such refusal.

Power to require dispersal of meetings and marches

19.(1) Any member of the Police Force not below the rank of corporal may, in relation to any public meeting being held or any public march in progress

contrary to any provisions of this Part or of any order made or any permit issued thereunder, require any person—

- (a) addressing or known to him to have addressed such meeting; or
- (b) leading such march; or
- (c) appearing to him to be the promoter or organiser or one of the promoters or organisers or the leader or one of the leaders of such meeting or march,

to call on such meeting or march to disperse.

(2) Any person required under subsection (1) to call on any public meeting or public march to disperse, who refuses, fails or neglects immediately to call on such meeting or march to disperse, is guilty of an offence under this section.

Offence to take part in prohibited meeting or march

20. Any person who—

- (a) contravenes any of the terms or requirements of an order under this Part; or
- (b) contravenes any of the terms and conditions subject to or on which a permit under this Part is issued;
- (c) holds, organises, addresses, attends or takes part in any public meeting or public march contrary to any of the provisions of this Part or of any order made, or permit issued, thereunder; or
- (d) attempts to commit any of the offences mentioned in paragraphs (a) to (c) or incites, aids or abets any other person to commit any such offence,

is guilty of an offence under this section.

Exemptions

- 21.(1)** Nothing in this Part applies to—
- (a) the organising, holding, calling together or addressing of a political meeting in any public place in any constituency at any time between the day of publication of the notice of election relating to that constituency and the day preceding polling day; or
 - (b) any meetings or marches held or organised in connection with any of the purposes for the time being set out in the First Schedule or in connection with such other purposes as may from time to time be included in such Schedule as provided for by this section.
- (2) The Minister may from time to time by order amend, vary or alter the First Schedule in any respect and may add thereto or remove therefrom any purpose or name.
- (3) Every order made under this section shall be subject to negative resolution.

PART V
PUBLIC OFFICES

Interpretation

- 22.(1)** For the purposes of this Part, the expression—
- “official premises” means any premises which—
- (a) are vested in the Crown or in any statutory board; or
 - (b) are used or occupied by the Government or any statutory board; or
 - (c) are vested in any person in trust for or on behalf of the Government or a statutory board; or

- (d) whether or not vested as mentioned in paragraphs (a) and (c) of this definition, are occupied by any public officer or any employee of a statutory board for the purposes of performing his functions as such;

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

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

(2) Nothing in this Part shall operate or be construed as operating to penalise or prevent—

- (a) any lawful picketing carried on outside any official premises; or
(b) any other lawful act done,

by or on behalf of a trade union in contemplation or in furtherance of a trade dispute.

Power to require dispersal of public marches and meetings near scheduled premises

23.(1) Any member of the Police Force not below the rank of corporal may, in relation to either—

- (a) any public meeting held within the specified distance of any scheduled premises; or
(b) any public march in progress which comes within the specified distance of any scheduled premises,

during a sitting of either House or during a sitting of any court or during normal working hours, as the case may be, require any person—

- (i) addressing or known to him to have addressed such meeting; or
(ii) leading such march; or

- (iii) appearing to him to be the promoter or organiser or one of the promoters or organisers or the leader or one of the leaders of such meeting or march,

to call on such meeting or march to disperse.

- (2) Any person required under subsection (1) to call on any public meeting or public march to disperse, who refuses, fails or neglects immediately to call on such meeting or march to disperse, is guilty of an offence under this section.

Power of member of Force to call on meeting or march to disperse

- 24.** Where any person who is required under section 23 to call on any public meeting or public march to disperse refuses, fails or neglects to do so, any member of the Police Force may call on such meeting or march to disperse.

Participants in meeting or march to disperse when called on to do so

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

- (2) Any person who contravenes subsection (1) is guilty of an offence under this section.

Inciting

- 26.** Any person who incites any other person to contravene subsection (1) of section 25 is guilty of an offence under this section.

Power to amend

27.(1) The Minister may from time to time by order amend, vary or alter the *Second Schedule* in any respect and may add thereto or remove therefrom any official premises.

(2) Every order made under this section shall be subject to negative resolution.

PART VA

AFFRAY AND VIOLENT AND DISORDERLY OFFENCES

Interpretation

27A.(1) In this Part,

“dwelling” means any structure or part of a structure occupied as a person’s home or as other living accommodation, whether the occupation is separate or shared with others, but does not include any part not so occupied;

“structure” includes a tent, vehicle, vessel or other temporary or movable structure;

“violence” means any violent conduct

(2) For the purposes of affray violence includes violent conduct towards property as well as violent conduct towards persons.

(3) Violence is not restricted to conduct causing or intended to cause injury or damage but includes any other violent conduct, for example, throwing at or towards a person a missile of a kind capable of causing injury which does not hit any person or thing or falls short thereof.

[1992-12]

Affray

27B.(1) A person is guilty of affray if he uses or threatens unlawful violence towards another person and his conduct is such as would cause another person of reasonable firmness present at the scene to fear for the other person’s personal safety.

- (2) For the purposes of subsection (1)
 - (a) where two or more persons use or threaten unlawful violence, the court must, in determining the case, have regard to the conduct of the persons taken together; and
 - (b) no person of reasonable firmness need actually be, or be likely to be present at the scene.
- (3) Affray may be committed in private as well as in public places.
- (4) A person guilty of affray is liable
 - (a) on conviction on indictment to imprisonment for a term of 5 years or a fine of \$25 000 or both, or
 - (b) on summary conviction to imprisonment for a term of 2 years or a fine of \$10 000 or both.

Violent Disorder

27C.(1) Where three or more persons who are present together use or threaten unlawful violence and their conduct taken together is such as would cause a person of reasonable firmness present at the scene to fear for his personal safety, each of the persons using or threatening unlawful violence is guilty of violent disorder.

- (2) For the purpose of subsection (1),
 - (a) it is immaterial whether or not the three or more persons use or threaten unlawful violence simultaneously; and
 - (b) no person of reasonable firmness need actually be, or be likely to be present at the scene.
- (3) Violent disorder may be committed in private as well as in public places.
- (4) A person guilty of violent disorder is liable on conviction on indictment to imprisonment for a term of 7 years or to a fine of \$50 000 or both.

[1992-12]

Fear of violence

- 27D.**(1) A person is guilty of an offence if he
- (a) uses towards another person threatening, abusive or insulting words or behaviour, or
 - (b) distributes or displays to another person any writing, sign or other visible representation that is threatening, abusive or insulting.
- (2) Subsection (1) applies where a person does anything mentioned in that subsection
- (a) with intent to cause another person to believe that immediate unlawful violence will be used against him or any other person by any person;
 - (b) with intent to provoke the immediate use of unlawful violence by any person; or
 - (c) with intent that another person is likely to believe that unlawful violence will be used or it is likely that such violence will be provoked.
- (3) An offence under this section may be committed in private as well as public places.
- (4) No offence is committed under this section where the words or behaviour referred to in subsection (1) are used, or the writing, sign or other visible representation is distributed or displayed, by a person inside a dwelling and the other person is inside that or another dwelling.
- (5) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term of 2 years or to a fine of \$5 000 or both.

[1992-12]

Harassment, alarm or distress

27E.(1) A person is guilty of an offence if he

- (a) uses threatening or abusive words or behaviour, or disorderly behaviour; or
- (b) displays any writing, sign or other visible representation that is threatening or abusive,

within the hearing or sight of another person who is likely to be caused harassment, alarm or distress thereby.

(2) An offence under this section may be committed in private as well as public places, but no offence is committed where the words or behaviour are used, or the writing, sign or other visible representation is displayed by a person inside a dwelling and the other person is also inside that dwelling or another dwelling.

(3) It is a defence for a person charged with an offence under this section to prove

- (a) that he had no reason to believe that there was any person within hearing who was likely to be caused harassment, alarm or distress;
- (b) that he was inside a dwelling and had no reason to believe that the words or behaviour used, or the writing, sign or other visible representation displayed, would be heard or seen by a person outside that or any other dwelling; or
- (c) that his conduct was reasonable.

(4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term of 3 years or to a fine of \$3 000 or both.

[1992-12]

Procedure: Sections 27B to 27E

27F.(1) For the purposes of the rules against charging more than one offence in the same count or information, each of sections 27B to 27E creates one offence.

(2) If on the trial on indictment of a person charged with affray or violent disorder the jury are satisfied that the accused is guilty of the use, or threat, of violence but is not guilty of the offence charged, the jury may acquit him of the offence charged in the indictment and find him guilty of an offence against section 27D; and thereupon such accused shall be liable to be punished in the same manner as if he had been convicted upon an indictment for an offence against section 27D.

[1992-12]

PART VB
PUBLIC FESTIVALS

[1999-17]

Interpretation

27G. In this Part,

“approved identification mark” means any badge, label or mark issued by the promoters or organisers of a public festival or approved by the promoters or organisers for the purpose of preventing unlawful entry into a band;

“authorised person” means

- (a) any member of the Police Force; or
- (b) any person authorised by the promoters or organisers of a public festival wearing an approved identification mark in a manner that is easily identifiable by the relevant person;

“band” means an organised group of persons assembled together in a band assembly area or proceeding together along a prescribed or designated route in furtherance of the group’s participation in a public festival whether in costume or not;

“band assembly area” means any area designated by the promoters or organisers of a public festival as an assembly area for bands taking part in the festival;

“prescribed or designated route” means the route determined by the promoters or organisers of a public festival as the route to be followed by persons participating in the festival;

“public festival” includes a street parade or procession.

[1999-17]

Unlawful entry into a band

27H.(1) A person who, in respect of a public festival,

- (a) is not a member of a band; or
- (b) is not an authorised person

shall not enter a band without the permission of an authorised person while that band is in a band assembly area or on a prescribed or designated route.

(2) Any person who

- (a) unlawfully enters a band in contravention of subsection (1) after having been forbidden to do so by an authorised person; or
- (b) uses threatening or abusive words or behaviour or engages in disorderly behaviour likely to constitute harassment or cause alarm or distress to any member of the band for the purpose of securing entry into the band either for himself or for any other person; or
- (c) fails to leave the band after he has been directed to do so by an authorised person,

is guilty of an offence.

(3) A person who is guilty of an offence under this Part is liable on summary conviction to a fine of \$5 000 or to imprisonment for 6 months or to both.

[1999-17]

PART VI MISCELLANEOUS

Restriction on use of loudspeakers

28.(1) Except during any period referred to in paragraph (a) of subsection (1) of section 8, no person may, for the purpose of advertising or giving notice of any intended meeting or march for which a permit is required under this Act, operate or cause to be operated any loudspeaker in any public place unless a permit has been issued by or on behalf of the Commissioner of Police in respect of that meeting or march.

(2) For the purposes of this Part, the expression “loudspeaker” means any apparatus which is designed, adapted or intended for the purpose of reproducing sounds over a wide area and includes an amplifier, microphone or other similar instrument, apparatus or device.

Offence to use loudspeaker contrary to section 28 or after 11.00 p.m. except during election campaign

29.(1) Except during any period referred to in paragraph (a) of subsection (1) of section 8 or in connection with any of the purposes for the time being set out in the *First Schedule*, no person may without lawful authority or reasonable excuse, the proof whereof shall lie on him, operate or cause to be operated any loudspeaker at any public meeting or in any public place after 11 o’clock in the evening.

(2) Any person who operates or causes to be operated any loudspeaker at a public meeting or in a public place in contravention of subsection (1) of this

section or of subsection (1) of section 28 is guilty of an offence under this section.

Offence to attempt to break up public meeting

30.(1) Any person who at a lawful public meeting acts or incites any other person to act in a disorderly manner, likely to prevent or obstruct, or for the purpose of preventing or obstructing, the transaction of the business of the meeting is guilty of an offence under this section.

(2) Any member of the Police Force who has reasonable cause to suspect any person of committing an offence against subsection (1) may require that person to leave the meeting immediately.

(3) Where the chairman of the meeting has reasonable cause to suspect any person of committing an offence against subsection (1), he may call on any member of the Police Force to require that person to leave the meeting and thereupon that member of the Force shall require that person to leave the meeting immediately.

(4) Any person who, having been required to leave any meeting by a member of the Police Force pursuant to subsection (2), refuses or fails immediately to leave such meeting is guilty of an offence under this section.

(5) For the purposes of this section, a person shall be deemed not to have left a meeting if he is in any public place from which the chairman of the meeting or any speaker addressing the meeting is visible.

Prohibition of offensive conduct conducive to breaches of peace

31. Any person who in any public place or at any public meeting—

- (a) uses threatening, abusive or insulting words or behaviour; or
- (b) distributes or displays any writing, sign or visible representation which is threatening, abusive or insulting,

with intent to provoke a breach of the peace or whereby a breach of the peace is likely to be occasioned, is guilty of an offence under this section.

Prohibition of offensive weapons at public meetings and marches

32.(1) Any person who without lawful authority or reasonable excuse, the proof whereof shall lie on him, has with him any offensive weapon at any public meeting or in any public place along the route of any public march or while taking part in any public march is guilty of an offence under this section.

(2) Any person who at any time when a public meeting is in progress has with him any gun in any public place from which any speaker addressing such meeting is visible shall be deemed to have had such gun while present at such meeting until he proves that his presence in such public place at such time was neither directly nor indirectly consequent on the fact that such meeting was in progress at that time.

(3) For the avoidance of doubt, it is expressly declared that the lawful possession of any licence to carry a gun in any public place shall not in itself afford a defence to any proceedings under this section.

(4) For the purposes of this section, a person shall not be deemed to be acting in pursuance of lawful authority unless—

- (a) if the offensive weapon involved is a gun, he is acting in his capacity as a member of the Police Force, the Barbados Regiment or of any other armed forces of the Crown; or
- (b) if the offensive weapon involved is not a gun, he is acting in his capacity as a member of the Police Force or of the Fire Service or otherwise as a public officer or servant of the Crown.

(5) Where a person is convicted of an offence under this section, the court—

- (a) may make an order as to the forfeiture or disposal of any offensive weapon in respect of which the offence was committed; and

- (b) where the offence was committed in respect of a gun, may also make an order as to the forfeiture of any ammunition found in possession of such person and revoke any licence held by him under the *Firearms Act*, Cap. 179.

Penalty for incitement to racial hatred

33.(1) A person is guilty of an offence if—

- (a) knowingly he publishes or distributes written matter which is threatening, abusive or insulting; or
- (b) he uses in any public place or at any public meeting words which are threatening, abusive or insulting,

being matter or words intended or which may reasonably be interpreted as likely to stir up or to be capable of stirring up hatred against any section of the public in Barbados distinguished by colour, race or creed.

(2) A person guilty of an offence under this section is liable on summary conviction thereof to a fine of two thousand five hundred dollars or to imprisonment for twelve months or to both such fine and imprisonment.

Penalty for incitement to violence, etc.

34.(1) A person is guilty of an offence if, without lawful authority, the proof whereof shall lie on him, in any public place or at any public meeting he—

- (a) makes any statement; or
- (b) plays or causes to be played any phonograph record or other sound recording; or
- (c) publishes or distributes any written matter; or
- (d) behaves, or incites any other person to behave, in a manner,

which is intended or is likely to incite or induce or is capable of inciting or inducing any person—

- (i) to kill or do physical injury to any person or to any class or community of persons; or
- (ii) to destroy or do any damage to any property; or
- (iii) to deprive any person by force or fear of the possession or use of any property either permanently or temporarily.

(2) A person guilty of an offence under this section is liable on summary conviction thereof to a fine of five thousand dollars or to imprisonment for two years or to both such fine and imprisonment.

(3) For the purposes of this section, where a phonograph record or other sound recording is played at a public meeting, then—

- (a) in the case of a public meeting in respect of which a permit has been issued by the Commissioner of Police, the person to whom such permit was issued; and
- (b) in the case of any other public meeting, the chairman, organiser or promoter of that meeting,

shall be deemed to have played or to have caused that phonograph record or other sound recording to be played at such meeting unless the contrary is proved by him.

Power of search

35.(1) Subject to subsections (2) and (3), where any member of the Police Force has reasonable cause to suspect that any person has concealed about his person any offensive weapon contrary to section 32, he may search such person and, if he considers it necessary, take such person to a police station for the purpose.

(2) No article of a person's clothing may be removed for the purpose of any search authorised by this section unless such person is first taken to a police station.

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

(4) Any person who resists or obstructs any search authorised by this section or who absconds before such search is completed is guilty of an offence under this section.

Power of arrest

36. A member of the Police Force may arrest without a warrant any person who commits an offence against this Act in his presence or any person reasonably suspected by him to be committing or to have committed any offence against this Act.

Penalties for certain offences under this Act

37. A person guilty of an offence under this Act for which no other penalty is provided is liable on summary conviction thereof to—

- (a) a fine of one hundred dollars or imprisonment for three months or both, in the case of an offence under section 13, 25 (2), or 29; or
- (b) a fine of five hundred dollars or imprisonment for six months or both, in the case of an offence under section 6(2), 12(2), 19(2), 23(2), 26, 30(1), 30(3) or 31; or
- (c) a fine of one thousand dollars or imprisonment for twelve months or both, in the case of an offence under section 7, 14, 20, 32(1) or 35(4).

Appeals against refusal of applications for permits

38.(1) Any applicant for a permit under this Act who is dissatisfied with the refusal of the Commissioner of Police to grant the permit or with the terms of the permit may, within seven days of being notified of the decision of the Commissioner of Police, appeal in writing to the Minister.

- (2) On an appeal to him under this section, the Minister may confirm or reverse the decision of the Commissioner of Police or vary the terms of any permit granted by the Commissioner of Police or impose such other terms as he considers appropriate or necessary for the preservation of public order.
- (3) The decision of the Minister on any appeal under this section shall be final.

FIRST SCHEDULE

(ss. 8 (1) (b), 16 (1), 21 and 29 (1))

1. Religious services or meetings held under the authority of the head of any religious denomination or of the Salvation Army.
2. Educational classes and recreation in schools or other educational institutions.
3. *Bona fide* cinematograph, musical and theatrical entertainments, dancing, beauty competitions or other similar shows.
4. *Bona fide* horse-racing, cricket, football, hockey, polo, water-polo, basket-ball, netball, tennis, boxing, athletics, swimming and other *bona fide* sports.
5. Meetings organised by or on behalf of, and in furtherance of the lawful industrial objects of, a trade union.
6. Meetings organised by or on behalf of any *bona fide* youth organisation which is not organised for any political purpose or is not connected with any political organisation.

SECOND SCHEDULE*(ss. 22 and 27)**SCHEDULED PREMISES*

The Queen Elizabeth Hospital.

The Public Buildings, Bridgetown.

Government Headquarters, Bay Street, St. Michael.

The Law Courts, Coleridge Street, Bridgetown.

The Magistrates' Courts in the several districts specified in the First Schedule to the Magistrates Jurisdiction and Procedure Act, Cap. 116.

The Treasury Building, Bridge Street, Bridgetown.

The Head Offices of all Ministers not situated in Government Headquarters.