

BILLS SUPPLEMENT

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Bill No. 3

Public Order Management Bill

2011

THE PUBLIC ORDER MANAGEMENT BILL, 2011

EXPLANATORY MEMORANDUM.

1. The object of this Bill is to provide for the regulation of public meetings, the duties and responsibilities of the police, the organisers and participants in relation to public meetings; to prescribe measures for safeguarding public order without compromising the principles of democracy, freedom of association and freedom of speech.

2. The Bill in particular seeks to manage public order in partnership with the organisers and participants in assemblies, demonstrations and processions, the local authorities, owners or custodians of the venues at which public assemblies, demonstrations and processions are held and the police.

3. The Bill seeks to specify the procedure to be followed when organising an assembly, a procession or demonstration, as well as the penalties and sanctions to be imposed upon those found in breach of the proposed law.

UGANDA LAW SOCIETY
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LEGAL RESOURCE CENTRE

4. Provisions of the Bill

The Bill consists of four parts and three schedules.

5. PART I - PRELIMINARY

Part I of the Bill deals with preliminary matters namely commencement of the Act, interpretation and the principal of managing public order.

6. PART II - REGULATION OF PUBLIC MEETINGS

Part II of the Bill deals with regulation of public meetings. Clause 4 of the Bill empowers the Inspector General of Police to regulate the conduct of all public meetings subject to the law.

7. Clause 5 permits the Inspector General of Police to delegate his or her powers to regulate public meetings to an authorised officer. Clause 6 defines a “public meeting” and the circumstances under which a meeting would be considered a public meeting. Clause 6 (2) provides for the exceptions to the definition of “public meeting”.

8. Clause 7 of the Bill requires an organiser of a public meeting to give notice of intention to hold the meeting in writing to the Inspector General of Police. It also specifies the form of the notice and other requirements. Clause 7 (3) provides that an organiser of a public meeting who holds a public meeting without complying with the conditions under the proposed Act commits a misdemeanour under section 116 of Penal Code Act and is punishable by imprisonment not exceeding two years. Clause 8 provides for the authorised officer to notify the organiser of a public meeting, where it is not possible to hold the proposed meeting.

9. PART III - DUTIES AND RESPONSIBILITIES OF POLICE, ORGANISERS AND PARTICIPANTS

Part III of the Bill deals with the duties and responsibilities of the key parties in a public meeting. These include the police, the organisers of a public meeting and the participants in the public meeting.

10. Clause 9 empowers an authorised officer to stop or prevent the holding of a public meeting, where the meeting is held contrary to the proposed Public Order Management Act or where the meeting poses a clear present or imminent danger or breach of peace. Clause 9 (3) requires an authorised officer to have regard to the rights and freedoms of the persons in respect of whom the order for dispersal has been issued. Clause 9 (4) provides that a person who ignores an order to disperse commits a misdemeanour under section 117 of the Penal Code Act and is punishable by imprisonment not exceeding two years.

11. Clause 10 provides for the fundamental duty of police which is to preserve law and order during the public meeting. Clause 11 prohibits a police officer from using firearms except in prescribed circumstances such as in self defence against the imminent threat of death or injury and in defence of others against the imminent threat of death or injury.

12. Clause 12 provides for the responsibilities of the organisers and participants in a public meeting. The responsibilities of the organisers include but are not limited to adherence to the required conditions for holding a public meeting and to ensure that all the participants are unarmed. The participants in a public meeting are required to act in a manner that ensures that obstruction of traffic, confusion or disorder is avoided.

13. PART IV- MISCELLANEOUS

Part IV of the Bill deals with miscellaneous matters such as the use of a public address system in clause 13. Clause 14 requires an authorised officer to keep a public register of all notices received under the proposed Public Order Management Act.

14. Clause 15 empowers the Minister responsible for internal affairs to declare a particular area a gazetted area, where the Minister is of the opinion that it is the public's interest to declare the area a gazetted area. Clause 16 prohibits a person from entering the areas listed in Schedule 3 as restricted areas. The Minister may by statutory instrument with Cabinet approval amend Schedule 3.

15. Clause 17 gives the Minister power to make regulations for the better carrying into effect the provisions of the Act and prescribes the penalties to be imposed in those regulations. Clause 18 empowers the Minister with the approval of Cabinet to amend the Schedule which prescribes the value of a currency point.

16. SCHEDULES

Schedule 1 provides for the value of a currency point which is equivalent to twenty thousand shillings. Schedule 2 provides for the prescribed form for the notice of intention to hold a public meeting and Schedule 3 provides for the list of restricted areas.

A.M. KIRUNDA KIVEJINJA,
3rd Deputy Prime Minister/ Minister of Internal Affairs.

THE PUBLIC ORDER MANAGEMENT BILL, 2011

ARRANGEMENT OF CLAUSES

Clause

PART I—PRELIMINARY

1. Commencement
2. Interpretation
3. Principle of managing public order

PART II—REGULATION OF PUBLIC MEETINGS

4. Power of Inspector General of Police
5. Delegation of powers
6. Meaning of “public meeting”
7. Notice of public meeting
8. Notification by authorised officer

PART III—DUTIES AND RESPONSIBILITIES OF POLICE, ORGANISERS
AND PARTICIPANTS

9. Powers of authorised officer
10. Duties of the police
11. Use of firearms by a police officer
12. Responsibilities of organisers and participants

PART IV—MISCELLANEOUS

13. Use of public address system
14. Register
15. Gazetted areas
16. Restricted areas
17. Regulations
18. Power of Minister to amend Schedule 1

SCHEDULES

Schedule 1—Currency point

Schedule 2—Form

Schedule 3—Restricted areas

A Bill for an Act

ENTITLED

THE PUBLIC ORDER MANAGEMENT ACT, 2011

An Act to provide for the regulation of public meetings; to provide for the duties and responsibilities of police, organisers and participants in relation to public meetings; to prescribe measures for safeguarding public order; and for related matters.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY

1. Commencement

This Act shall come into force on a date appointed by the Minister by statutory instrument.

2. Interpretation

In this Act, unless the context otherwise requires—

“authorised officer” means the Inspector General of Police, the Commander of Kampala Metropolitan Police, a Regional Police Commander, a District Police Commander or other police officer authorised by the Inspector General of Police;

“currency point” has the value assigned to it in Schedule 1;

“gazetted area” means an area declared by a statutory instrument under section 15 (1);

“notice” means a notice given by an organiser of a public meeting to the Inspector General of Police under section 7;

“organiser” means a person, or his or her agent, in charge of calling the public meeting;

“political organisation” means any organisation which has among its objects any political purpose or which pursues a political purpose or any political organisation within the meaning of the Political Parties and Organisations Act, 2005;

“private premises” means premises which are not public places or any place for which the permission of the owner or custodian is required before access to the public is granted;

“public place” means—

- (a) a highway or any road within the meaning of the Traffic and Road Safety Act Cap. 361; and
- (b) a place which at the material time the public, or a section of the public has access, on payment of a fee or otherwise, as of right or by virtue of express or implied permission as defined under the Penal Code Act; and

“restricted area” means any area specified in section 16 of this Act.

3. Principle of managing public order

The underlying principle of managing public order is that it shall be done in partnership with—

- (a) the organisers and participants of public meetings;
- (b) the local authorities, owners and custodians of the venues of public meetings; and
- (c) the police.

PART II—REGULATION OF PUBLIC MEETINGS

4. Power of the Inspector General of Police

The Inspector General of Police shall have the power to direct the conduct of all public meetings subject to the law.

5. Delegation of powers

The Inspector General of Police may delegate his or her powers relating to the conduct of public meetings to an authorised officer.

6. Meaning of “public meeting”

(1) For purposes of this Act—

“public meeting” means a gathering, assembly, concourse, procession or demonstration of three or more persons in or on any public road as defined in the Traffic and Road Safety Act or other public place or premises wholly or partly open to the air—

- (a) at which the principles, policy, actions or failure of any government, political party or political organisation, whether or not that party or organisation is registered under any law, are discussed; or
- (b) held to form pressure groups to submit petitions to any person or to mobilise or demonstrate support for or opposition to the views, principles, policy, actions or omissions of any person or body of persons or institution, including any government administration or government institution.

(2) Notwithstanding any other provision of this Act, a public meeting does not include—

- (a) a meeting convened and held exclusively for a lawful purpose of any public body;

- (b) a meeting of members of any registered organisation, whether corporate or not, convened in accordance with the constitution of the organisation and held exclusively for a lawful purpose of that organisation;
- (c) a meeting of members of a trade union;
- (d) a meeting for a social, religious, cultural, charitable, educational, commercial or industrial purpose; and
- (e) a meeting of the organs of a political party or organisation, convened in accordance with the constitution of the party or organisation, and held exclusively to discuss the affairs of the party or organisation.

7. Notice of public meeting

(1) An organizer shall give notice in writing signed by the organiser or his or her agent to the Inspector General of Police of the intention to hold a public meeting, at least seven days but not more than fifteen days before the proposed date of the public meeting.

(2) The notice referred to in subsection (1) shall be in Form A in Schedule 2 and shall include—

- (a) the full name and physical and postal address of the organiser of the proposed public meeting and his or her immediate contact;
- (b) the proposed date and time of the public meeting, which shall be between 6:00 a. m. and 6:00 p. m.;
- (c) the proposed site of the public meeting, the estimated number of persons expected, the purpose of the public meeting, and any other relevant information; and

(3) The notice shall be accompanied by a letter of clearance from the proprietor of the venue or place where the meeting is proposed to take place giving approval of the place to be used for the public meeting.

(4) An organiser or his or her agent who holds a public meeting and fails to comply with the conditions under this Act commits an offence of disobedience of statutory duty and is liable on conviction to the penalty for that offence under section 116 of the Penal Code Act.

(5) A document certified by the Inspector General of Police specifying the terms, date and manner of service of a notice under this section shall be admissible as prima-facie evidence in any court proceedings.

8. Notification by authorised officer

(1) Upon receipt of a notice under section 7, where it is not possible to hold the proposed public meeting, for the reason that—

- (a) notice of another public meeting, on the date, at the time and at the venue proposed has already been received by the authorised officer; or
- (b) the venue is considered unsuitable for the purposes of crowd and traffic control or will interfere with other lawful business; or
- (c) for any other reasonable cause,

the authorised officer shall in writing within forty eight hours after receipt of the notice notify the organiser or his or her agent that it is not possible to hold the proposed public meeting and the notice shall be delivered to the organiser's address as stated in the notice of intention to hold the public meeting.

(2) Upon receipt of notification by the authorised officer, the organiser or his or her agent shall be invited to identify an alternative and acceptable venue or to reschedule the public meeting to another date or venue.

(3) Where the authorised officer notifies the organiser or his or her agent of a public meeting that it is not possible to hold the proposed public meeting on the date or venue proposed, the public meeting, shall not be held on that date or at the venue proposed.

(4) A person aggrieved by the decision of an authorised officer other than the Inspector General of Police under this section may, within fourteen days after receipt of the notice under subsection (1) appeal to the Inspector General of Police.

(5) A person aggrieved by the decision of the Inspector General of Police may, within thirty days appeal to the High Court.

PART III—DUTIES AND RESPONSIBILITIES OF POLICE, ORGANISERS
AND PARTICIPANTS

9. Powers of authorised officer

(1) Subject to the directions of the Inspector General of Police, an authorised officer or any other police officer of or above the rank of inspector, may stop or prevent the holding of a public meeting where—

- (a) the public meeting is held contrary to this Act; or
- (b) the public meeting is one which, having regard to the rights and interests of persons who participate in that public meeting, poses a clear, present or imminent danger of breach of the peace or public order.

(2) An authorised officer may, for the purposes of subsection (1), issue orders including an order for the dispersal of the public meeting, as are reasonable in the circumstances.

(3) An authorised officer shall, in issuing an order under subsection (2), have regard to the rights and freedoms of the persons in respect of whom the order has been issued and the rights and freedoms of other persons.

(4) A person who neglects or refuses to obey an order issued under this section commits the offence of disobedience of lawful orders and is liable on conviction to the penalty of that offence under section 117 of the Penal Code Act.

10. Duties of the police

(1) The police shall be responsible for preserving law and order during a public meeting.

(2) For the purposes of subsection (1), the police shall—

- (a) provide security for both the participants and other members of the public likely to be affected by the public meeting;
- (b) ensure fairness and equal treatment of all parties by giving consistent responses to organisers of public meetings, or their agents in similar circumstances;
- (c) carry out risk assessment on all factors before the public meeting, and notify the organiser or his or her agent accordingly;
- (d) identify an appropriate traffic plan to allow the flow of both vehicular and human traffic;
- (e) direct traffic and the routes to and from the event to prevent obstruction of pedestrian or vehicle traffic or any other lawful business;
- (f) disperse defiant or unruly crowds at a public meeting, where the police officer has reasonable grounds to believe that a breach of peace is likely to occur or if a breach of the peace has occurred or is occurring, in order to prevent violence, restore order and preserve the peace.

11. Use of firearms by a police officer

A police officer may not use a firearm against any person except—

- (a) in self defence against the imminent threat of death or injury;
- (b) in defence of others against the imminent threat of death or injury;

- (c) in preventing the perpetration of a particularly serious crime involving grave threat to life or serious injury;
- (d) in arresting a person presenting danger, and resisting the officer's authority;
- (e) preventing the escape of a suspect from lawful custody;
- (f) where a person, through force, rescues another from lawful custody;
- (g) where a person with the use of force—
 - (i) resists lawful arrest; or
 - (ii) prevents the lawful arrest of another person.

12. Responsibilities of organisers and participants

- (1) An organiser or his or her agent shall—
 - (a) be responsible for adhering to the required criteria for holding public meetings;
 - (b) inform all participants of the traffic or assembly plan and provide not less than one steward for every fifty demonstrators or participants in a public meeting;
 - (c) ensure that all participants are unarmed and peaceful;
 - (d) ensure that statements made to the media and public do not conflict with any law;
 - (e) ensure that the public meeting is concluded peacefully before 6:00 p.m.;
 - (g) be present at the public meeting and coordinate with the police to maintain peace and order; and
 - (h) undertake to compensate any party or person that may suffer loss or damage from any fall out of the public meeting.

(2) A person who participates in a public meeting shall act in a manner that ensures that obstruction of traffic, confusion or disorder is avoided.

PART IV—MISCELLANEOUS

13. Use of public address system

(1) Except with the written permission of the Inspector General of Police, an authorised officer, any other police officer of or above the rank of inspector, or an officer in charge of a police station, a person shall not, in a public place or so as to be a public nuisance, use a megaphone, loudspeaker, loud hailer, public address apparatus or any other means, whether artificial or not, for amplifying, broadcasting or reproducing any music or speech or any other sound.

(2) For the purposes of this section, a “public place” includes a highway, public park or garden, public bridge, road, lane, footway, square, court, alley or passage whether a thoroughfare or not and any open space to which, for the time being, the public have or are permitted to have access by payment or otherwise.

14. Register

An authorised officer shall keep a public register of all notices received under this Act, and the register shall be open for inspection by any person during working hours.

15. Gazetted areas

(1) Where the Minister is of the opinion that it is desirable in the interests of public tranquility, the Minister may, by statutory instrument declare that in any particular area in Uganda referred to as a gazetted area, it is unlawful for any person or persons to convene a public meeting at which it is reasonable to suppose that more than twenty-five persons will be present unless a permit has been obtained by the person or persons concerned.

(2) A statutory instrument made under subsection (1) shall not remain in force for more than one year after it is published in the Gazette unless it is renewed by a further statutory instrument.

(3) Where a statutory instrument made under subsection (1) is renewed for a period exceeding one year, it shall be laid before Parliament for approval by resolution.

(4) In every instrument made under subsection (1), the Minister shall, in consultation with the Inspector General of Police, name an authorised person empowered to issue permits authorising the holding of a public meeting of more than twenty-five persons and it shall be within the discretion of that person to either withhold a permit or to issue a permit subject to conditions as to—

- (a) a place where the public meeting may be held;
- (b) the number of persons who shall be permitted to attend the public meeting; and
- (c) the time or duration of the public meeting.

(5) Where an authorised officer satisfies a chief magistrate or a magistrate Grade 1 that it is the intention of a person or persons to convene an unlawful public meeting at which more than twenty-five persons are likely to be present, the magistrate may summon that person or those persons before him or her, and after hearing that person or those persons may, where he or she considers it fit, make an order that the person or persons shall not convene or attend any public meeting in a gazetted area for a stated period that shall not exceed one month, unless a permit is obtained under subsection (4) for convening a public meeting.

(6) Where an authorised officer is of the opinion that—

- (a) in the case of a public meeting in a gazetted area for which no permit has been obtained there are more than twenty-five persons present; or
- (b) in the case of a public meeting in a gazetted area for which a permit has been obtained there are more persons than are permitted by the permit or any other conditions of the permit are not being complied with,

he or she may order the public meeting to disperse if he or she is reasonably satisfied that there is no alternative to doing so in order to comply with the law.

(7) A person who addresses a public meeting after an authorised officer has ordered it to disperse other than to inform the persons present that the public meeting is concluded commits an offence and is liable on conviction to a fine not exceeding fifty currency points or imprisonment not exceeding three months or both.

(8) In any proceedings under subsection (7), the evidence of the authorised officer who ordered the public meeting which is the subject of the proceedings to disperse shall be *prima-facie* evidence as to the number of persons present at the public meeting.

(9) Nothing in this section applies to a public meeting held wholly inside a building or convened in good faith—

- (a) for religious observance;
- (b) by the Government or administration of a district;
- (c) primarily for sports purposes; or
- (d) for any other social event including a funeral, wedding or party.

16. Restricted areas

(1) A person shall not enter any of the places specified in Schedule 3 unless he or she has obtained permission from an authorised officer.

(2) The Minister may by statutory instrument made with the approval of Cabinet amend Schedule 3.

17. Regulations

(1) The Minister may, by statutory instrument, make regulations generally for the better carrying into effect of the provisions or purposes of this Act.

(2) The Minister may in any regulations made under this Act, prescribe for a contravention of the regulations, a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both and in case of a continuing offence, prescribe an additional fine not exceeding ten currency points for each day on which the offence continues.

(3) The Minister may also, in addition to any penalty prescribed under subsection (2), prescribe a requirement that anything used in the commission of an offence be forfeited to the State.

18. Power of Minister to amend Schedule 1

The Minister may by statutory instrument with the approval of Cabinet amend Schedule 1.

SCHEDULE 1

Section 2, 18

A currency point is equivalent to twenty thousand shillings.

SCHEDULE 2

FORM A

Section 7

THE PUBLIC ORDER MANAGEMENT ACT, 2010

NOTICE OF INTENTION TO HOLD A PUBLIC MEETING

(To be filled in triplicate)

To: The Inspector General of Police.

I/We hereby give notice to the Inspector General of Police of the intention to hold a public meeting.

1/ Particulars of organisers

Name:
Physical address:
Postal address:
Occupation:
Age:
Nationality:.....

- 2. Proposed venue of public meeting (give full details).....
3. Date of public meeting:
4. Time of commencement of public meeting:
5. Duration of public meeting:
6. Estimated number of persons expected:
7. Purpose of public meeting:
8. Other relevant information:

NB: This notice should be received by the Inspector General at least seven days before the date of the public meeting.

Signature(s) of Organiser(s)
or agent

Date

For Official Use Only

9. Particulars of Receiving Officer

Name and rank

Office held

Signature

Date and time received

.....

Stamp

10. (a) The grounds are free for the public meeting

(b) The grounds are not free for the public meeting

(c) The public meeting cannot take place because (State reasons)

.....
.....
.....
.....

.....

Inspector General

.....

Date

SCHEDULE 3

Section 16

RESTRICTED AREAS

- 1 Parliament and its precincts
- 2 State House Entebbe
- 3 State Lodges countrywide
- 4 International airports
- 5 Courts of Judicature

Cross References

Penal Code Act, Cap. 120

Political Parties and Organisation Act, 2005

Traffic and Road Safety Act, 1998