

ACTS SUPPLEMENT

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Act 9 *Public Order Management Act* **2013**

THE PUBLIC ORDER MANAGEMENT ACT, 2013

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THE PUBLIC ORDER MANAGEMENT ACT, 2013

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

DATE OF ASSENT: 2nd October, 2013.

Date of Commencement: See section 1.

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. Principle of managing public order.

(1) The underlying principle of managing public order is to regulate the exercise of the freedom to assemble and to demonstrate together with others peacefully and unarmed and to petition in accordance with Articles 29(1)d and 43 of the Constitution.

(2) For purposes of this section the word, “regulate” means to ensure that conduct or behavior conforms to the requirements of the Constitution.

PART II—REGULATION OF PUBLIC MEETINGS

3. Power of the Inspector General of Police or authorised officer.

The Inspector General of Police or an authorised officer shall have the power to regulate the conduct of all public meetings in accordance with the law.

4. Meaning of “public meeting”.

(1) For purposes of this Act—

“public meeting” means a gathering, assembly, procession or demonstration in a public place or premises held for the purposes of discussing, acting upon, petitioning or expressing views on a matter of public interest.

(2) 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.

(3) For the avoidance of doubt, a public meeting convened by a group, body or leader in a group or body at—

- (a) the ordinary place of business of that body, group or leader;
or
- (b) any other place, which is not a public place, in the course of lawful business of the group, body or leader,

is not a public meeting under this section, unless that meeting spills over into a public place.

(4) For the purpose of subsection (2), a public body includes Government or any department of Government, a local government, a body established by the Constitution or an Act of Parliament, a registered political party or political organisation or a registered trade union.

5. Notice of public meeting.

(1) An organizer shall give notice in writing signed by the organiser or his or her agent to the authorised officer of the intention to hold a public meeting, at least three 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) where applicable indication of the consent of the owner of the venue where the proposed public meeting is intended to take place;
- (c) the proposed date and time of the public meeting, which shall be between 7:00 a. m. and 7:00 p. m. but this time limit shall not apply to a town hall meeting;

(d) the proposed site of the public meeting, the estimated number of persons expected, the purpose of the public meeting; and

(e) any other relevant information.

(3) In the absence of Form A referred to in subsection (2), the organizer shall give notice in writing containing the information required under Form A.

(4) The notice to be given under this section shall be in triplicate and copies shall be given to the applicant and the proprietor of the venue where the public meeting shall be held.

(5) Where a public meeting is held, each of the persons organising it commits an offence if—

(a) the requirements of this section as to notice have not been satisfied; or

(b) the date when it is held, the time when it starts, or its route, differs from the date, time or route specified in the notice.

(6) It is a defence for the accused to prove that he or she did not know, did not suspect or had no reason to suspect the failure to satisfy the requirements or the difference of date, time or route.

(7) To the extent that an alleged offence turns on a difference of date, time or route, it is a defence for the accused to prove that the difference arose from circumstances beyond his control or from something done with the agreement of an authorised officer or by his direction.

(8) An organiser or his or her agent who holds a public meeting without any reasonable excuse 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.

6. Notification by authorised officer.

(1) ‘Upon receipt of a notice under Section 5, where it is not possible to hold the proposed public meeting for reasons that—

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

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 a 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 that it is not possible to hold a 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 the authorized officer under this section may, within 14 days after receipt of the notice under subsection (1), appeal to a magistrate’s court in which jurisdiction the meeting was scheduled to take place.

7. Spontaneous public meeting.

(1) The notification required under section 5 shall not apply to a spontaneous public meeting.

(2) An authorised officer may direct any person participating in a procession meeting to disperse where—

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

(3) For purposes of this section, “spontaneous public meeting” means an unplanned, unscheduled or unintended public meeting.

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

8. 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 the public meeting is held contrary to this Act.

(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 for that offence under section 117 of the Penal Code Act.

9. Duties of the police.

(1) The police shall be responsible for preserving law and order before, during and after 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 vehicle 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 or individuals at a public meeting in order to prevent violence, restore order and preserve the peace.

10. 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 sufficient stewards proportionate to the number of participants in the public meeting who shall be clearly identified with name tags;

- (c) coordinate and cooperate with the police to ensure that all participants are unarmed and peaceful;
- (d) ensure that statements made to the media and public by the organiser do not conflict with any law;
- (e) ensure that the public meeting is concluded peacefully by 7:00 p.m;
- (f) be present at the public meeting and coordinate and cooperate with the police to maintain peace and order.

(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.

(3) A person who contravenes this section commits an offence and is liable on conviction to a fine not exceeding 24 currency points or imprisonment not exceeding 12 months or both.

(4) A person convicted of an offence under subsection (3) shall pay compensation to a party or person who has suffered loss or damage as a result of the conduct of the convicted person.

PART IV—MISCELLANEOUS

11. 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.

12. Gazetted areas.

(1) Where the Minister is of the opinion that it is desirable in the interests of public order, 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.

(2) A statutory instrument made under subsection(1) shall, before taking effect, be laid before Parliament for approval.

13. 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 Parliament, amend Schedule 3.

(3) A person who contravenes this section commits an offence and is liable, on conviction, to imprisonment for a term not exceeding two years or to a fine not exceeding forty eight currency points or to both.

14. 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, in addition to any penalty prescribed under subsection (2), prescribe a requirement that anything used in the commission of an offence shall be forfeited to the State.

(4) Regulations made under this section shall, before taking effect, be laid before Parliament for approval.

15. Power of Minister to amend Schedule 1.

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

SCHEDULE 1

Section 15

A currency point is equivalent to twenty thousand shillings.

SCHEDULE 2

FORM A

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:
- Immediate contact:
- 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. Did the organizer obtain consent of the owner of the venue?
(yes/no/not applicable)
- 9 Other relevant information:
-
-

NB: This notice should be received by the Inspector General at least three and not more than fifteen days before the date of the public meeting.

.....
Signature(s) of Organiser(s)
or agent

.....
Date

For Official Use Only

10. Particulars of Receiving Officer

Name and rank

Office held

Signature

Date and time received

.....

Stamp

11. (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 13

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