

REPUBLIC OF ZAMBIA

THE PUBLIC ORDER ACT

CHAPTER 113 OF THE LAWS OF ZAMBIA

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THE PUBLIC ORDER ACT

ARRANGEMENT OF SECTIONS

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CHAPTER 113

PUBLIC ORDER

An Act to prohibit the wearing of uniforms in connection with political objects and the maintenance by private persons of associations of military or similar character; and to make further provision for the preservation of public order.

[19th August, 1955]

38 of 1955
17 of 1956
10 of 1959
28 of 1959
51 of 1960
19 of 1965
69 of 1965
10 of 1967
25 of 1969
51 of 1970
24 of 1977
28 of 1985
13 of 1994
36 of 1996
Government Notices
230 of 1964
497 of 1964
Statutory Instruments
8 of 1965
66 of 1965

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

Short title

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

Interpretation

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

"public meeting" includes any meeting in a public place and any meeting (whether or not in a building) which the public or any section thereof are permitted to attend, whether on payment or otherwise;

"public place" includes any highway, market place, square, road, street, bridge or other way which is lawfully used by the public, and any place, including a building, to which the public are for the time being entitled or permitted to have access either without any condition or upon the condition of making any payment;

"public procession" means a procession in a public place;

"uniform" includes any article of clothing.

(As amended by No. 10 of 1959, G.N. No. 230 of 1964, S.I. No. 66 of 1965, No. 25 of 1969 and No. 51 of 1970)

3. (1) Subject as hereinafter provided, any person who in any public place or at any public meeting wears any uniform or displays any flag signifying his association with any political organisation or with the promotion of any political object shall be guilty of an offence:

Prohibition of uniforms and flags in connection with political objects

Provided that-

- (i) if an officer-in-charge of police or, in any place where there is no such officer, an administrative officer, is satisfied that the wearing of any such uniform as aforesaid on any ceremonial, anniversary, or other special occasion will not be likely to involve risk of public disorder, he may, by order in writing under his hand, permit the wearing of such uniform or any other uniform, in substitution therefor on that occasion, either absolutely or subject to such conditions as may be specified in the order;
- (ii) a person shall not be guilty of the offence of wearing a uniform in a public place otherwise than at a procession or a public meeting unless he is at the time acting or purporting to act on behalf of a political organisation or in furtherance of a political object or is manifesting his adherence to a political organisation.

(2) Where any person is charged before any court with an offence against this section, no further proceedings in respect thereof shall be taken against him without the consent of the Director of Public Prosecutions except such as the court may think necessary by remand, whether in custody or on bail, or otherwise to secure the due appearance of the person charged, so, however, that if that person is remanded in custody he shall, after the expiration of a period of twenty-one days from the date on which he was first remanded, be entitled to be discharged from custody on entering into a recognizance without sureties, unless within that period the Director of Public Prosecutions has consented to such further proceedings as aforesaid.

(3) The court before which any person is convicted for an offence under this section may direct that the uniform or flag in respect of which the offence has been committed shall be forfeited or destroyed.

(As amended by S.I. No. 66 of 1965)

4. (1) If the members or adherents of any association of persons are-

Prohibition of quasi-military organisations

- (a) organised or trained or equipped for the purpose of enabling them to be employed in such a manner that such employment usurps or tends or appears to usurp the functions of the police or of the Defence Force; or

- (b) organised and trained or organised and equipped either for the purpose of enabling them to be employed for the use or display of physical force in promoting any political object, or in such manner as to arouse reasonable apprehension that they are organised and either trained or equipped for that purpose;

then any person who takes part in the control or management of the association, or in so organising or training as aforesaid any members or adherents thereof, shall be guilty of an offence against this section:

Provided that, in any proceedings against a person charged with the offence of taking part in the control or management of such an association as aforesaid, it shall be a defence to that charge for him to prove that he neither consented to nor connived at the organisation, training or equipment of members or adherents of the association in contravention of the provisions of this section.

(2) No prosecution shall be instituted under this section without the consent of the Director of Public Prosecutions.

(3) If, upon application being made by the Director of Public Prosecutions, it appears to the High Court that any association is an association of which members or adherents are organised, trained or equipped in contravention of the provisions of this section, the Court may make such order as appears necessary to prevent any disposition, without the leave of the Court, of property held by or for the association, and in accordance with rules of court, which the Chief Justice is hereby empowered to make, may direct an inquiry and report to be made as to any such property as aforesaid and as to the affairs of the association, and may make such further orders as appear to the Court to be just and equitable for the application of such property-

- (a) in or towards the discharge of the liabilities of the association lawfully incurred before the date of the application or since that date with the approval of the Court;
- (b) in or towards the repayment of moneys to persons who became subscribers or contributors to the association in good faith and without knowledge of any such contravention as aforesaid;
- (c) in or towards any costs incurred in connection with any such inquiry and report as aforesaid or in winding up or dissolving the association;

and may order that any property which is not directed by the Court to be so applied as aforesaid shall be forfeited.

(4) In any criminal or civil proceedings under this section, proof of things done or of words written, spoken or published, whether or not in the presence of any party to the proceedings, by any person taking part in the control or management of an association or in organising, training or equipping members or adherents of an association shall be admissible as evidence of the purposes for which, or the manner in which, members or adherents of the association, whether those persons or others, were organised, or trained or equipped.

(5) If a Judge or a subordinate court of the first class is satisfied by information on oath that there is reasonable ground for suspecting that an offence against this section has been committed, and that evidence of the commission thereof is to be found at any premises or place specified in the information, he may, on an application made by a police officer, of or above the rank of Assistant Superintendent, grant a search warrant authorising any such officer named in the warrant together with any other persons specified in the warrant and any other police officers to enter the premises or place at any time within one month from the date of the warrant, if necessary by force, and to search the premises or place and every person found therein, and to seize anything found on the premises or place or on any such person which the officer has reasonable ground for suspecting to be evidence of the commission of such an offence as aforesaid:

Provided that no woman shall, in pursuance to a warrant issued under the provisions of this subsection, be searched except by a woman.

(As amended by S.I. No. 66 of 1965)

5. (1) The Inspector-General of Police may, by Gazette notice, appoint by name or office any police officer of or above the rank of Sub Inspector to be the regulating officer for the purposes of this section in respect of such area as the Inspector General may, by the same or any other *Gazette* notice, define.

Regulation of assemblies, public meetings and processions

(2) In any area in respect of which no police officer has been appointed to be the regulating officer under the provisions of subsection (1), the District Secretary of the District in which such area is situated shall be the regulating officer for the purposes of this section:

Provided that in the absence of such District Secretary from his headquarters the senior Assistant District Secretary present at such headquarters may exercise the powers conferred upon a regulating officer by subsections (3) and (4).

(3) Any regulating officer may issue directions for the purpose of-

- (a) regulating the extent to which music may be played on public roads and streets within his area on the occasion of festivities or ceremonies; or
- (b) directing the conduct of assemblies and processions in any public place within his area, and the route by which and the times at which any procession may pass.

(4) Every person who intends to assemble or convene a public meeting, procession or demonstration shall give police at least seven days notice of that person's intention to assemble or convene such a meeting, procession or demonstration.

(5) Without prejudice to the generality of the provisions of the preceding subsection, the conditions which may be imposed under the provisions of the said subsection may relate to all or any of the following matters:

- (a) the date upon which and the place and time at which the assembly, public meeting or procession is authorised to take place;
- (b) the maximum duration of the assembly, public meeting or procession;
- (c) in the case of an assembly or public meeting the persons who may or may not be permitted to address such assembly or public meeting and the matters which may not be discussed at such assembly or public meeting;
- (d) the granting of adequate facilities for the recording of the proceedings of such assembly or 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 the assembly or public meeting to provide equipment; and

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

(6) The provisions of subsections (4) and (5) shall not apply to any public meeting convened by or at the request of and intended to be addressed by the President, the Vice-President or any Minister or Junior Minister or the Speaker or Deputy Speaker of the National Assembly.

(7) Where in any proceedings against a person for an offence against section seven it is necessary so to prove, the burden of proving that the said public meeting was convened by or at the request of and was intended to be addressed by the President or the Vice-President or any Minister or Junior Minister or the Speaker or Deputy Speaker of the National Assembly shall lie on the accused.

(8) Any police officer, magistrate or any District Messenger may stop any procession for which no permit has been issued under this section or which, if such a permit has been issued, contravenes or fails to comply with any conditions specified therein, and may order any such procession or any assembly or public meeting for which a permit is required and 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 be 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 condition of such permit, or which contravenes or fails to comply with the provisions of subsection (1) of section nine, to disperse.

(No. 10 of 1959 as amended by No. 28 of 1959, No. 51 of 1960, No. 19 of 1965, S.I. No. 8 of 1965, No. 69 of 1965, No. 10 of 1967, No. 51 of 1970, No. 24 of 1977, No. 28 of 1985 and 36 of 1996)

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6. Any person who knowingly-

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

Penalty for disobeying a direction or violating conditions of permit issued under section 5

shall be guilty of an offence and may be arrested without warrant.

(No. 10 of 1959)

7. Any assembly, meeting or procession-

- (a) for which a permit is required under subsection (4) of section *five* and which takes place without the issue of such permit; or
- (b) in which three or more persons taking part neglect or refuse to obey any direction or order given under subsection (3) or (7) of section *five*;

Unauthorised assemblies

shall be deemed to be an unauthorised assembly, and all persons taking part in such assembly, meeting or procession and, in the case of an assembly, meeting or procession for which no permit has been issued, all persons taking part in convening, calling or directing such assembly, meeting or procession may be arrested without a warrant and shall on conviction be liable to a fine not exceeding one thousand five hundred penalty units or to imprisonment for a period not exceeding six months, or to both.

(No. 10 of 1959 as amended by No. 10 of 1967 and Act No. 13 of 1994)

8. (1) The Minister may in his discretion exempt by order in writing any religious organisation from all or any of the provisions of sections *five*, *seven* and *nine*.

Exemptions

(2) Any exemption given under the provisions of subsection (1) may be applied by the Minister either to the religious organisation generally in Zambia or to individual branches of such religious organisation operating within Zambia.

(3) Any exemption given under the provisions of this section may be made subject to such conditions as the Minister may impose and may at any time be varied or revoked by the Minister by order in writing.

(No. 10 of 1959 as amended by G.N. No. 230 of 1964, S.I. No. 66 of 1965 and No. 10 of 1967)

9. (1) The official national anthem shall be played or sung at the commencement of the business of every public meeting.

National anthem to be played at public meetings

(2) Any person, who convenes, presides at, conducts or addresses any public meeting at which the official national anthem has not been played or sung pursuant to subsection (1) shall be guilty of an offence.

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(3) For the purposes of this section, "at the commencement of business" means the time when such public meeting is called to order, or declared open, as the case may be.

(No. 10 of 1967)

10. (1) Any person who, while present at any public meeting or on the occasion of any public procession, has with him any lethal weapon, otherwise than in pursuance of lawful authority, shall be guilty of an offence.

Prohibition of weapons at public meetings and processions

(2) For the purposes of this section, a person shall not be deemed to be acting in pursuance of lawful authority unless he is acting in his capacity as a public officer, or as a special constable, or as a member of a fire brigade.

(As amended by S.I. No. 66 of 1965)

11. Any person who in any public place or at any public meeting uses threatening, abusive or insulting words with intent to provoke a breach of the peace or whereby a breach of the peace is likely to be occasioned, shall be guilty of an offence.

Prohibition of offensive conduct conducive to breaches of peace

12. (1) If at any time the Minister is of opinion that, by reason of particular circumstances existing in Zambia or in any part thereof, the powers conferred by 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 Zambia or any part thereof, he may, by statutory order published in the *Gazette* and in such other 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 Zambia 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.

Powers for preservation of public order in respect of public meetings and processions

(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 an 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.

(As amended by G.N. No. 230 of 1964 and S.I. No. 66 of 1965)

13. (1) Any person who utters any words or does any act or thing whatever with intent to excite enmity between tribe and tribe or between one or more sections of the community on the one hand, and any other section or sections of the community on the other hand, or with intent to encourage any person or persons to do any act or acts or to omit to do any act or acts so as to defeat the purpose or intention of any law in force in Zambia or in any part thereof, shall be guilty of an offence.

Penalty for making statements or doing acts intended to promote hostility between sections of community

(2) The Minister may order that during a period specified in the order a person convicted under subsection (1) shall not enter or be in any area specified in the order or shall not enter or be in any place outside any area specified in such order.

(3) Any person acting in contravention of any order made in terms of subsection (2) shall be guilty of an offence against this section and may be removed by warrant under the hand of the Minister from the place where such order prohibits him from being.

(As amended by S.I. No. 66 of 1965)

14. Any person who wilfully and maliciously advises, encourages, incites, commands, aids or procures any other person to break any contract of a kind specified in section *fifty-two* or *fifty-three* of the Industrial and Labour Relations Act when the probable consequences of the breach would be of a nature specified in those sections, shall be guilty of an offence.

Penalty for inciting to strike in certain circumstances.
Cap. 269

(As amended by No. 17 of 1956)

15. (1) Any person who commits an offence against section *four* shall be liable on summary conviction to imprisonment for six months or to a fine of three thousand penalty units or to both such imprisonment and fine, or, on conviction by the High Court, to imprisonment for two years or to a fine of fifteen thousand penalty units, or to both.

Enforcement

(2) Any person guilty of any offence against the provisions of this Act in respect of which no other penalty has been provided shall be liable to imprisonment for three months or to a fine of one thousand five hundred penalty units, or to both.

(3) A police officer may without warrant arrest any person reasonably suspected by him to be committing an offence against section *three*, *ten*, *eleven* or *twelve*.

(As amended by No. 10 of 1959 and Act No. 13 of 1994)

SUBSIDIARY LEGISLATION

PUBLIC ORDER

SECTION 8-THE RELIGIOUS ORGANISATIONS (EXEMPTIONS) ORDER

Order by the Minister

Statutory Instruments
448 of 1967
330 of 1968

The Laws of Zambia

1. This Order may be cited as the Religious Organisations (Exemptions) Order. Title

2. Religious organisations mentioned in the Schedule shall be exempted from all the provisions of sections *five*, *seven* and *nine* of the Act, subject to the following condition: Exemption of religious organisations

This exemption is valid in respect of meetings and assemblies of a purely religious nature.

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SCHEDULE

(Paragraph 2)

African Evangelical Fellowship
African Reformed Church
Anglican Diocese of Zambia
The Apostolic Church in Zambia
Apostolic Faith Born Again Church
Christian Missions in Many Lands
The Evangelical Church in Zambia
The Full Gospel Church of God in the Republic of Zambia
Pilgrim Holiness Church
The United Church of Zambia
Pentecostal Assemblies of God Church
The Roman Catholic Church

(As amended by No. 330 of 1968)