

CHAPTER 22:02
PUBLIC ORDER
ARRANGEMENT OF SECTIONS

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Act 6, 1967,
Act 33, 1967,
Act 22, 1978.

An Act to regulate and control public meetings and public processions.

[Date of Commencement: 28th April, 1967]

1. Short title

This Act may be cited as the Public Order Act.

2. Interpretation

In this Act, unless the context otherwise requires-

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

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

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

"**public procession**" or "**procession**" means a procession in, through, across or along a public place;

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

3. Powers for the preservation of public order on the occasion of public meetings and public processions

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

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

4. Regulation of certain public meetings and public processions

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

(2) For the purposes of this section, the regulating officer for any controlled area shall be such person as the Minister may specify in the order published pursuant to subsection (1).

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

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

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

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

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

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

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

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

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

5. Penalty for disobeying a direction or violating the conditions of a permit

Any person who knowingly-

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

shall be guilty of an offence and liable to a fine not exceeding P100 or to imprisonment for a term not exceeding six months, or to both.

6. When public meetings and public processions are unlawful

Any public meeting or public procession within a controlled area-

- (a) which takes place without a permit issued under section 4(3); or
- (b) in which three or more persons taking part neglect or refuse to obey any order given under section 4(6),

shall be unlawful, and all persons taking part in such public meeting or public procession and in the case of a public meeting or public procession for which no permit has been issued, all persons taking part in convening or directing such public meeting or public procession shall be guilty of an offence and liable to a fine not exceeding P100 or to imprisonment for a term not exceeding six months, or to both.

7. Exemptions

(1) Unless the Minister, by order published in the *Gazette*, directs otherwise, the provisions of sections 4, 5 and 6 shall not apply-

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

(2) The provisions of sections 4, 5 and 6 shall not apply to any public meeting convened-

- (a) by or on behalf of a candidate for election in any Parliamentary or city, town or district council election after the issue of the writ of election; or
- (b) by a representative of the Government.

8. Powers for the preservation of public order in respect of public meetings and processions

(1) If at any time the Minister is of opinion that, by reason of particular circumstances existing in Botswana or in any part thereof, the powers conferred by this or any other written law will not be sufficient to enable the police to prevent serious public disorder being occasioned by the holding of public processions or public meetings in Botswana or any part thereof, he may by order published in the *Gazette* and in such 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 Botswana or any part thereof of all public processions or public meetings, or of any class of public processions or public meetings specified in the order, for such period not exceeding three months as may be so specified.

(2) An order made under subsection (1) shall have effect from the time when it is first published in any manner authorized by 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) organizes or assists in organizing any public procession or public meeting held or intended to be held in contravention of any order made under this section; or
- (b) takes part in or attends, or incites any other person to take part in or attend, any such procession or meeting,

shall be guilty of an offence and liable to a fine not exceeding P200 or to imprisonment for a term not exceeding 12 months, or to both.

(4) A police officer may, without warrant, arrest any person reasonably suspected by him

to be committing an offence against this section.