

**ACT**

**of 5 July 1990**

**Law on Assemblies**

**Chapter 1**

**General Provisions**

**Art. 1**

1. Each person may enjoy the freedom of peaceful assembly.
2. An assembly is a gathering of at least 15 people, convened in order to confer over an issue or with an aim to express jointly their position.

**Art. 2.**

Freedom of assembly may only be subject to limitations that are provided by law and necessary for the protection of security of State or public order, public health or morals, or the rights and freedoms of other people, and also for the protection of the Monuments of Extermination in the meaning of the Law of 7 May 1999 r. on the protection of sites of the former Nazi extermination camps (Journal of Laws [JoL] No. 41, item 412).

**Art. 3.**

1. The right to organise assemblies is granted to persons with full capacity to legal acts, to legal persons, other organisations, as well as groups of persons.
2. Persons carrying firearms, explosive materials or other dangerous devices shall be prohibited from participation in assemblies.

**Art. 4.**

The provisions of this Act do not apply to assemblies:

- 1) that are organised by State or local government authorities,
- 2) that are held within the activities of the Catholic Church, other Churches, and religious unions.

**Chapter 2**

**Procedure in cases pertaining to assemblies**

**Art. 5.**

1. The procedure in cases pertaining to assemblies is a commissioned function of commune authorities.
2. The authority competent *ratione loci* to examine appeals against decisions issued in cases referred to in point 1 above is the Voivode.

**Art. 6.**

1. Assemblies organised in the open in areas accessible to unspecified individuals, hereinafter referred to as "public assemblies", must be reported in advance to the commune authority with competence *ratione loci* for the site of the assembly.

2. If the assembly is to be held in the neighbourhood of a diplomatic representation/mission, consular offices, special missions, or international organisations, which are covered by diplomatic immunities and privileges, the commune authority is obliged to notify the responsible Police commander and Ministry of Foreign Affairs.

3. The commune council may specify areas where organisation of an assembly does not require notification.

#### **Art. 7.**

1. The organiser of a public assembly shall notify the commune authorities so that the notification is delivered no later than 3 but no earlier than 30 days before the planned date of the assembly.

2. The notification should contain the following data:

1) the name, first name, birth date and address of the organiser as well as the name and address of the legal person or other type of organisation, if the organiser is acting on its behalf

2) the purpose, agenda, and language, in which participants of the assembly will communicate

3) the place and date, starting hour, planned duration, expected number of participants and planned itinerary, if the agenda provides for a change of location during the assembly

4) a description of the measures the organiser plans to employ towards securing a peaceful course of the assembly, and of measures, which the organiser requests from the commune authority

#### **Art. 8.**

The commune authority shall prohibit a public assembly, if:

1) the purpose or fact of holding of that assembly is against this Act or violates the provisions of penal law

2) the holding of that assembly may pose a threat to the life or health of individuals or to property of considerable value

#### **Art. 9.**

1. The decision prohibiting a public assembly should be delivered to the organiser within 3 days of the notification date, but no later than 24 hours before the planned starting date of the assembly.

2. An appeal should be lodged within 3 days of the date of delivery of the decision.

3. The lodging of appeal does not stop the execution of the decision.

4. The decision resulting from examination of an appeal should be delivered to the organiser within 3 days of the date of delivery of the appeal.

#### **Art. 10.**

1. Each public assembly should have a leader who opens the assembly, presides over its course, and dismisses the assembly.

2. The leader shall be the organiser of the assembly, unless the organiser puts another person in charge of the assembly, or participants of the assembly appoint another person leader of that assembly with the organiser's consent.

3. The leader of the assembly shall be responsible for its lawful progress, and shall take measures provided by law to this aim.

4. The leader may demand that a person, whose conduct violates provisions of the law or who hinders or frustrates the assembly, leave the site of the assembly. If the person fails to conform to the demand, the leader may call the police or municipal guards for assistance.

5. If the participants of an assembly fail to subordinate to the leader's orders given within performance of his/her duties, or the progress of the assembly is against this Act or violates the provisions of penal law, the leader shall disband the assembly.

6. Once the assembly is disbanded or dismissed, its participants shall be obliged to leave the site of the assembly without unjustified delay.

#### **Art. 11.**

1. The commune authority may delegate its representatives to an assembly.

2. When so requested by the organiser, the commune authority shall, to the extent required and possible, secure police protection under provisions of the Act of 6 April 1990 on the Police (JoL No. 30, item 179) to see to a proper progress of the assembly, and may delegate its representative to attend the assembly.

3. Upon arriving at the site of the assembly, the delegated representatives of the commune authority shall be obliged to produce their authorisation to the leader of the assembly.

#### **Art. 12.**

1. An assembly may be disbanded by the representative of the commune authority, if the progress of that assembly poses a threat to the life or health of individuals or to property of considerable value, or violates the provisions of this Act or of penal law, and the leader refuses to disband the assembly even though he/she has been warned that this step is necessary.

2. The disbandment of an assembly under point 1 above shall be effected by an oral decision preceded by three consecutive addresses to the participants, warning about the possibility of disbandment, and then communicated to the leader of the assembly; the decision is immediately enforceable. The decision in writing shall be delivered to the organiser within 24 hours of the moment of its taking.

3. The organiser and any participant of the assembly may appeal against the decision disbanding that assembly within 3 days of the date of such disbandment, provisions of Art. 9.4 apply accordingly.

#### **Art. 13.**

Complaints against decisions pertaining to assemblies shall be filed directly to the Supreme Administrative Court within 3 days of the date of delivery of the decision concerned; unless hindered from doing so by formal obstacles, the Court shall appoint the date of the hearing no later than within 7 days of the date of filing the complaint.

### **Chapter 3**

#### **Changes of valid provisions; transitional and definitive provisions**

#### **Art. 14.**

In the Transgressions Code, Art. 52 § 1 is rewritten as follows:

§ 1. Whoever:

1) disturbs or attempts to disturb the organisation or progress of an assembly that has not been prohibited

2) convenes an assembly without the required notification, or presides over such assembly or over a prohibited assembly

3) presides over an assembly after its disbandment by its leader or a representative of the commune authority

4) illegally occupies or refuses to leave a site that is lawfully controlled by another person or organisation acting as the organiser or leader of an assembly

5) participates in an assembly while carrying firearms, explosives or other dangerous devices

- shall be liable to the penalty of detention for up to two weeks, limitation of liberty for up to two months, or fine

**Art. 15.**

In the Act of 17 May 1989 on the attitude of State to the Catholic Church in People's Republic of Poland (JoL No. 29, item 154), the following changes are introduced:

1) the title of the Act is rewritten as follows:

"on the attitude of State to the Catholic Church in Republic of Poland"

2) Art. 15.2 is rewritten as follows:

2. The practising of worship in public is not subject to notification, if it takes places:

1) in churches, chapels, church buildings and on church-owned land, or on other premises used for religious instruction or as the premises of church organisations

2) in other locations, with the exclusion of public roads and squares and of public utility premises, the public practising of worship on public roads, squares and in public utility premises shall be agreed with the competent authority managing or controlling such areas

3) in Art. 34.5, the wording "in state-owned buildings" shall be replaced with the wording "on public utility premises"

**Art. 16.**

In the Act of 17 May 1989 on the guaranties of the freedom of conscience and religion (JoL No. 29, item 155), Art. 29.1, the wording "in state-owned buildings" shall be replaced with the wording "on public utility premises"

**Art. 17.**

The provisions of this Act shall apply also to cases falling under this Act that are still pending on the day of its entering into force.

**Art. 18.**

The Act of 29 March 1962 on assemblies (JoL No. 20, item 89, z 1971 r. No. 12, item 115, of 1982 No. 14, item 113, of 1985 No. 36, item 167 and of 1989 No. 20, item 104 and No. 29, item 154) is hereby rendered invalid.

**Art. 19.**

This Act shall enter into force on the day of its promulgation.