

LAW

of 9 October 2012

**on amending the law - Law on Assemblies**

**Art. 1** In the Law from 5 July 1990 – Law on Assemblies (Journal of Laws No 51, item 297, with further amendments) the following amendments are introduced:

1) in art. 3, para 2 is worded as follows:

“2. Persons who have weapons, explosive materials, pyrotechnic materials, hazardous fire materials or other dangerous tools with them, cannot participate in assemblies.”;

2) in art. 6 after para 2 paras 2a and 2b are added, worded as follows:

“2a. If the assembly is organized near the buildings which are under the protection of the Bureau for the Protection of the Government, the municipality informs the Chief of the Bureau for the Protection of the Government about the place, date, and the estimated number of participants of the assembly.

2b. Assemblies organized by 2 or more organizers at the same time, in places or walking routes which are identical or partially coinciding, can take place, if it is possible to separate them or they can take place in a way that their conduct will not endanger life or health of persons or property to a large extent. If the separation and taking place of the assemblies in such a way that does not endanger life or health or property to a large extent is not possible, art 7a applies.”;

3) in art. 7:

a) para 1 is worded as follows:

“1. The organizer of a public assembly notifies the municipality in such a way, so that the information about the assembly reaches it no later than 3 working days, and not earlier than 30 days prior to the date of assembly.”;

b) in para 2

- point 1 is worded as follows:

“1) name, surname, date of birth, and address of the organizer and the name and address of the legal entity or other organization, if the assembly is organized in its name,”

- after point 1, point 1a is added which is worded as follows:

“1a) name, surname, date of birth, photograph and address of the leader of the assembly, ,”;

- point 3 is worded as follows:

“3) place and date, time of commencement, duration, estimated number of participants, and if movement of the participants of the assembly is planned, also the walking route with the indication of the place where it begins and ends,”;

4) following art. 7, art. 7a is added which is worded as follows:

“Art. 7a. 1. If at the same time and place or on the walking route which are identical or partially coincide 2 or more notifications for assemblies were provided it is not possible to separate them and for them to take place in such a way that their conduct does not endanger life or health of persons or property to a large extent, the municipality immediately summons the organizer of the assembly for which notification was provided later to amend the time and place of the assembly or the walking route of the participants.

2. The municipality attaches to the summons, the information about the time and place of the assembly or assemblies for which notification was provided earlier.

3. The organizer, such as the one mentioned in para 1, changes the time or place of the assembly or the walking route of the participants in such a way, so that the information about the change reaches the municipality no later than 2 days prior to the date of the assembly.”;

‘5) in Article 8 the current wording is signified as para 1 and para 2 is added with the following wording:

‘2. The municipality forbids a public assembly notified later, also if the organizer of the assembly, despite the summoning, mentioned in Article 7a para 1, did not change, in due time, the time or place of the assembly or the walking route’ ,’;

6) art. 9 is worded as follows:

“Art. 9.1. The decision regarding the prohibition of the public assembly is handed to the organizer in writing or via electronic communication within 3 days from the day of the notification. At the same time, the *voivod* receives a copy of the decision together with the files of the case no later however than 24 hours prior to the date of the assembly.

2. An appeal is submitted directly to the *voivod* within 24 hours from the moment of receiving the decision mentioned in para 1.

3. Submitting an appeal does not suspend the enforcement of the decision.

4. The *voivod* considers the appeal within 24 hours of receiving it.
5. The decision made as a result of the consideration of an appeal is handed to the organizer without delay in writing or via electronic communication.”;

7) in art. 10:

a) paras 2 and 3 are worded as follows:

“2. The leader of the assembly is the organizer of the assembly, unless another person gives his/her consent in writing, to be given the duties of the leader. The consent constitutes an attachment to the notification mentioned in Article 7.’.

3. The leader is responsible for the lawful conduct of the assembly and is obliged to carry it out in such a way, so that to prevent damage intentionally caused by the participants, and takes measures prescribed by the law to achieve this aim.’;

b) following para 3 paras 3a and 3b are added, worded as follows:

“3a. Throughout the duration of the assembly, the leader is obliged to have, uninterruptedly, distinguishing characteristics, including an ID which contains:

- 1) the designation of the function as the leader of the assembly,
- 2) the photograph of the leader of the assembly,
- 3) name and surname of the leader of the assembly,
- 4) the signature of the appropriate municipality,
- 5) the seal of the municipality,

3b. The municipality equips the leader with the ID mentioned in para 3a.”;

c) para 4 receives wording:

‘4. The leader demands leaving the assembly of a person, who with his/her behavior, breaches the provisions of this law or prevents or attempts to foil an assembly. In case of insubordination, the leader turns to the police or the municipal guards for help’,’.

8) in art. 11 para 1 and 2 are worded as follows:

- “ 1. The municipality can delegate its representatives to the assembly, if however the number of participants exceeds 500 or there is a risk of disturbing public order during the assembly, the delegation of the representatives is mandatory.
2. The municipality ensures, to the extent that is needed and possible, police protection according to the procedure stipulated in the provisions of the law from 6 April 1990 on Police (Journal of Laws 2007, No 43, item 277, with further amendments), serving the adequate conduct of the assembly.”;

9) in art. 12 paras 2 and 3 are worded as follows:

“2. The dispersal of the assembly by the representative of the municipality by virtue of para 1 ensues from a verbal decision subject to immediate executability, preceded by a three-time warning to the participants of the assembly about the possibility of its dispersal, which is next announced to the leader or in case of the inability of contacting the leader – announced publicly to the participants of the assembly. The decision is handed to the organizer in writing within 72 hours from taking such decision.

3. The organizer and the participant of the assembly has the right to appeal the decision regarding the dispersal of the assembly within 3 day from the day of the dispersal; art. 9 para 5 applies accordingly.”;

10) following chapter 2, chapter 2a is added which is worded as follows:

#### Chapter 2a Criminal provisions

“Art. 13a. A person who, while leading an assembly intentionally does not take measures such as those stated in art. 10 para 4 or 5,

is subject to a fine .

Art. 13b. A person who does not obey the request of the leader, made by virtue of art. 10 para 4 or does not subordinate to an order of the leader made in carrying out his duties by virtue of art. 10 para 5

is subject to a fine .

Art. 13c. Adjudicating in cases related to acts such as those stated in art. 13a and art. 13b takes place by virtue of provisions of the law from 24 August 2001 – Code on procedure in misdemeanor cases (Journal of Laws 2008, No 133, item 848, with further amendments).’.

**Art . 2** Proceedings pertaining to assemblies notified prior to the date of this law entering into force are subject to current provisions’.

**Art. 3.** The law enters into force 30 days from the day of promulgation.