
LAWS OF THE GAMBIA

PUBLIC ORDER ACT

CHAPTER 22:01

**Act No.
7 of 1961**

Amended by
Act No. 29 of 1963
Act No. 5 of 2009

CHAPTER 22:01**PUBLIC ORDER ACT****ARRANGEMENT OF SECTIONS****SECTION**

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CHAPTER 22:01

PUBLIC ORDER ACT

An Act to prohibit the maintenance by private persons of associations of military or similar character, and to make provision for the preservation of public order on the occasion of public processions, and to make provision for the control of the use in public of apparatus for amplifying sound, and for connected matters.

[Act No. 7 of 1961 amended by Act No. 29 of 1963, Act No. 5 of 2009.]

[Date of commencement: 31st October, 1961.]

1. Short title

This Act may be cited as the Public Order Act.

2. Interpretation

In this Act, unless the context otherwise requires—

“cognizable offence” means an offence for which a police officer may arrest without a warrant;

[Act No. 29 of 1963.]

“Inspector-General of Police” includes the Deputy Inspector-General of Police;

[Act No. 29 of 1963.]

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

“private premises” means premises to which the public have access (whether on payment or otherwise) only by permission of the owner, occupier, or lessee of the premises;

“public meeting” includes 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” means any highway, public park or garden, any sea beach, and any public bridge, road, land, footway, square, court, alley or passage, whether a thoroughfare or not; and includes any open space or any land in the Regions to which, for the time being, the public have or are permitted to have access, whether on payment or otherwise;

“public procession” means a procession in a public place.

3.

[Deleted by Act No. 5 of 2009.]

4. Prohibition of quasi-military organisations

(1) If the members or adherents of any association of persons, whether incorporated or not, are—

- (a) organised or trained or equipped for the purpose of enabling them to be employed in usurping the functions of the police or of the Armed Forces; 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, commits a cognizable offence and on summary conviction before a Magistrate is liable to imprisonment for a term of three years.

[Act No. 5 of 2009.]

(2) In any proceedings against a person charged with the offence of taking part in the control or management of an association it shall be a defence to that charge to prove that he or she 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.

[Act No. 29 of 1963.]

(3) Prosecution shall not be instituted under this section without the consent of the Attorney-General.

(4) A person charged with an offence under this section may be arrested, and remanded in custody or on bail, notwithstanding that the *fiat* of the Attorney-General has not been obtained, but no further or other proceedings other than adjournments shall be taken until that *fiat* is obtained.

[Act No. 29 of 1963.]

(5) In any proceedings under this section, proof of things done or 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 purpose for which, or the manner in which, members or adherents of the association (whether those persons or others) were organised, or trained, or equipped.

(6) If a Magistrate is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this section has been committed, and that evidence of the commission of the offence is to be found at any premises or place specified in the information, he or she may, on application made by a police officer of a rank not lower than that of Sub-Inspector, grant a search warrant authorising any officer named in the warrant together with any other person named in the warrant and any other police officers to—

- (a) enter the premises or place at any time within one month from the date of the warrant, if necessary by force; and
- (b) search the premises or place and every person found therein; and
- (c) seize anything found on the premises or place or on any such person which the officer has reasonable grounds for suspecting to be evidence of the commission of an offence as aforesaid.

(7) A woman shall not, in pursuance of a warrant issued under this subsection, be searched except by a woman.

(8) Nothing in this section shall be construed as prohibiting the employment of a reasonable number of persons as stewards to assist in the preservation of order at any public meeting held on private premises, or the making of arrangements for that purpose or the instruction of the persons to be so employed in their lawful duties as such stewards, or their being furnished with badges or other distinguishing signs.

5. Control of processions

(1) The Inspector-General of Police in the City of Banjul or the Kanifing Municipality or, in any of the Regions, the Governor or other person authorised by the President may direct the conduct of all public processions and prescribe the route by which and the times at which any procession may pass.

(2) A person who is desirous of forming any public procession shall first make application for a licence to the Inspector-General of Police or the Governor of the Region, or other person authorised by the President, as the case may be, and if the Inspector-General of Police or the Governor of the Region or other person authorised by the President is satisfied that the procession is not likely to cause a breach of the peace, he or she shall issue a licence specifying the name of the licensee and defining the conditions on which the procession is permitted to take place.

(3) A condition restricting the display of flags, banners, or emblems shall not be imposed under subsection (2) of this section except such as are reasonably necessary to prevent risk of a breach of the peace.

(4) A Magistrate or police officer not below the rank of Sub-Inspector may stop any public procession for which a licence has not been issued or which violates any of the conditions of a licence issued under subsection (2) of this section, and may order it to disperse.

(5) A public procession which—

(a) takes place without a licence under subsection (2) of this section, or

(b) neglects to obey any order given under subsection (4) of this section,

is deemed to be an unlawful assembly, and all persons taking part in the procession, and in the case of a public procession for which no licence has been issued, all persons taking part in the convening, collecting or directing of the procession commit a cognizable offence and on summary conviction before a Magistrate, are liable to imprisonment for a term of three years.

[Act No. 29 of 1963, Act No. 5 of 2009.]

(6) A person who—

(a) opposes or disobeys any order issued under subsection (1) of this section, or

(b) violates the conditions of any licence granted under subsection (2) of this section,

commits an offence and is liable on summary conviction before a Magistrate, to a fine of ten thousand dalasis.

[Act No. 5 of 2009.]

(7) This section applies in such area or areas as the President may by Notice published in the *Gazette* specify:

Provided that nothing in this section shall, in any such area, apply to any funeral or religious procession or to any other class of procession as the President may by like Notice specify.

6. Control of loudspeaker

(1) A person shall not use any megaphone, loudhailer, loudspeaker or like apparatus for the amplifying of sound (whether of an electrical nature or not) in a public place, or in any other place in such a manner as to be heard in a public place, without the prior written consent—

(a) in the City of Banjul and Kanifing Municipality, of the Inspector-General of Police or any police officer authorised by him or her to give the consent; or

(b) in any Region, of the Governor of that Region or other person authorised by the President,

and if any person uses the megaphone, loudhailer, loudspeaker or like apparatus without the consent, he or she may be arrested and on summary conviction before a Magistrate is liable to a fine not exceeding twenty-five thousand dalasis or to imprisonment for a term not exceeding one year or to both the fine and imprisonment.

[Act No. 5 of 2009.]

(2) The Inspector-General of Police or any police officer authorised by the Inspector-General or a Governor or other person authorised by the President to give consent under this section may, in granting the consent impose such conditions and make such stipulations in regard to the use of any megaphone, loudhailer, loudspeaker, or like apparatus as he or she may think fit.

[Act No. 29 of 1963.]

(3) Nothing in this section shall be construed as restricting the domestic use of private wireless receivers, gramophones or like apparatus, and the grant of a licence by the Inspector-General of Police under this section shall in no way derogate from any provision of the law in respect of nuisance.

7. Power to close licensed premises in case of tumult, etc.

(1) The Inspector-General of Police, a Magistrate or two Justices of the Peace, may when any tumult, riot or felony happens or is expected to happen in any place, order every person licensed to sell intoxicating liquors on premises in or near the place where the tumult, riot or felony happens or is expected to happen, to close the premises during any time which the Inspector-General of Police, Magistrate or Justices may order.

[Act No. 29 of 1963.]

(2) A person who keeps open any licensed premises during any time during which the Inspector-General of Police, Magistrate or Justices have ordered them to be closed, commits an offence and is liable on conviction before a Magistrate, to a fine not exceeding fifty thousand dalasis or, in default, to imprisonment for a term not exceeding two years.

[Act No. 29 of 1963, Act No. 5 of 2009.]

(3) It is lawful for any police officer, after an order has been given, to use such force as may be necessary for the purpose of closing licensed premises in accordance with the provisions of this section.

[Act No. 29 of 1963.]

8. Prohibition of offensive weapons at public meetings and processions

A person who, while present at any public meeting or on occasion of any public procession, has with him or her any offensive weapon or anything which is capable of being used as an offensive weapon, otherwise than in pursuance

of lawful authority, commits a cognizable offence and on summary conviction before a Magistrate, is liable to a fine of twenty-five thousand dalasis or to imprisonment for a term of one year or to both the fine and imprisonment.

[Act No. 29 of 1963, Act No. 5 of 2009.]

9. Prohibition of conduct conducive to breaches of the peace

A person who, in any public place or at any public meeting or on the occasion of any public procession, uses threatening, abusive or insulting words or behaviour with intent to provoke a breach of the peace or whereby a breach of the peace is likely to be occasioned commits a cognizable offence and shall on summary conviction before a Magistrate, is liable to a fine of twenty-five thousand dalasis or to imprisonment for a term of one year or to both the fine and imprisonment.

[Act No. 29 of 1963, Act No. 5 of 2009.]

10. Disturbed areas

(1) The President may, by Notice published in such manner as he or she may direct, declare in respect of any area in The Gambia that such an area is a disturbed area in which an abnormal state of affairs exists.

[Act No. 29 of 1963.]

(2) On publication of a Notice under subsection (1) of this section, the Inspector-General of Police in respect of the City of Banjul and Kanifing Municipality, or the Governor or any other public officer authorised by the President in respect of any Region, may by Order published in such manner as he or she considers fit, and subject to any directions given in that behalf by the President—

- (a) prohibit, restrict, regulate or control the use of any vehicle or vehicles in the disturbed area, and may seize and impound any vehicle or vehicles which are used in breach of the Order;
- (b) prohibit in the disturbed area the possession of any firearm or firearms or ammunition by any person or persons or class of persons in the area, and order the surrender of such firearms and ammunition to such person or persons as shall be named in the Order whether the owners or possessors of the firearms or ammunition are in possession of a licence for the firearms or not, and may by the Order or by permit exempt any person from any or all of the provisions of the Order;

- (c) prohibit in the disturbed area the carrying of spears, sticks, stones, or other articles of whatsoever kind which are capable of being used as offensive weapons, and may by the Order or by permit exempt any person from any or all of the provisions of the Order;
- (d) impose a curfew in the disturbed area or in any part thereof, and may by such order or by permit exempt any person or class of persons from any or all of the provisions of the Order;
- (e) prohibit, restrict, regulate or control the movement of any person or persons within the disturbed area, or into or out of such area;
- (f) prohibit, restrict, regulate or control meetings, assemblies, and processions of whatsoever kind of more than ten persons, and may by such order or by permit exempt any person or class of persons, or any such meeting, assembly or procession from any or all of the provisions of the Order.

[Act No. 29 of 1963.]

(3) In any disturbed area, the Inspector-General of Police, in respect of the City of Banjul and Kanifing Municipality, or the Governor or other public officer authorised by the President, in respect of any Region, may subject to any directions given in that behalf by the President, requisition any vehicle, vessel, building or installation, of whatever kind, for public purposes:

Provided that—

- (a) any such vehicle, vessel, building or installation shall be returned to the use of its lawful owner or occupier as the case may be as soon as the area ceases to be a disturbed area or its use is no longer required for public purposes whichever event is the sooner;
- (b) compensation shall be paid to the lawful owner or occupier as the case may be of such vehicle, vessel, building or installation at such rate as is agreed between the officer requisitioning and the owner or occupier as the case may be, or failing such agreement by a board of three members which is appointed for the purpose by the President and which is presided over by a judicial officer and the decision of which is final and shall not be questioned in any proceeding whatsoever.

[Act No. 29 of 1963.]

(4) In any disturbed area, any police officer or any Governor or any public officer acting under the instructions of the Governor, may in the course of duty, enter any land or building at any time for any purpose in connection with the maintenance or restoration of order and without prejudice to the generality of the powers may seize and impound any weapons or documents or other things of whatever kind found therein:

Provided that any weapons, documents or other things shall be returned to their owners—

- (a) when the area ceases to be a disturbed area unless they are required in connection with any proceedings in any court; or
- (b) if upon examination by a Governor, or a superior police officer, it is considered that they have no relevance to the maintenance or restoration of law and order in such disturbed area, or to any crime, whichever event is the sooner.

[Act No. 29 of 1963.]

(5) In any disturbed area any police officer not below the rank of Sub-Inspector or a Governor or any public officer acting under the instructions of the Governor may in the course of duty, if he or she considers it necessary to do so in the interests of the maintenance or restoration of law and order, or for the prevention or detection of crime, erect or place barriers in or across any road or street or other place in such manner as he or she may think fit, and may take all reasonable steps to prevent any vehicle or person passing the barrier:

Provided that whenever it is possible in all the circumstances to do so, a police officer in uniform shall be in attendance at the barrier at all times.

[Act No. 29 of 1963.]

(6) Neither the Government of The Gambia nor a police officer nor any public officer shall be liable for any loss or damage resulting to any vehicle or for any injury to the driver or any other occupant of the vehicle due to the vehicle colliding with any such barrier or to the vehicle or person being involved in any accident resulting from the driver of the vehicle avoiding or attempting to avoid the barrier.

(7) A permit issued under the provisions of this section may specify in the discretion of the officer issuing the permit conditions under which it is granted.

[Act No. 29 of 1963.]

(8) A person contravening any provision of an Order made under the provisions of this section or of any condition of any permit issued under this section commits a cognizable offence and on summary conviction by a Magistrate is liable, unless the Order provides for any lesser punishment, to a fine of two hundred thousand dalasis or to imprisonment for a term of three years or to both the fine and imprisonment.

[Act No. 5 of 2009.]

(9) A person who has been arrested for an offence under the provisions of this section shall not be admitted to bail pending his or her trial except with the agreement of the prosecutor or the Attorney-General.

[Act No. 29 of 1963.]

11. Limitation or period for which area may be a disturbed area

(1) A declaration of a disturbed area under section 10 of this Act shall, if not sooner revoked by the President, cease to have effect after the expiration of a period of three months from the date of the notice published in accordance with that section, unless before the expiration of that period an extension of that period, not exceeding three months, is approved by resolution passed by not less than one half of all the members of the National Assembly who are entitled to vote.

[Act No. 29 of 1963.]

(2) The National Assembly may, by resolution passed by not less than one half of all its members who are entitled to vote, from time to time further extend the duration of the existence of the disturbed area for periods of not more than three months at a time.

(3) The President may at any time revoke a declaration of a disturbed area, the existence of which has been extended beyond three months in accordance with the provisions of subsection (1) of this section, and shall do so if so requested by a resolution of the National Assembly.

[Act No. 29 of 1963.]

12. Orders, miscellaneous provisions

(1) An Order or Notice published under the provisions of section 10 of this Act shall have the force of law on its publication or if a date is specified in it, from that date, and in the case of any conflict between any provisions of the Order or Notice and any provisions of any other law for the time being in force in The Gambia (being a law which can be amended by any authority or person in The Gambia), the provisions of the Order or Notice made under the provisions of section 10 of this Act shall prevail.

[Act No. 29 of 1963.]

(2) An Order or Notice made pursuant to the provisions of section 10 of this Act shall remain in force until revoked by the authority making the Order or Notice, or until the area ceases to be a disturbed area, whichever event occurs the sooner.

[Act No. 29 of 1963.]

(3) The provisions of section 10 of the Interpretation Act shall apply to the revocation or expiration of the Order or Notice as they apply to the repeal of an Act by an Act.

[Cap. 4:01.]

(4) Where in any proceedings it is necessary to prove any Order or Notice, or any permit or other document published or issued in pursuance of any of the provisions of this Act, which has not been published in the *Gazette*, it is sufficient if

the prosecutor in any criminal proceedings, or one of the parties in any civil proceedings, produces to the court a copy of the Order or Notice, or the permit or other document, certified as a true copy under the hand of the person responsible for its publication or issue, or his or her successor in office, and the court shall thereupon receive the copy in evidence:

Provided that in the case of the President it is sufficient if the copy is certified under the hand of any person authorised by law to signify the exercise of any power by the President.

[Act No. 29 of 1963.]

13. Powers in this Act in addition to those in other laws

A power conferred by or under the provisions of this Act is in addition to and not in derogation of any powers conferred by or under the provisions of any other law in force from time to time in The Gambia.

[Act No. 29 of 1963.]

CHAPTER 22:01

PUBLIC ORDER ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

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NOTICE OF APPLICATION OF SECTION 5

[LN 6 of 1962.]

[Made under section 5 (6).]

The provisions of section 5 of the Public Order Act are applied to the following areas in The Gambia—

- (a) the City of Banjul and Kanifing Municipality;
 - (b) the area within the perimeter fence at Banjul International Airport;
 - (c) Janjangbureh;
 - (d) the areas contained within a radius of three kilometres of the market places at—
 - (i) Brikama,
 - (ii) Sukuta,
 - (iii) Gunjur,
 - (iv) Lamin,
 - (v) Kaur,
 - (vi) Kuntaur,
 - (vii) Bansang;
 - (e) the areas contained within a radius of three kilometres of Regional Headquarters at Basse and Mansakonko.
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NOTICE OF PERSONS AUTHORISED UNDER SECTION 5

[L.N 7 of 1962.]

[Made under section 5.]

The following persons are authorised under section 5 of the Public Order Act to direct the conduct of public processions, to prescribe routes by which and the times at which the processions may pass, and to issue licences and impose conditions therefor, in the Regions—

- (a) a Magistrate;
 - (b) a superior police officer.
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NOTICE OF PERSONS AUTHORISED UNDER SECTION 6

[LN 8 of 1962.]

[Made under section 6.]

Police officers in command of police stations in the Regions who are of or above the rank of sergeant are authorised to give consent for the purposes of section 6 of the Public Order Act.
