



BERMUDA

PUBLIC ORDER ACT 1963

1963 : 15

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[preamble and words of enactment omitted]

Interpretation

1 In this Act—

“meeting” means any assembly or gathering of persons held for the purpose of the discussion of matters of public interest, or the expression of views on such matters;

“permit” means a permit lawfully granted under section 7 ;

“public meeting” includes any meeting in a public place and any meeting in any place which the public or any section thereof are permitted to attend, whether on payment or otherwise;

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“public place” means any highway, public park or garden, any sea beach, and any public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not; and includes any open space to which, at the material time, the public have or are permitted to have access, whether on payment or otherwise;

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

Disorderly behaviour at public meeting

2 Any person who at any public meeting acts in a disorderly manner likely to prevent or obstruct the transaction of the business of the meeting commits an offence:

Punishment on summary conviction: imprisonment for 6 months or a fine of \$360 or both such imprisonment and fine.

Conduct conducive to breach of the peace

3 (1) Any person who, in any public place or at any public meeting, uses threatening, abusive, or insulting words, gestures or behaviour with intent to provoke a breach of the peace, or whereby a breach of the peace is likely to be occasioned, or incites any person to commit an unlawful act whereby a breach of the peace is likely to be occasioned, commits an offence:

Punishment on summary conviction: imprisonment for 12 months or a fine of \$720 or both such imprisonment and fine.

(2) Nothing in this section shall derogate from any other law relating to incitement to commit an offence.

Permit required for public procession

4 (1) Subject to section 5, it shall be unlawful for any public procession to take place—

- (i) unless a permit has been issued in respect thereof in accordance with this Act; or
- (ii) where a permit has been issued subject to directions or conditions, otherwise than in accordance with such directions or conditions.

(2) Any person who takes part in a public procession which is unlawful under this Act commits an offence:

Punishment on summary conviction: imprisonment for 6 months or a fine of \$360 or both such imprisonment and fine.

(3) For the purpose of this section, directions or conditions in a permit include any variations thereof pursuant to section 9.

Exemption from section 4

5 Section 4(1) shall not apply to any public procession—

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- (a) by any of Her Majesty's Forces, the Local Forces, the Bermuda Regiment Junior Leaders, any other local defence force constituted under any enactment, or police officers, in their capacity as such and duly authorised; or
- (b) by members of the United States Forces or auxiliary personnel of the United States Forces, in their capacity as such, acting under the authority of the appropriate United States Authority stationed in Bermuda; or
- (c) which takes place as an integral part of any religious ceremony, including a wedding or funeral, not being in any way connected with any political demonstration or celebration; or
- (d) which is an integral part of any civic or public function organized by the Government or other public authority; or
- (e) by any other body approved by the Governor acting in his discretion.

[Section 5(a) amended by 2015 : 54 s. 11 effective 12 June 2017]

Application for permit

6 (1) An application to organise any public procession shall be made to the Deputy Governor at least three days (or such lesser period as the Deputy Governor may in his absolute discretion allow) before the proposed date therefor.

(2) Every application made in accordance with subsection (1) shall contain particulars of the names and addresses of the organisers responsible for the procession, the point of departure, the route of the public procession to which the application relates, the hours between which it is proposed that it shall take place, the date proposed therefor and an estimate of the number of persons who are expected to participate therein.

Refusal of permit

7 (1) If the Deputy Governor, having regard to the circumstances in which it is proposed that any public procession is to take place, has reasonable grounds for apprehending that the procession may occasion serious public disorder, he may refuse to grant a permit therefor or may grant a permit subject to such directions and conditions to be observed by the persons organising or taking part in the procession as appear to him necessary for the preservation of public order, including conditions prescribing the route to be taken by the procession and conditions prohibiting the procession from entering any public place specified in the directions.

(2) If the Deputy Governor has no reasonable grounds for apprehending that any such public procession will occasion serious public disorder, he shall grant a permit therefor.

(3) In any permit granted by the Deputy Governor under this section he may impose such conditions to be observed by the persons organising or taking part in the procession as may appear to him necessary for the prevention of obstruction to traffic or undue inconvenience to the public.

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(4) Where the Deputy Governor refuses to grant a permit or grants a permit subject to conditions or directions, he shall forthwith notify the applicant in writing of his right of appeal under section 8.

Appeal

8 Any person who is aggrieved—

- (i) by the decision of the Deputy Governor refusing a permit for which application is made under section 6; or
- (ii) by the directions or conditions attached by the Deputy Governor to any permit granted under section 7,

may within three days of the receipt by him of notification of such refusal, or of such directions and conditions, appeal to the Governor acting in his discretion whose decision shall be final.

Control over procession taking place

9 (1) If any authorised police officer, having regard to the time or place at which and the circumstances in which any public procession is taking place and the route taken or proposed to be taken by the procession, has reasonable grounds for apprehending that the procession may occasion serious public disorder or obstruct traffic or interfere unduly with the convenience of the public, he may give directions imposing upon the persons organising or taking part in the procession such conditions as appear to him necessary in the circumstances, including conditions prescribing the route to be taken by the procession and conditions prohibiting the procession from entering any public place specified; and any directions so given may vary directions or conditions attached to any permit for such procession.

(2) Any person who knowingly fails to comply with any directions given or conditions imposed under this section commits an offence:

Punishment on summary conviction: imprisonment for 6 months or a fine of \$360 or both such imprisonment and fine.

(3) For the purposes of this section an “authorised police officer” means a police officer authorised in that behalf by the Commissioner of Police.

Powers of arrest

10 A police officer may arrest without warrant any person reasonably suspected by him of committing or of having committed an offence against this Act.

Savings

11 (1) Nothing in this Act shall derogate from any other law relating to unlawful assembly, riot, control of traffic or maintenance of order in a public place or otherwise or in any way abridge or affect the powers of a justice of the peace, police officer or other person in relation thereto or in relation to any apprehended or actual breach of the peace or otherwise; and the existence of a permit in relation to a public procession shall not render such procession lawful where it is unlawful under any other law.

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(2) Where it appears that a public procession will take place within a municipality, the Deputy Governor shall, on receipt of an application for a permit, consult the appropriate authority of the municipality concerned and shall refuse a permit if that authority so requires.

Evidence

12 In any proceedings before a court, a certificate under the hand of the Deputy Governor stating that a permit has or has not been granted under section 7 in relation to any public procession specified therein or that no such permit has been granted in relation to any public procession during any period specified therein, or setting out the directions or conditions to which any permit granted was subject, or that any body has or has not been approved by the Governor acting in his discretion pursuant to paragraph (e) of section 5 and, if so, during what period, shall be receivable in evidence without further proof and shall be sufficient evidence of the facts therein stated.

[Assent Date: 30 January 1963]

[Amended by:

1965 : 11

1971 : 24

2015 : 54]