

THE PUBLIC ORDER LAW, 1973
LAW 11 OF 1973

unlawful under any other law.

Passed the Legislative Assembly this 4th day of July, 1973.

K.R. CROOK
President

SYBIL McLAUGHLIN
Clerk of the Legislative Assembly

Government Notice No. 128 of 1973

Date of Operation: 2nd of August, 1973

MEMORANDUM OF OBJECTS AND REASONS

It is considered desirable to provide more efficient measures to ensure the preservation of order in public places, to regulate the conduct of public meetings and processions and generally to prohibit disorderly behaviour and conduct likely to provoke breaches of the peace.

- (a) in usurping the functions of the Cayman Islands Police Force or of Her Majesty's armed forces; or
- (b) for the purpose of the display of physical force in promoting any political or other object, or in such manner as to arouse reasonable apprehension that they are organized, trained or equipped for that purpose.

(2) Whoever wears any prohibited uniform, distinctive dress or emblem in contravention of any order made under the provisions of subsection (1) is guilty of an offence.

Penal.

17. (1) Whoever is guilty of an offence under section 8 is liable upon summary conviction to a fine not exceeding \$100 or to imprisonment for a term not exceeding three months or both.

(2) Whoever is guilty of an offence under section 13 or subsection (4) of section 14 is liable upon summary conviction to a fine not exceeding \$400 or to imprisonment for a term not exceeding one year or both.

(3) Whoever is guilty of any other offence against this Law is liable on summary conviction to a fine not exceeding \$200 or to imprisonment for a term not exceeding six months or both.

Saving with regard to other Laws.

18. Nothing in this Law shall derogate from the provisions of any other law relating to unlawful assembly, riot, control of traffic or maintenance of order in public places or otherwise in any way abridge or affect the powers of a justice of the peace, constable or other person in relation to any apprehended or actual breach of the peace or otherwise; and the existence of a permit in relation to a procession shall not render any procession lawful which is

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I assent

K.R. CROOK

Governor

2nd August, 1973

A LAW TO MAKE PROVISION FOR THE PRESERVATION OF ORDER IN PUBLIC PLACES, AND IN RELATION TO PUBLIC MEETINGS, MARCHES AND PROCESSIONS.

ENACTED by the Legislature of the Cayman Islands.

PART 1 - PRELIMINARY

1. This Law may be cited as the Public Order Law, 1973 and shall come into operation on a day to be appointed by the Governor by Government Notice published in the Cayman Islands.

Short title and commencement.

2. In this Law, unless the context otherwise requires -
 "Commissioner" means the Commissioner of Police and every person acting under his authority;

Interpretation.

"Governor" means the Governor in Council;

"meeting" means an assembly or gathering of persons held for the purpose of the trans-

action of matters of public interest or for the discussion of such matters or for the purpose of the expression of views upon such matters;

“offensive weapon” includes -

Law 17 of 1964.

- (a) any firearm as defined in the Firearms Law; and
- (b) any stick, rod, bar or similar implement or any stone, brick or other missile, whether similar to the foregoing or not, or any knife catapult or similar implement unless it is proved to the satisfaction of the court that it was not intended to be used as such by the person charged;

“permit” means a permit granted under the provisions of section 5;

“procession” means a public march or procession in a public place comprising (whether wholly or partly) pedestrians, vehicles (however propelled or drawn), or bicycles (however propelled), except a march or procession -

- (a) by any of Her Majesty's Forces; or
- (b) by the Cayman Islands Police Force; or
- (c) which takes place as a component part of any religious ceremony, including a wedding or funeral, not being connected with any political demonstration or ceremony; or

- (b) uses in any public place or at any public meeting words which are threatening, abusive or insulting,

being matter or words intended or which may reasonably be interpreted as likely to stir up hatred against any section of the public in the Islands distinguished by colour, race or creed is guilty of an offence.

14. (1) Subject to the provisions of subsections (2) and (3), where any constable has reasonable cause to suspect that any person has concealed about him any offensive weapon contrary to the provisions of section 12, he may search such person and, if he considers it necessary, take such person to a police station for such purpose.

Power of search.

(2) No article of a person's clothing shall be removed for the purpose of any search authorized by this section unless such person is first taken to a police station.

(3) No person shall be searched by any person not of the same sex.

(4) Whoever resists or obstructs any search authorized by this section or who absconds before such search is concluded is guilty of an offence.

15. A constable may arrest without warrant any person reasonably suspected by him to be committing or to have committed any offence against this Law.

Power of arrest.

16. The Governor may, by order, prohibit the wearing in public places or at public meetings or assemblies any uniform, distinctive dress or emblem by members or adherents of any organization or association, whether incorporated or not, specified or described in such order, when it appears to the Governor that the members of that organization or association are organized, trained or equipped for the purpose of enabling them to be employed -

Prohibition of certain uniforms, emblems etc.

(2) Whoever at any time when any public meeting is in progress has with him any offensive weapon in any public place within earshot of any speaker at such meeting shall be deemed to have had such offensive weapon while present at such public meeting until he proves affirmatively that his presence in such public place was neither directly nor indirectly consequent upon the fact that such meeting was in progress at the time.

(3) For the avoidance of doubt it is declared that -

(a) the lawful possession of any licence or permit to carry a firearm in any public place shall not afford a defence to any proceedings under this section;

(b) a person shall be deemed to be within earshot of any speaker at any time when he is at any point at which the voice of the speaker is audible notwithstanding that it would not have been so audible but for the use of a microphone, amplifier or other similar apparatus or device.

(4) For the purpose of this section, no person shall be deemed to be acting in pursuance of lawful authority unless -

(a) if the offensive weapon involved be a firearm, he is acting in the capacity of a member of the armed forces of the Crown or of a constable; or

(b) if the offensive weapon be other than a firearm, he is acting in the capacity of a servant of the Crown or member of a fire brigade.

13. Whoever -

(a) knowingly publishes or distributes any written matter which is threatening, abusive or insulting; or

Incitement to racial hatred.

(d) by any other body approved by the Governor;

“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, street, 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 and any premises to which, for the time being, the public have or are permitted to have access, whether on payment or otherwise; and

“summary conviction” means conviction by a summary court.

PART 11 - PROCESSIONS

3. It shall not be lawful for any procession to take place unless a permit has been granted in respect thereof.

Permit required for processions.

4. (1) Any person desiring to organize a procession shall, at least three days before such intended procession, make application to the Commissioner for a permit.

Applications for permits.

(2) Every application for a permit shall set forth the names and addresses of the organizers of the procession, the proposed point of departure, route and point of termination of the proposed procession, the proposed date and times within which the procession will take place and an estimate of the number of people who are expected to take part.

5. (1) Upon receipt of an application made to him under subsection (1) of section 4, the Commissioner shall grant such application by issuing to the applicant a permit in writing, unless having regard to all the circumstances, the Commissioner has reasonable grounds for

Power to grant or refuse permits.

apprehending that the procession may give rise to public disorder, in which case he may -

- (a) refuse to grant a permit; or
- (b) grant a permit subject to such directions and conditions to be observed by those organizing or taking part in the procession as appear to him to be advisable in the interests of the maintenance of public order, including conditions as to timing and routing the procession and prohibiting it from entering or making use of areas therein prescribed.

(2) In any event the Commissioner may impose conditions calculated to prevent obstruction of traffic and inconvenience to the public in general.

(3) In the event of refusal by the Commissioner to grant a permit, or the imposition by him of directions or conditions which appear to the applicant to be unduly onerous, the applicant may appeal to the Governor whose decision shall be final and binding on all persons.

Control over processions taking place.

6. If the Commissioner has reasonable grounds for apprehending that a procession which is taking place may occasion public disorder or obstruct traffic or interfere unduly with the convenience of the public, he may give directions imposing upon the persons organizing or taking part in such procession such conditions as appear to him to be desirable, including re-routing such procession and prohibiting it from entering any specified place; and in any directions so given may vary the directions or conditions attached to any permit.

Leaders of a procession may be required to call upon such procession to disperse.

7. (1) The Commissioner may require any person leading or controlling or appearing to lead or control any procession, otherwise than in accordance with the terms of a permit, to call upon such procession to disperse.

(2) Whoever being required under the provisions of subsection (1) to call upon a procession to disperse fails to comply forthwith with such requirement is guilty of an offence.

8. Whoever takes part in any procession -

- (a) in respect of which a permit has not been obtained; or
- (b) otherwise than in accordance with the terms and conditions of a permit or conditions imposed under subsection (1) of section 5

is guilty of an offence.

Persons who take part in an unauthorized procession are guilty of an offence.

9. Whoever organizes, attempts to organize or incites, aids or abets any person to organize or take part in a procession, the taking part in which would be an offence against section 8, is guilty of an offence.

Organization etc. of an unauthorized procession is an offence.

PART 111 - GENERAL PROVISIONS

10. Whoever at any public meeting acts in a disorderly manner likely to prevent or obstruct the transaction of the business of the meeting is guilty of an offence.

Disorderly behaviour at meetings.

11. Whoever 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, is guilty of an offence.

Prohibition of conduct likely to lead to a breach of the peace.

12. (1) Whoever, while present at a public meeting, has with him (either openly or concealed about his person) any offensive weapon otherwise than in pursuance of lawful authority is guilty of an offence.

Prohibition of offensive weapons.