



Am
No. I 511

TRINIDAD AND TOBAGO

Act No. 1 of 1972

[L.S.]

AN ACT to amend the Summary Offences Ordinance,
Ch. 4. No. 17

[Assented to 4th February, 1972]

WHEREAS it is enacted *inter alia* by subsection (1) of section 5 of the Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect notwithstanding sections 1 and 2 of the Constitution and, if any such Act does so declare, it shall have effect accordingly: Preamble

And whereas it is provided by subsection (2) of the said section 5 of the Constitution that an Act of Parliament to which that section applies is one the Bill for which has

been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House:

And whereas it is necessary and expedient that the provisions of this Act shall have effect notwithstanding sections 1 and 2 of the Constitution:

Enactment	NOW, THEREFORE, BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Trinidad and Tobago, and by the authority of the same, as follows:
Short title	1. (1) This Act may be cited as the Summary Offences (Amendment) Act, 1971.
Act at variance with Ch. 1 of the Constitution	(2) This Act shall have effect notwithstanding sections 1 and 2 of the Constitution.
Interpretation	2. In this Act— “Constitution” means the Constitution of Trinidad and Tobago set out in the Second Schedule to the Trinidad and Tobago (Constitution) Order-in-Council, 1962;
Ch. 4. No. 17	“the Ordinance” means the Summary Offences Ordinance.
The Ordinance amended	3. The Ordinance is amended by inserting immediately after section 3 thereof the following heading:

“PART I

GENERAL SUMMARY OFFENCES”.

New section 54A of the Ordinance inserted	4. The Ordinance is amended by inserting immediately after section 54 thereof the following new section— 54A. A person who at a public meeting or during the course of a public march (as those expressions are defined by section 113)— (a) uses threatening, abusive or insulting words or behaviour; or (b) distributes or displays any writing, sign or visible representation which is threatening, abusive or insulting,
	“Prohibition of offensive conduct conducive to breaches of the peace

whereby a breach of the peace is likely to be occasioned, is liable to a fine of five hundred dollars or to imprisonment for six months.”.

5. Sections 113, 114 and 115 of the Ordinance are repealed and replaced as follows:

Sections 113 to 115 of the Ordinance repealed and replaced

“PART II

PUBLIC MEETINGS AND PUBLIC MARCHES

Preliminary

“Interpretation of Part II

113. (1) In this Part—

“Commissioner of Police” or “Commissioner” means the person appointed to hold or act in the office of Commissioner of Police in accordance with section 98 of the Constitution set out in the Second Schedule to the Trinidad and Tobago (Constitution) Order-in-Council, 1962;

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

“Minister” means the member of the Cabinet to whom responsibility for Public Order and National Security is assigned;

“police officer” has the same meaning as in the Police Service Act, 1965, and includes a member of the Special Reserve Police established under the Special Reserve Police Ordinance and a member of the police force of any municipality or borough;

No. 30 of 1965

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“public march” means any 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—

- No. 31 of 1965
- (a) by police officers or members of the Fire Service established by the Fire Service Act, 1965;
- (b) by members of the Defence Force established by the Defence Act, 1962;
- No. 7 of 1962
- (c) which takes place as a component 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 takes place at any time during which there is in force a Proclamation of the Governor-General under section 67(1);
- (e) in connection with any public meeting referred to in the Schedule;

“public meeting” means any meeting held in any public place except meetings referred to in the Schedule;

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

(2) For the purposes of this Part a person shall, subject to subsection (3), be regarded as the holder of a public meeting

or the organiser or leader of a public march if in any way—

- (a) he holds or calls together or assists in the holding of or calling together a public meeting or signs the notification for such a meeting in accordance with section 115(2);
- (b) he organises, leads or conducts or assists in the organisation, leading or conduct of a public march or signs the application for a permit for such march in accordance with section 119(2),

respectively.

(3) In any proceedings under this Part for the contravention of any provisions relating to the holding, conduct or calling together of a public meeting or the organisation or leading of any public march, a person shall not be held to be guilty of any offence, if he proves that the contravention was committed without his consent or his connivance and that he exercised all such precautions as he could reasonably be expected to have exercised to prevent the commission of the offence having regard to the nature of his functions in relation to the meeting or march.

114. The functions, powers and duties of the Commissioner of Police under this Act may be exercised by any police officer, not below the rank of Sergeant authorised by the Commissioner in that behalf.

Exercise of
functions of
Commissioner

Public Meetings

115. (1) A person who desires to hold or call together any public meeting shall, at least twenty-four hours but no more than fourteen days, before the day on which it is proposed to hold such meeting, notify the Commissioner of Police.

Holding of
public
meetings

(2) Every notification under subsection (1) shall be in writing signed by the person or persons desiring to hold or call together the meeting and shall state—

- (a) the address of each of the persons desiring to hold or call together such meeting;
- (b) the purpose or purposes of the meeting;
- (c) the place at which the meeting is to be held and the approximate time at which it is to begin; and
- (d) the name of every speaker other than a citizen of Trinidad and Tobago or a resident who intends to address the meeting.

(3) If the Commissioner of Police, having regard to the time at which, the circumstances in which or the purpose for which any public meeting is to be held has reasonable ground for apprehending that the holding of such meeting may occasion a breach of the peace or public disorder, he may—

- (a) subject to subsection (4), in writing prohibit such meeting; or
- (b) give directions imposing upon the persons holding or calling together such meeting such conditions as appear to him necessary for the preservation of the peace and of public order,

provided that where the notification is incomplete or the Commissioner has reason to believe that any information supplied in pursuance of the requirements of this Part is false, the Commissioner may prohibit such meeting.

(4) The Commissioner of Police shall, where the meeting is prohibited state in writing the reasons for such prohibition, and notice of such prohibition shall be

served either personally on any of the persons who signed the notification or by leaving it at the address of any of the persons stated thereon in accordance with subsection (2)(a).

(5) A person (other than a citizen of Trinidad and Tobago or a resident) who desires to address a public meeting or a political meeting shall no more than fourteen days before the date on which such meeting is to be held apply to the Minister for a permit so to do; and the Minister may, in any case, grant or refuse the application.

(6) A person is guilty of an offence and liable to a fine of two thousand five hundred dollars or to imprisonment for two years who, not being a citizen of Trinidad and Tobago or a resident, addresses a public meeting or a political meeting without first obtaining a permit in accordance with subsection (5).

(7) A person is guilty of an offence and liable to a fine of one thousand dollars or to imprisonment for twelve months who—

- (a) holds any public meeting without notifying the Commissioner of Police;
- (b) calls together or holds a public meeting that has been prohibited under subsection (3);
- (c) in furnishing the information for any of the purposes of subsection (2) makes any statement which he knows to be misleading, false, or deceptive, or by any dishonest concealment of material facts, or by reckless making of any statement (dishonestly or otherwise) misleads or attempts to mislead any other person;

(d) fails, neglects or refuses to comply with any condition imposed by the Commissioner under subsection (3)(b).

(8) In this section—

“resident” means a person not being a citizen of Trinidad and Tobago, who, so long as he continues to be a resident, has the right to be admitted into Trinidad and Tobago by reason of being—

(a) a person who is or who was entitled under the constitutional laws of Trinidad and Tobago to be registered as a citizen of Trinidad and Tobago;

(b) a person, other than a person described in paragraph (a), who is deemed to be a person belonging to Trinidad and Tobago by virtue of section 2(2) of the Immigration (Restriction) Ordinance; or

(c) a person who by virtue of any law for the time being in force in Trinidad and Tobago is granted the status of a resident;

“political meeting” has the same meaning as in section 123.

116. (1) No public meeting may be conducted in such a manner so as to result in a public march that is not permitted by the Commissioner of Police under section 120 and if a public meeting is conducted in such a manner that such a public march takes place at such a public meeting, the holder of such public meeting is guilty of an offence.

(2) A person guilty of an offence under subsection (1) is liable to a fine of two thousand dollars or to imprisonment for eighteen months or to both such fine and imprisonment.”.

“Prohibition on public marches and demonstrations at public meetings

Holders of public meetings may be required to call upon meeting to disperse, etc.

117. (1) Where—

- (a) a public meeting is held without notification being given in accordance with this Part;
- (b) a public meeting that has been prohibited under section 115(3) is called together or held; or
- (c) any condition imposed by the Commissioner in accordance with this Part is not observed by the holder of a public meeting; or
- (d) a public meeting is held in conformity with this Part, but in any such circumstances as to cause a police officer not below the rank of Sergeant reasonably to apprehend that any person or persons have acted or are acting or are about to act in a manner prejudicial to public safety or to public order,

any police officer in uniform not below the rank of Sergeant may require any person addressing or present and known to him to have addressed or otherwise to be the holder or one of the holders of the public meeting to call upon such meeting to disperse.

(2) A person required under subsection (1) to call upon any meeting to disperse who refuses, fails or neglects forthwith to call upon such meeting to disperse, is, in addition to any other offence, guilty of an offence under this subsection and liable to a fine of five hundred dollars or to imprisonment for six months or to both such fine and imprisonment.

(3) Where any person who is required under subsection (1) to call upon any meeting to disperse refuses, fails or neglects so to do, any police officer in uniform may call upon such meeting to disperse.

(4) A person present at any meeting that is called upon to disperse under subsection (1) or subsection (3) who fails to comply with such requirement is guilty of an offence and liable to a fine of two hundred and fifty dollars or to imprisonment for three months.

Public Marches and Processions

Permit
required
for public
marches.

118. Notwithstanding any rule of law to the contrary no person may organise, lead or take part in any public march unless a permit has been issued in respect thereof by the Commissioner of Police.

Applications
for permits
for marches

119. (1) A person who desires to organise any public march shall at least twenty-four hours before, but no more than fourteen days, before the day on which such public march is to take place, apply to the Commissioner of Police for a permit.

(2) Every application under subsection (1) shall be in writing signed by the person or persons desiring to organise the public march to which the application relates and shall state—

- (a) the address of each of the persons desiring to organise such march;
- (b) the purpose or purposes of the march;
- (c) the point of departure, route and point of termination of the march;
- (d) the hours between which the march is expected to take place.

Grant of
permits
for
marches

120. (1) The Commissioner of Police on an application made to him under section 119, may, in any case, grant or, if he considers it in the interest of public safety and public order so to do, refuse, the application, so however that the Commissioner

shall, where there are reasonable grounds for apprehending that the public march in respect of which the application is made may occasion a breach of the peace or serious public disorder, refuse the application.

(2) The Commissioner of Police shall as soon as practicable after receipt of the application notify the applicant of his decision; and where the application is refused he shall state in writing the reasons for such refusal and notice of such refusal may be served either on the applicant personally or by leaving it at any of the addresses stated in the application in accordance with subsection (2)(a) of section 119.

(3) Where an application is granted, the Commissioner of Police shall issue to the applicant a permit for the desired march specifying therein the route to be followed and the times between which it may take place and such other terms as the Commissioner of Police may consider necessary for the preservation of public safety or public order.

(4) Notwithstanding—

(a) the exception of marches and processions provided for in paragraphs (c) and (d) of the definition of "public march" in section 113(1);

(b) the provisions of section 123, the Commissioner of Police may prohibit any such march or procession in a public place if, having regard to the time at which and the circumstances in which the march or procession is held or is to be held, he has reasonable ground for apprehending that the holding of such march or procession may occasion a breach of the peace or public disorder provided that where the march is prohibited the Commissioner of Police shall state in writing the reasons for such prohibition.

Prohibition
on holding
of public
meetings
during
public
marches

121. Except with the prior permission in writing of the Commissioner, and then only to the extent so permitted, no person shall address persons taking part in a public march in such manner as to make such public march a public meeting and if persons taking part in any public march are addressed in contravention of the provisions of this subsection, the person so contravening this subsection and subject to section 113(3) the organiser and leader of such march are guilty of an offence and liable to a fine of two thousand dollars or to imprisonment for eighteen months or to both such fine and imprisonment.

Leader of
march may
be required
to call on
march to
disperse

122. (1) A police officer in uniform not below the rank of Sergeant may require any person—

(a) who is the organiser or who is the leader of any public march—

- (i) that is in contravention of the provisions of this Part;
- (ii) that is otherwise than in accordance with the terms of a permit issued thereunder; or
- (iii) that takes place in such circumstances as have caused such police officer reasonably to apprehend that any person or persons have acted or are acting or are about to act in a manner prejudicial to public safety or to public order; or

(b) reasonably appearing to him to be the organiser or the leader or one of the leaders of any such public march,

to call on such public march to disperse.

(2) A person required under subsection (1) to call on any public march to disperse who refuses, fails or neglects immediately to call on such public march to disperse, is guilty of an offence and liable to a fine of two thousand dollars or to imprisonment for eighteen months or to both such fine and imprisonment.

(3) Where any person who is required under subsection (1) to call upon any public march to disperse, refuses, fails or neglects so to do, any police officer in uniform may call upon such meeting to disperse.

(4) A person present at any public march that is called upon to disperse under subsection (1) or subsection (3) who fails to comply with such requirement is guilty of an offence and liable to a fine of two hundred and fifty dollars or to imprisonment for three months.

Saving for
political
meetings
and certain
public
marches

123. (1) Subject to section 120(4), sections 115(1) and (2), 126 and 127 shall not apply in the case of the holding, calling together or addressing of a political meeting in any public place in any electoral district or in the case of the organising, leading or taking part in any public march in connection therewith in any electoral district on any day during the period commencing on the day of publication of the notice of election relating to that electoral district and ending on the day preceding polling day.

(2) Subject to section 120(4), sections 118, 119, 120(1) to (3), 126 and 127 shall not apply in the case of the organising, leading or taking part in any public march at any time during which there is in force a relevant proclamation.

(3) The Governor-General may, either generally or with reference to some particular occasion, from time to time by Proclamation (in this section called a "relevant proclamation") declare, subject to such conditions as he may by such Proclamation

impose, any period to be a period during which the organising, leading or taking part in any public march may take place for the purpose of holding celebrations, community, social or cultural activities and other observances, (whether connected with labour or of a type similar to those that take place during the period known as the carnival or otherwise); and such Proclamation may relate to the whole or any part of Trinidad and Tobago.

(4) In this section—

“political meeting” means a meeting held in an electoral district on any day during the period commencing on the day of publication of the notice of election relating to an electoral district and ending on the day preceding polling day in that electoral district for the purpose of discussing or criticising the performance of the Government or furthering or criticising the aims, objects, action or programme of any political party or for the purpose of supporting or opposing the candidature of any individual as against any other or others at such election;”;

(5) Nothing in this section shall be construed so as to make lawful any act or statement which contravenes the provisions of any other law.

Prohibition
of public
meetings
and marches
in certain
circum-
stances.

124. (1) Notwithstanding anything contained in this Part or in any other enactment, at any time the Minister is satisfied that, by reason of particular circumstances existing in Trinidad and Tobago or in any area thereof, serious public disorder would be occasioned by the holding of public meetings or public marches in Trinidad and Tobago or any area thereof and that it would be in the interest of public safety or public order

so to do, he may make an Order, subject to negative resolution of the House of Representatives, prohibiting for such period not exceeding one month as may be specified in the Order the holding of all public meetings or public marches or of any class of public meeting or public march throughout Trinidad and Tobago or in any part thereof, so however, that—

- (a) any such Order shall not apply to the classes of meetings set out in the Schedule;
- (b) where any such Order is negated by resolution of the House of Representatives another such Order may not be made until the expiration of twenty-eight days next after the passing of such resolution.

(2) An Order made under subsection (1) shall, unless it is sooner revoked by the Minister, cease to be in force at the expiration of a period of twenty-eight days beginning on the day on which it was made or such longer period as may be provided under the next following subsection, but, subject to subsection (1)(b), without prejudice to the making of another such Order at or before the end of that period.

(3) Where at any time while an Order made under subsection (1) is in force (including any time while it is in force by virtue of the provisions of this subsection) a resolution is passed by the House of Representatives approving its continuance in force for a further period, not exceeding three months, beginning on the date on which it would otherwise expire, the Order shall, if not sooner revoked, continue in force for that further period.

(4) A person who contravenes or fails to comply with the provisions of an Order made under this section is guilty of an

offence and liable to a fine of two thousand dollars or to imprisonment for eighteen months.

Forms

125. The Minister may prescribe such forms as he considers are required for the proper administration of the foregoing provisions of this Part.

Miscellaneous

Restriction
on use of
loud-
speakers.
Schedule

126. (1) Except in connection with any of the purposes for the time being set out in the Schedule or in the case of a public meeting or public march to which section 123 applies, no person may, for the purpose of advertising or giving notice of any intended meeting or march operate or cause to be operated any loudspeaker in any public place unless a permit so to do has been issued by the Commissioner of Police.

(2) For the purposes of this Part the expression "loudspeaker" means any apparatus which is designed, adapted or intended for the purpose of reproducing sounds over a wide area, and includes an amplifier, microphone or other similar instrument, apparatus or device.

Offence to
use loud-
speaker
contrary
to section
126(1) or
after 11.00
p.m. except
during
election
campaign

127. (1) Except in connection with any of the purposes for the time being set out in the Schedule or in the case of a public meeting or public march to which section 123 applies, or in any other case, with the permission in writing of the Commissioner of Police, no person may operate or cause to be operated any loudspeaker at any public meeting or public march or in any public place after eleven o'clock in the evening.

(2) A person who operates or causes to be operated any loudspeaker at a public meeting or public march or in a public place in contravention of subsection (1) or of subsection (1) of section 126 is guilty of an offence and liable to a fine of one thousand dollars or to imprisonment for six months.

Offence to attempt to break up public meeting

128. (1) A person who at a public meeting acts or incites any other person to act in a disorderly manner, likely to prevent or obstruct, or for the purpose of preventing or obstructing, the transaction of the business of the meeting is guilty of an offence under this section.

(2) Where a police officer has reasonable cause to believe any person of committing an offence under subsection (1), he may require that person to leave the meeting immediately.

(3) A person who, having been required to leave any meeting by a police officer pursuant to subsection (2), refuses or fails immediately to leave such meeting is guilty of an offence under this section and liable to a fine of five hundred dollars or to imprisonment for three months.

Prohibition of offensive weapons at public meetings and marches

129. (1) A person who without lawful authority and reasonable cause, the proof whereof shall lie on him, has with him any offensive weapon at a public meeting or in any public place during the course of a public march is guilty of an offence and liable to a fine of two thousand dollars or to imprisonment for eighteen months or to both such fine and imprisonment.

(2) Where a person is convicted of an offence under this section the Court—

(a) may make an order as to the forfeiture or disposal of any offensive weapon in respect of which the offence was committed; and

(b) where the offence was committed in respect of a firearm, may also make an order as to the forfeiture of any ammunition found in possession of such person and revoke any licence held by him under the Firearms Act, 1970.

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(3) In this section—

“firearm” has the same meaning as in the Firearms Act, 1970;

“offensive weapon” means any article made or adapted for use for causing injury to the person, or intended by the person having it with him for such use by him.

Offence to take part in un-
authorised meeting or march

130. A person who takes part in any public march—

(a) in respect of which a permit under this Part has not been obtained; or

(b) otherwise than in accordance with the terms of a permit under this Part,

is guilty of an offence and liable to a fine of one thousand dollars or to imprisonment for twelve months.

Offence to lead or organise marches

131. A person who—

(a) leads; or

(b) organises or attempts to organise; or

(c) incites any person to organise or take part in,

any public march in contravention of any of the provisions of this Part is guilty of an offence and liable to a fine of two thousand dollars or to imprisonment for eighteen months or to both such fine and imprisonment.

PART III

Prosecution of Offences

Prosecution and recovery of penalties

132. All offences under this Ordinance may be prosecuted, and all penalties, fines, awards of compensation, and costs incurred may be imposed or recovered, in the manner provided by the Summary Courts Ordinance.

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Defendant
to be liable
only once

133. Every person convicted summarily who pays the fine and costs or is discharged therefrom by the Crown, or undergoes imprisonment for nonpayment thereof, or imprisonment adjudged in the first instance, or is discharged from his conviction in manner aforesaid, shall be released from all other proceedings for the same cause.

Jurisdic-
tion and
powers of
High Court
and Court
of Appeal

134. Nothing herein contained shall in any manner affect the jurisdiction or the power or authority of the Supreme Court to try any of the offences made punishable under this Ordinance, or to limit the power of the said Courts to award any punishment which may be awarded by the said Courts for any of the said offences."

6. The Schedule set out below is the Schedule for the purposes of the Ordinance. Schedule
given

7. (1) The Clerk of the Senate and the Clerk of the House of Representatives shall certify whether this Act is one, the Bill for which has been passed by the Senate and the House respectively, and at the final vote thereon in the Senate and in the House respectively, has been supported in the Senate, by the votes of not less than three-fifths of all the members of the Senate and in the House by the votes of not less than three-fifths of all the members of the House as provided for in section 5(2) of the Constitution. Act to be
certified

(2) The certificates of the Clerk of the Senate and the Clerk of the House of Representatives under subsection (1) duly signed and authenticated by them shall be conclusive evidence that this Act is one, the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House.

SCHEDULE

[Sections 113(1), 124(1)(a),
126(1), 127(1)]

MEETINGS EXEMPTED FROM PART II

1. Religious services or meetings held under the authority of the head of any religious denomination or any other person duly authorised by him for the purpose or of the Salvation Army.
2. Educational classes and recreation in schools or other educational institutions being a school within the meaning of section 2 of the Education Act, 1966.
3. *Bona fide* cinematograph, musical and theatrical entertainments, dancing, beauty competitions, handicraft shows or other similar cultural shows.
4. *Bona fide* horse racing, cricket, football, hockey, polo, water polo, basketball, netball, tennis, boxing, athletics, swimming and other *bona fide* sports.

Passed in the House of Representatives this 17th day of December, 1971.

G. R. LATOUR
Clerk of the House

It is hereby certified that this Act is one, the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all the members of the House that is to say by the votes of 33 members of the House.

G. R. LATOUR
Clerk of the House

Passed in the Senate this 14th day of December, 1971.

J. E. CARTER
Clerk of the Senate

It is hereby certified that this Act is one, the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the members of the Senate, that is to say by the votes of 16 Senators.

J. E. CARTER
Clerk of the Senate