

**LAWS OF THE REPUBLIC OF VANUATU  
CONSOLIDATED EDITION 2006**

*Commencement: 23 July 1974*

**CHAPTER 84  
PUBLIC ORDER**

*JR 11 of 1974*

*JR 26 of 1975*

*JR 8 of 1976*



*JR 36 of 1977*

*JR 39 of 1977*

*JR 2 of 1980*

*Act 19 of 1982*

*Act 22 of 1989*

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**PUBLIC ORDER**

**To provide for public order.**

## **1. Interpretation**

In this Act the following expressions shall have the meanings hereby respectively assigned to them –

"assembly" means any gathering of three or more persons;

"barrier" includes any device for the purpose of preventing or impeding the passage of vehicles on a road;

"constitution" means any written document purporting to be fundamental law establishing any authority of a governmental nature or of a pretended governmental nature;

"demonstration" means an assembly formed to express publicly by spoken or written words or by any other means any view on a matter of public interest;

"meeting" means an assembly held for the purpose of discussion of matters of public interest or for the purpose of the expression of views on such matters;

"Minister" means the Minister responsible for home affairs;

"parade" means a parade of five or more persons or 3 or more vehicles;

"passport" means any written document purporting to be issued in the name of a governmental authority or of a pretended governmental authority, whether to a named individual or otherwise, intended to be presented to individuals or to the governments of foreign nations and to be used for the protection of any person in any foreign country or to evidence the lawful authority of any governmental authority or pretended governmental authority;

"police force" means the Vanuatu Police Force established under the Police Act, Cap. 105;

"procession" means a procession of five or more persons or 3 or more vehicles;

"public" refers not only to all persons within Vanuatu, but also to the persons inhabiting or using any particular place, or any number of such persons, and also to such indeterminate persons as may happen to be affected by the conduct in respect of which such expression is used;

"public place" means any place whatever, whether publicly or privately owned, which is habitually frequented by the public or to which the public has access, whether on payment or otherwise and shall be deemed to include any place not falling within the foregoing definition at which the public has been invited, whether by individual or general notices, radio announcements or any other medium of information whatever, to attend a meeting.

## **2. Prohibition of uniforms, emblems, etc.**

(1) The Minister may by order prohibit the wearing in public places or at meetings or

assemblies of –

(a) any uniform or distinctive dress or emblem signifying association with any political organization or with the promotion of any political object; or

(b) 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 him that members of that organization or association are organized or trained or equipped for the purpose of displaying of physical force in promoting any political or other object, or in such a manner as to arouse reasonable apprehension that they are organized, trained or equipped for that purpose.

(2) Any person who wears any prohibited uniform, distinctive dress or emblem in contravention of any order made under the provisions of subsection (1) shall be guilty of an offence.

(3) (a) The importation of every uniform, distinct dress or other clothing signifying usage as referred to in subsection (1)(b) above and the importation of all flags, whether new or used, shall be subject to the prior permission of the Minister.

(b) Any article referred to in paragraph (a) above which is imported without the permission of the Minister may be seized and detained, and any person who so imports any such article shall be guilty of an offence.

### **3. Prohibition of passports, constitutions, etc.**

(1) The importation or possession by any person in Vanuatu of any passport, constitution (or other document) purporting to be issued within Vanuatu other than by the Government of Vanuatu is prohibited where the same is calculated to give rise to an assertion of governmental authority by any person or by any body of persons or by any organization within Vanuatu other than the said Government or which may be reasonably interpreted as being of a seditious nature.

(2) Any article the importation or possession of which is prohibited under the provisions of subsection (1) may be seized and detained and any person who imports or is in possession of any such article shall be guilty of an offence.

### **3A. Members of unlawful association**

(1) If the members or adherents of any association of persons –

(a) are organized, trained, drilled or equipped or wear any uniform, distinctive dress or emblems for the purpose of enabling them to be employed in such a manner that such employment usurps or tends to usurp the functions of the police force; or

(b) are organized, trained, drilled, dressed or 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 organized and either trained or equipped for that purpose,

any member or adherent of such association and any person who takes part in the

control or management of the association, or in so organizing or training any such members or adherents shall be guilty of an offence:

Provided that, in any proceeding against any person charged with the offence of taking part in the control or management of such an association as aforesaid, it shall be a defence to that charge for him to prove that he neither consented to nor connived at the organization, training or equipment of members or adherents of the association in contravention of the provisions of this section.

(2) The importation of any uniform, distinctive dress or emblem or any other clothing signifying the usage as referred to in subsection (1)(a) above is prohibited and any such article imported may be seized and detained and any person who so imports such article shall be guilty of an offence.

(3) No prosecution shall be instituted under this section without the consent of the Attorney General.

#### **4. Unlawful drilling**

(1) Any person, other than a police officer or a member of any body or association specially exempted by order of the Minister, who –

(a) is present at or attends any meeting or assembly for the purpose of training or drilling themselves to the use of arms, or of being so trained or drilled, or for the purpose of practising military exercises, movements or evolutions; or

(b) is present at or attends any such meeting or assembly for the purpose of training or drilling any other person to the use of arms, or the practice of military exercises, movements or evolutions, shall be guilty of an offence.

(2) Any person, other than a police officer or a member of any body or association specially exempted by order of the Minister, who –

(a) trains or drills any other person to the use of arms or the practice of military exercises, movements or evolutions; or

(b) takes part in the control or management of any association or organization whose members are trained or drilled in the practice of military exercises, movements or evolutions;

shall be guilty of an offence.

(3) Notwithstanding the foregoing provisions of this section, no offence will be committed in the case of a person instructing a relation or friend in the use of firearms for the purpose of hunting or target shooting.

#### **5. Unlawful oaths to commit murder**

(1) Any person who –

(a) administers, or is present at and consents to the administration of, any oath, or

engagement in the nature of an oath, purporting to bind that person who takes it to commit murder; or

(b) subject to subsection (2), takes any such oath or engagement, shall be guilty of an offence.

(2) Compulsion shall be a defence to a charge under paragraph (b) of subsection (1) provided that the person taking such oath or engagement shall, as soon as may be, declare the same together with the whole of what he knows concerning the same, and the person or persons by whom and in whose presence and when and where such oath or engagement was administered or taken, to the Minister or to any police officer.

## **6. Other unlawful oaths to commit offences**

(1) Any person who –

(a) administers, or is present at and consents to the administering of, any oath or engagement in the nature of an oath, purporting to bind the person who takes it to act in any of the ways following, that is to say –

(i) to engage in any mutinous or seditious enterprise;

(ii) *(repealed)*;

(iii) to disturb the public peace;

(iv) to be a member of any association, society or confederacy formed for the purpose of doing any such act as aforesaid;

(v) to obey the orders or commands of any committee or body of men not lawfully constituted, or of any leader or commander or other person not having authority by law for the purpose;

(vi) not to inform or give evidence against any associate or confederate or other person;

(vii) not to reveal or discover any unlawful association, society or confederacy, or any illegal act done or to be done, or any illegal oath or engagement which may have been administered or tendered to or taken by himself or any other person, or the import of any such oath or engagement, or

(b) subject to subsection (2), takes any such oath or engagement, shall be guilty of an offence.

(2) Compulsion shall be a defence to a charge under paragraph (b) of subsection (1) provided that the person taking such oath or engagement shall, as soon as may be, declare the same together with the whole of what he knows concerning the same, and the person or persons by whom and in whose presence and when and where such oath or engagement was administered or taken, to the Minister or to any police officer.

## **7. Meetings**

(1) Meetings may be lawfully held without prior authorisation upon and subject to the following conditions –

- (a) such meetings shall not be held in any public place;
- (b) such meetings shall not continue after 11 o'clock in the evening without a special permit of the Minister;
- (c) every such meeting must appoint a committee of not fewer than three people, responsible for maintaining order, preventing any offence against the law, forbidding any speech contrary to public order or morality or inciting the commission of any crime or offence. The members of the committee shall be elected by the meeting and shall be liable for any breach of the provisions of this section;
- (d) an administrative or judicial government officer may be appointed by the Minister to attend any such meeting and may place himself where he chooses.

(2) Every person who organizes or takes part in any meeting in contravention of the provisions of subsection (1) shall commit an offence.

## **8. Public procession, parade, etc.**

(1) No procession, parade, assembly or demonstration shall be held in a public place except under the authority of a permit issued under this section.

(2) An application for a permit to hold, convene or organize a procession, parade, assembly or demonstration in a public place, shall be made in the prescribed form to the Minister not less than 7 days and not more than 30 days before the intended date of such procession, parade, assembly or demonstration.

(3) An application referred to in subsection (2) shall state the following particulars –

- (a) the name and the address of the applicant;
- (b) whether the application is in respect of a procession, parade, assembly or demonstration;
- (c) the reason for such procession, parade, assembly or demonstration;
- (d) the date upon which and the place at which the procession, parade, assembly or demonstration is intended to take place;
- (e) the time at which the intended procession, parade, assembly or demonstration is to commence and its appropriate duration;
- (f) in the case of a meeting, the names of persons who intend to address the meeting and the matters to be discussed at such meeting;
- (g) in the case of a procession, parade or demonstration, the description of place of assembly, route, and place of dispersal;

(h) details of any band, loud speaker, banner, placard, emblem or flag wished to be used during the procession, parade, assembly or demonstration;

(i) names and addresses of five persons who will organize or assist to organize, such procession, parade, assembly or demonstration and whose places of residence shall be within the locality concerned.

(4) A copy of the application shall be forwarded by the applicant to the Commissioner of Police, the head of a police station (if any) within the locality concerned and the Local Government Council of such locality.

(5) The Minister may, if upon the receipt of an application made under subsection (3) of this section he is satisfied that the procession, parade, assembly or demonstration, as the case may be, is not likely to prejudice the maintenance of public order or public safety, grant a permit subject to such conditions as he may think fit.

(6) The Minister may, before granting a permit under subsection (5), require the applicant or any person concerned with the organization or convening or holding of the procession, parade, assembly or demonstration, to furnish to the Minister any further information or particulars as the Minister may think necessary.

## **9. Revocation of permit**

If the Minister considers that the proposed procession, parade, assembly or demonstration is likely to disturb the public order, he may revoke any permit granted under section 8(5), or amend the conditions of such permit.

## **9A. Prohibition of procession, parade, etc.**

The Minister may, if it appears to him to be necessary or expedient in the interest of public safety and the maintenance of public order, at any time by order prohibit the holding of any procession, parade, assembly or demonstration, in any place, whether such place is a public place or not in the area specified in that order, or impose any condition, subject to which such procession, parade, assembly or demonstration shall be held.

## **9B. Delegation of powers**

The Minister may, by order published in the Gazette, delegate the powers conferred upon him under sections 7, 8(2), 8(5), 8(6), 9 and 20 to any public officer and thereupon such public officer shall have and exercise such powers, subject to any condition, or any direction, the Minister may think fit to impose.

## **10. Power to disperse public meetings**

(1) Any public meeting for which a committee has not been established in accordance with paragraph (c) of subsection (1) of section 7 may be dispersed.

(2) The Minister may, either directly or by a person authorised for the purpose by the Minister, when so requested by the committee or in the event of disorder or acts of violence, order the dispersal of the meeting and may, if necessary, use the police force for this purpose.

## **11. Offences concerning processions, parades, etc.**

Any person who –

- (a) in the application under section 8, makes any incomplete or incorrect statement which is misleading as to the nature of the proposed procession, parade, assembly or demonstration;
- (b) without having obtained a permit under section 8, or after prohibition under section 9A, issues by any means an invitation to others to take part in such proposed procession, parade, assembly or demonstration;
- (c) organizes or takes part in a procession, parade, assembly or demonstration in respect of which a permit is not issued or is revoked under this Act or which has been prohibited; or
- (d) organizes or takes part in a procession, parade, assembly or demonstration in which conditions or directions by which it has been restricted have not been complied with,

shall be guilty of an offence.

## **12. Disturbance in public places**

Any person who –

- (a) in any public place or at any meeting, uses threatening, abusive or insulting words or behaves with intent to provoke a breach of the peace or whereby a breach of the peace is likely to be occasioned; or
- (b) having been given by any police officer any direction for the purpose of preventing obstruction, or keeping order in any public place, without lawful excuse contravenes or fails to comply with any direction so given to him, shall be guilty of an offence.

## **13. Spreading false rumours, etc.**

Any person who –

- (a) maliciously fabricates or knowingly spreads abroad, or publishes, whether by writing or by word of mouth or otherwise, any false news or false report tending to create or foster public alarm, public anxiety or disaffection or to produce public detriment; or
- (b) acts or is acting in a manner prejudicial to the public safety or to the peace and good order of any part of Vanuatu; or
- (c) endeavours to disturb the public peace by inciting hatred or contempt of any class of persons,

shall be guilty of an offence.



#### **14. Incitement to violence and disobedience of the law**

Any person who, without lawful excuse, the burden of proof whereof shall lie on him, utters, prints, or publishes any words, or does any act or thing, indicating or implying that it is or might be desirable to do, or omit to do, any act, the doing or omission of which is calculated –

- (a) to bring death or physical injury to any person or to any class, community or body of persons; or
  - (b) to lead to the damage or destruction of any property; or
  - (c) to prevent or defeat by violence or by other unlawful means the execution or enforcement of any written law or to lead to defiance or disobedience of any such law,
- shall be guilty of an offence.

#### **15. Unlawful organization**

(1) The President of the Republic acting with and in accordance with the advice of the Prime Minister may by proclamation declare any organization to be an unlawful organization if he is satisfied that a substantial number of its members have been involved in the commission or instigation of offences under this Act or have incited others to commit the same.

(2) Any person who is a member of an unlawful organization or any person who acts in any manner on behalf of such organization shall be guilty of an offence.

(3) In this section "organization" includes an association or combination of persons.

#### **16. *(Repealed)***

#### **17. Power to restrict movement of vehicles, etc.**

(1) Notwithstanding any other provision of law, the Minister may, if it appears to him expedient so to do in the interest of public safety and the maintenance of public order, prohibit or restrict the entry, operation or use of any vehicle, vessel or aircraft, or any class of vehicle, vessel or aircraft, in any specified area or areas within the administrative district either generally or during particular hours, and any person who uses any vehicle, vessel or aircraft in contravention of any such prohibition or restriction shall be guilty of an offence.

(2) Without limiting the generality of the powers conferred by subsection (1), the Minister may for the purposes of that subsection –

- (a) close or restrict the use of any road by any vehicle or class of vehicles;
- (b) close or restrict the use of any port or landing by any vessel or class of vessels;
- (c) order any vessel to enter or to depart from any port or landing
- (d) close or restrict the use of any airfield by any aircraft or class of aircraft;

(e) order any aircraft to land at any airfield or to depart from any airfield or other place at which it has landed.

(3) For the purpose of enforcing any order made or direction given under the provisions of subsection (1), any police officer may, if the circumstances so require, seize and temporarily detain any vehicle, vessel or aircraft for any period not exceeding 7 days.

(4) Any police officer may upon the issue by a magistrate of a general or special warrant for the purpose search any vehicle, vessel or aircraft which he has reasonable grounds to suspect is being used or is about to be used in the commission of an offence against any Act or regulations and may search any occupant of such vehicle, vessel or aircraft:

Provided that no woman shall be searched by a person other than a woman.

(5) Notwithstanding the provisions of section 20, any order or direction given under the provisions of subsection (1) or (2) shall have effect as soon as the same shall be given.

(6) For the avoidance of doubt, it is hereby declared that any prohibition or restriction issued by the Minister with respect to the movement of any aircraft or vessel shall have effect, unless otherwise specified therein, within the territorial airspace or waters, as the case may be, of Vanuatu relative to the administrative district concerned.

## **18. Road barriers**

(1) Notwithstanding the provisions of any other written law, the Commissioner of Police may if he considers it necessary so to do for the maintenance and preservation of law and order, or for the prevention or detection of crime, erect or place barriers in or across any public road or street or in any public place within Vanuatu in such a manner as he may think fit.

(2) Any police officer in uniform may take all reasonable steps to prevent any vehicle or person passing such barrier, and may, by any reasonable signal, indicate where such vehicle or person is required to stop; and any driver of any vehicle or any person who fails to comply with such signal shall be guilty of an offence.

(3) No police 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 such vehicle or to any person failing to obey any police officer acting under the provisions of subsection (2).

## **19. Power of arrest**

A police officer may arrest without warrant any person –

- (a) committing;
  - (b) whom he has reason to suspect is about to commit;
  - (c) whom he has reason to suspect has committed,
- an offence against this Act.

## **20. Notice of order or direction**

When any order or direction is made under the provisions of this Act, the Minister shall cause notice of the substance and effect of such order or direction to be given as soon as may be, in such a manner as he thinks necessary for bringing it to the notice of all persons who, in his opinion, ought to have notice of the order or direction, and such order or direction shall have effect as soon as notice aforesaid has been given without publication in the Gazette.

## **20A. Minister's power to make regulations**

The Minister may make regulations for the better carrying into effect of the purposes of this Act and in particular may make regulations providing for anything that may be prescribed under this Act.

## **21. Punishment of offences**

(1) The Schedule to this Act shall have effect, subject to and in accordance with the following provisions of this section, with respect to the punishment of the offences listed in the first column of the Schedule, being the offences under this Act.

(2) The second column of the Schedule shows, for any offence, the maximum punishments which may be imposed on conviction.

(3) The competent court may on the conviction of any person for an offence against this Act punishable by imprisonment for 2 years or more, in addition to any other sentence, make an order prohibiting that person for a period not exceeding 5 years from residing in any part or parts of Vanuatu.

## **SCHEDULE**

(Section 18)

### **Table of offences with maximum punishments**

	<b><u>Offences</u></b>	<b><u>Maximum punishments</u></b>
1.	Wearing prohibited uniform, distinctive dress or emblem (section 2(1))	imprisonment for 1 year or a fine of VT100,000 or both
2.	Unlawful importation (section 2(3))	imprisonment for 3 years or a fine of VT300,000 or both
3.	Unlawful importations or possession of a passport or a constitution (section 3)	imprisonment for 3 years or a fine of VT300,000 or both
4.	Unlawful associations (section 3A(1))	imprisonment of 8 years or a fine of VT600,000 or both
5.	Unlawful importations (section 3A(2))	imprisonment of 8 years or a fine of VT600,000 or both
6.	Unlawful drilling (section 4(1))	imprisonment for 7 years

7.	Unlawful drill instructions (section 4(2))	imprisonment for 7 years
8.	Unlawful oaths to commit capital offences (section 5)	imprisonment for 8 years
9.	Other unlawful oaths to commit offences (section 6)	imprisonment for 6 years
10.	Organizing or taking part in a meeting contrary to section 7(1) and section 7(2)	imprisonment for 1 year or a fine of VT100,000 or both
11.	Making incomplete or misleading statement of proposed procession etc. (section 11(a))	imprisonment for 1 year or a fine of VT100,000 or both
12.	Inviting others to take part in a procession etc. which has not been authorized or has been prohibited (section 11(b))	imprisonment for 2 years or a fine of VT200,000 or both
13.	Organizing or taking part in a procession etc. which has not been authorized by a permit or has been prohibited (section 11(c))	imprisonment for 4 years or a fine of VT400,000 or both
14.	Organizing or taking part in a procession etc. in which conditions or directions restricting the same have not been complied with (section 11(d))	imprisonment for 3 years or a fine of VT300,000 or both
15.	Disturbances in public places (sections 12(a) and 12(b))	imprisonment for 3 years or a fine of VT300, 000 or both.
16.	Spreading false rumours etc. (section 13(a), (b) and (c)).	imprisonment for 5 years or a fine of VT500, 000 or both.
17.	Incitement to violence and disobedience of the law (section 14(a), (b) and (c)).	imprisonment for 6 years or a fine of VT600, 000 or both.
18.	Being a member or acting in any manner on behalf of an unlawful organization (section 15A)	imprisonment for 4 years or a fine of VT400,000 or both
19.	Using a vehicle, vessel or aircraft in contravention of an order made under section 17	imprisonment for 1 year or a fine of VT100,000 or both
20.	Failing to comply with signal given by police officer at road barrier under section 18	imprisonment for 1 year or a fine of VT100,000 or both

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***Table of Amendments (since the Revised Edition 1988)***

*[Note that this Act was re-numbered in the 1988 Edition, but amending Act 22 of 1989 referred to the earlier section numbers. Where these are different, the earlier section numbers are in brackets following the Act.]*

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*1 Amended by Act 22 of 1989*  
*2(1) (b) Substituted by Act 22 of 1989*  
*2(3) (a) Amended by Act 22 of 1989*  
*3A Inserted by Act 22 of 1989 [2B]*  
*5 Amended by Act 22 of 1989 [4]*  
*6 Amended by Act 22 of 1989 [5]*  
*7 Amended by Act 22 of 1989 [6]*  
*8 Substituted by Act 22 of 1989 [7]*  
*9 Substituted by Act 22 of 1989 [8]*  
*9A, 9B Inserted by Act 22 of 1989 [8A, 8B]*  
*10 Amended by Act 22 of 1989 [9]*  
*11 Substituted by Act 22 of 1989 [10]*  
*15 Amended by Act 22 of 1989 [13A]*  
*16 Repealed by Act 22 of 1989 [13B]*  
*17 Amended by Act 22 of 1989 [14]*  
*20 Amended by Act 22 of 1989 [17]*  
*20A Inserted by Act 22 of 1989 [17A]*  
*Sched Substituted by Act 22 of 1988*