

THE PUBLIC ORDER ACT

Date of commencement: 14th June, 1963.

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An Act to provide for the maintenance of public order and for connected purposes.

PART I
PRELIMINARY

Short title and application.

1. (1) This Act may be cited as the Public Order Act, 1963.
- (2) The provisions referred to in the Schedule (hereinafter called the Scheduled provisions) shall —
 - (a) only be put into force if they are reasonably required in the interests of defence, public safety or public order or for the purpose of protecting the rights and freedom of other persons;
 - (b) subject to the remaining provisions of this subsection, come into force in such area and for such period as the Minister may from time to time appoint by notice published in the Gazette;
 - (c) lapse on the expiry of a period of three months from the date on which they are put into force unless, within that period, there is passed by each House of Parliament a resolution authorizing their operation for a further period not exceeding six months.
- (3) During any period when the Scheduled provisions are in force, that period may be curtailed, or extended for a period not exceeding six months, by a resolution to that effect passed by each House of Parliament.
- (4) The Minister may, by notice, revoke any notice given under subsection (2), whereupon the Scheduled provisions shall cease to be effective in the area or areas appointed by that notice. (Amended A.9/1968.)

Interpretation.

2. In this Act, unless the context otherwise requires—
 - “ammunition” means —
 - (a) ammunition for a firearm,
 - (b) grenades, bombs and other like missiles whether capable of use with a firearm, or not,
 - (c) ammunition containing, or designed or adapted to contain, any noxious liquid, gas or other thing;
 - “Attorney-General” includes law officer authorized by him for the purpose;
 - “chief” has the same meaning as in section 1 of the Swazi Administration Act No. 79 of 1950;
 - “convenor”, in relation to a meeting, means, in addition to the actual convenor and any person on whose instructions he is acting, every member of the executive authority of the organization under the auspices of which a meeting is held or to be held;

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- “executive authority” means a board, committee or other body of persons in which is vested the power of controlling or managing a public body or any other organization;
- “explosive” has the same meaning as in section 2 of the Explosives Act, No. 4 of 1961;
- “firearm” means any automatic pistol, revolver, rifle, shotgun or other lethal-barrelled weapon of any description from which any shot, bullet or other missile can be discharged, or which can be adapted for the discharge of a shot, bullet or other missile, or a weapon of any description designed or adapted for the discharge of any noxious liquid, gas or other thing, but does not include an airgun of less than .22 calibre;
- “incendiary material” means material capable of being used for causing damage to property by fire;
- “judicial officer” means a Judge or any magistrate;
- “magistrate” means a person entitled to preside over a court in terms of the Magistrate’s Court Act, No. 66 of 1938;
- “Minister” means the Prime Minister;
- “offensive weapon” means any article made or adapted for use for causing injury to the person, or intended for such use by the person having it in his possession or under his control;
- “organizer” includes convenor and any person who in any way participates in organizing a public gathering;
- “private premises” means premises to which the public has access (whether on payment or otherwise) only by permission of the owner, occupier or lessee of the premises;
- “procession” means a gathering or assembly of ten or more persons which moves from one place to another;
- “property” has the same meaning as in section 3 of the Criminal Procedure and Evidence Act No. 67 of 1938;
- “public body” means local authority, a body specifically constituted by legislative enactment and a public company with a paid up share capital of not less than one hundred thousand emalangeni;
- “public gathering” means a public meeting, a public procession, or any other meeting, gathering or concourse of ten or more persons in a public place;
- “public meeting” means a public gathering for any purpose in a public place but does not include —
- (a) a gathering for the lawful purposes of —
 - (i) the Ngwenyama or a Chief acting in accordance with the Swazi Administration Act No. 79 of 1950 or Swazi law and custom; or

- (ii) a public body; or
 - (iii) a gathering or assembly of members of a trade union registered under the law relating to trade unions, convened and held exclusively for a lawful purpose of that trade union; or
 - (iv) a gathering or assembly convened and held exclusively for social, cultural, charitable, recreational, religious, professional, commercial or industrial purposes; or
- (b) a gathering specified by notice, published in the Gazette, by the Minister;

“public officer” means any person in the service of or holding office under the Government, whether the service be permanent or temporary or paid or unpaid;

“public place” means a place to which for the time being the public or any section of the public are entitled or permitted to have access, whether on payment or otherwise, or in relation to a meeting to be held in the future, a place which will, on the occasion and for the purposes of that meeting, be a public place;

“public procession” means a procession in, to or from a public place;

“statutory document” means —

- (a) a licence, permit, identity card, record or return or certificate of or relating to, employment, or any other record of or document establishing, status, identity, qualifications, service, authorization, eligibility or entitlement, made, granted, given or issued under and for the purposes of and in the form prescribed by any law and being of current validity, or
- (b) a part thereof, or
- (c) a copy thereof, so made, granted, given or issued.

(Amended P.53/1963; A.9/1968.)

PART II

PUBLIC GATHERINGS, ETC.

Control of public gatherings.

3. (1) If it appears to him to be necessary or expedient in the interests of public order to do so, a police officer in charge of the police in any district may, in such manner as he thinks fit —

- (a) control and direct, within the area of his responsibility, the extent to which music may be played or to which music or human speech or any other sound may be amplified, broadcast, relayed or otherwise reproduced by artificial means —
 - (i) in public places, or

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- (ii) in places other than public places if such a playing, amplification, broadcasting, relaying or other reproduction is in his opinion, likely to affect persons who are or may be in public places;
 - (b) control and direct the conduct of all public gatherings within the area of his responsibility, and specify the route by which, and the time at which any public procession within that area, may pass; and
 - (c) for any of those purposes, give or issue such orders as he may consider necessary or expedient.
- (2) No public meeting or public procession shall —
- (a) take place save under and in accordance with the terms and conditions of a licence in that behalf issued under this section;
 - (b) be advertised or otherwise publicized unless such licence has been issued.
- (3) Any person wishing to hold, convene, organize or form a public meeting or public procession shall first make application for a licence in that behalf to the police officer in charge of the police in the district in which the meeting or procession is to take place.
- (4) Subject to sub-section (7), the police officer referred to in sub-section (3) shall, if satisfied that the meeting or procession is not likely to prejudice the maintenance of public order or be used for an unlawful or immoral purpose, issue a written licence, specifying the name of the licensee and defining the conditions on which the meeting or procession may take place.
- (5) The conditions on which a licence is to be issued under this section are that the organizer or organizers specified therein shall be present throughout the gathering and forthwith comply with any direction given to him or them by an administrative officer or by a police officer for ensuring the due performance of and compliance with this Act, the conditions of the licence and the maintenance of public order throughout the period of assembly, conduct and dispersal of the public gathering and the period immediately following its dispersal.
- (6) The names of all the organizers of the meeting, the conditions specified in subsection (5), the provisions of subsections (21) to (24), inclusive, and such other conditions as seem reasonable to the officer issuing it shall be stated in the licence.
- (7) The police officer may refuse to grant a licence under sub-section (4) if the—
- (a) applicant or any person or organization or body of persons associated directly or indirectly with the application or likely, in the opinion of the police officer, to be concerned in the holding or organizing of the meeting or procession has, in relation to any public gathering, recently contravened this Act or any other law or any condition of a licence issued under this section or that other law; or
 - (b) meeting or procession has been advertised or otherwise publicized in contravention of subsection (2)(b); or
 - (c) application for the licence is received by him less than seven clear days prior to the day of the public meeting or public procession in question.
- (8) If it appears to him to be necessary or expedient in the interests of public order for preventing the carrying out of an unlawful or immoral purpose so to do, the police officer may cancel any licence issued by him under this section or amend its conditions.

(9) Notice of such cancellation or amendment shall be given in writing to the licensee, or if he is not readily accessible for such purpose, to any other person concerned in the holding or organization of the meeting or procession, or, failing such person, by publication in such manner or by posting in such place or places as the police officer may think fit.

(10) Any administrative officer or any police officer may —

(a) stop or prevent the holding of —

(i) any public meeting or public procession not licensed under this section or in regard to which a condition of a licence issued it is being or has been contravened; or

(ii) any public gathering or other meeting, procession or gathering of persons whatever and wherever, whether or not required to be licensed and whether or not licensed under this section, if the public gathering, meeting, procession or gathering is causing, or is, in the opinion of that officer, likely to cause a breach of the peace;

(b) for any such purposes, give or issue such orders, including orders for the dispersal of the meeting, procession or gathering, as he may consider necessary or expedient; and

(c) use or cause to be used such force as may be necessary to stop, prevent the holding of or to disperse, the meeting, procession or gathering.

(11) If an administrative officer or police officer of the rank of inspector or above has reason to believe that a public meeting or public procession, which is required to be licensed under this section and is not so licensed, is likely to take place or form in a public place, he may cause access to that public place or any other public place adjacent thereto to be barred and to be closed to the public or any person or class of persons for such time as may be necessary to prevent the meeting or procession taking place, but no person shall in pursuance of this sub-section be denied access to a place at which he normally resides or has his place of business, work or employment.

(12) The closure of a public place under subsection (11) shall be notified by means of notices exhibited or physical barriers erected at the places of access to it, or by oral public announcement in the vicinity of it, or in such other manner as the officer in question may think fit.

(13) Any administrative officer or police officer may use such force as may be necessary to prevent any person from entering or remaining in a public place to which access has been closed to him under subsection (11).

(14) In relation to the performance of any duty or the exercise of any power under the preceding subsections, every administrative officer or police officer shall comply with such general or specific directions in that behalf as may at any time, and from time to time, be given by or with the authority of the Minister.

(15) If under this section a licence is refused or cancelled or is issued subject to conditions or its conditions are amended the applicant or licensee, as the case may be, may in writing request the Minister to review the decision in question, and on such request the Minister may confirm, reverse or vary such decision.

(16) A person shall be guilty of an offence and liable on conviction to imprisonment not exceeding three years, if he —

- (a) neglects or refuses to obey any order given or issued under subsection (1) or subsection (10); or
- (b) contravenes any condition of a licence issued under this section or suffers or permits such contravention; or
- (c) without the permission of an administrative officer or police officer on duty there, enters or remains in a public place to which access has, under subsection (11), been closed to him; or
- (d) prints, publishes, displays, distributes or circulates a notice of or in any other manner advertises or publicizes any public meeting or public procession not licensed under this section.

(17) The following shall be deemed to be unlawful assemblies, namely, every —

- (a) public meeting or public procession which takes place without a licence under this section; or
- (b) public gathering in which three or more persons taking part neglect or refuse to obey an order given or issued under subsection (1); or
- (c) public gathering or other meeting, procession or gathering of persons in which three or more persons taking part refuse or neglect to obey an order given or issued under subsection (10).

(18) Any person who takes or continues to take part in an unlawful assembly referred to in subsection (17) shall be guilty of an offence and liable on conviction to the punishment referred to in subsection (16).

(19) A person shall be guilty of an offence and liable on conviction to the penalty referred to in subsection (16) if, after it has become an unlawful assembly referred to in subsection (17), he —

- (a) holds, convenes, organizes, forms or collects, or assists or is concerned in holding, convening, organizing, forming or collecting a public meeting or public procession mentioned in subsection (17)(a); or
- (b) continues or attempts to continue to hold or conduct, or to direct (otherwise than for the purpose of securing obedience to an order given or issued under subsection (10)), a public gathering mentioned in subsection (17)(b), or a public gathering or other meeting, procession or gathering of persons mentioned in subsection (17)(c).

(20) In any criminal proceedings under this Act the onus shall rest upon the accused to prove that the public meeting concerned did not fall within the definition of public meeting in section 2.

(21) A convenor of a public gathering, which is likely to be attended by twenty persons or more and which falls under the definition public meeting in section 2, shall give details in writing of the gathering, not less than seven days before the date of the gathering, to the police officer in charge of the district in which such gathering is to take place.

(22) A convenor who fails to comply with the provisions of subsection (2) shall be guilty of an offence and liable on conviction to a fine not exceeding four hundred emalangeni or in default of payment thereof imprisonment not exceeding one year.

(23) A convenor shall be present at the public gathering in respect of which he is a convenor from the time it assembles until its final dispersal and if he fails to comply with this provision he shall be guilty of an offence and liable on conviction to a fine not exceeding four hundred emalangi or in default of payment thereof to imprisonment not exceeding one year.

(24) An organizer shall be liable as if he were the principal offender for any unlawful act committed at or immediately after the public gathering in respect of which he is an organizer and in the vicinity of the place where the gathering was held, unless he satisfies the court that he did not and could not have known that the unlawful act was likely to be committed, and could not, with reasonable diligence, have prevented its commission.

Prohibition of offensive weapons at public meetings and processions.

4. (1) Any person who is present at a public meeting or on the occasion of a public procession and has an offensive weapon, with him, shall be guilty of an offence and liable on conviction to imprisonment not exceeding three years.

(2) Subsection (1) shall not apply to a public officer acting in his capacity as such.

Power to prohibit entertainments and sporting events.

5. (1) If at any time, it appears to the Commissioner of Police that serious public disorder is likely to arise at or on the occasion of a sporting event or other entertainment of any description, he may, by notice addressed to the promoter, organizer or manager thereof, prohibit its holding or continuance in any area or place or on a particular day.

(2) A notice under subsection (1) shall be served on the person, or one of the persons promoting, organizing or managing the sporting event or entertainment.

(3) If such sporting event or entertainment is held or continued in contravention of the terms of a notice issued under subsection (1), any person taking part in the promotion, organization or management thereof shall be guilty of an offence and liable on conviction to imprisonment not exceeding three years.

(4) Any police officer may give or issue such orders and use such force as may be necessary to prevent the holding or continuance of a sporting event or other entertainment in respect of which a notice has been issued under subsection (1); and disperse any gathering of persons at it.

(5) Any person who neglects or refuses to obey an order issued under subsection (4) shall be guilty of an offence and liable on conviction to imprisonment not exceeding three years.

(6) A certificate under the hand of the Commissioner of Police specifying the terms and the date and manner of service, of a notice issued under subsection (1) shall be *prima facie* evidence thereof in all legal proceedings.

Acts or conduct constituting an incitement to public violence.

6. A person shall be deemed to have committed the common law offence of incitement to public violence if, in any place whatever, he has acted or conducted himself in such manner or spoken or published such words, that it might reasonably be expected that the natural and probable consequences of his act, conduct, speech or publication would under the circumstances, be the commission of public violence by members of the public generally or by persons in whose presence the act or conduct took place or to whom the speech or publication was addressed.

Jurisdiction in the manner of punishment.

7. A magistrate shall have jurisdiction to try offences against this Act and to impose penalties not exceeding those prescribed by this Act.

Saving of other laws as to dispersal of riotous gatherings.

8. Nothing contained in this Part shall be construed as affecting or derogating from any right conferred or duty imposed upon a chief, police officer or member of the public under any other law, including the common law, to assist in the dispersal of riotous gatherings or the prevention and suppression of riotous and seditious acts.

PART III

FLAGS, BANNERS AND EMBLEMS

Prohibition of flags, etc., of political organizations.

9. (1) Subject to subsection (2) no person shall —

- (a) display, at a public meeting, or at a public procession or at a school, any flag, banner or other emblem signifying association with a political organization or with the promotion of a political object; or
- (b) if he is the owner, tenant, occupier or person in charge of any premises, knowingly permit the display of such a flag, banner or other emblem on or at those premises in contravention of paragraph (a).

(2) The Minister may by order exempt any person or class of persons or make an exception in respect of the display of any flag, banner or other emblem from subsection (1) and such order may regulate the manner in which and limit the time during which such display may be made.

(3) Any person who displays or permits the display of any flag, banner or other emblem in contravention of this section or the terms of any order made under it shall be guilty of an offence and liable on conviction to imprisonment not exceeding three years.

(4) No prosecution for an offence under this section shall be instituted without the written consent of the Attorney-General.

PART IV

POSSESSION OF FIREARMS ETC.

Possession of firearms, etc., to prejudice of public order.

10. (1) Any person who, without reasonable excuse, carries or has in his possession or under his control any firearm or other offensive weapon, or any ammunition, incendiary material or explosive, in circumstances which raise a reasonable presumption that the firearm, ammunition, offensive weapon, incendiary material or explosive is intended to be used or has recently been used in a manner or for a purpose prejudicial to public order shall be guilty of an offence and liable on conviction to imprisonment not exceeding five years.

(2) Any person who consorts with or is found in the company of another person who, in contravention of subsection (1), is carrying, or has in his possession or under his control any firearm or other offensive, weapon, or any ammunition, incendiary material or explosive, in circumstances which raise a reasonable presumption that he intends to act, or has recently acted, with that other person in a manner or for a purpose prejudicial to public order, shall be guilty of an offence and liable on conviction to the penalty referred to in subsection (1).

(3) In a prosecution for an offence under this section it shall be presumed, until the contrary is proved that a weapon having the appearance of a firearm or offensive weapon is a firearm or offensive weapon.

PART V
SABOTAGE

Sabotage.

11. (1) A person shall be guilty of an offence if he wilfully and unlawfully destroys or damages, or does an act with intent to or knowing it to be likely that the act will impair the usefulness or efficiency or prevent or impede the working of any property used or intended to be used —

- (a) in the service of His Majesty the King, the Government, or a local authority, or,
- (b) for the purposes of an airport or air service or a supply of water or electricity to any person or community of persons, or
- (c) in the performance of any other service essential to the life of the community.

(2) Any person guilty of an offence under subsection (1) shall be liable on conviction to imprisonment —

- (a) for life if the offence was committed with intent to endanger life or with the knowledge that it is likely to endanger life, and
- (b) not exceeding five years in any other case.

PART VI
INTIMIDATION AND MOLESTATION

Intimidation and Molestation.

12. (1) Any person who intimidates or molests any other person shall be guilty of an offence and liable on conviction to imprisonment not exceeding three years.

(2) A person shall be deemed to intimidate another person if with intent to cause alarm to that person or to cause him to do an act which he is not legally bound to do, or to omit to do a act which he is legally entitled to do, he causes or threatens to cause unlawful injury to the person, reputation or property of that person or anyone in whom that person is interested.

(3) A person shall be deemed to molest another person if, with the intent mentioned in subsection (2) he—

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- (a) dissuades or attempts to dissuade, by whatever means, anyone from entering or approaching or dealing at any premises at which that person carries on trade or business or works, or otherwise from dealing with that person, or with any person by whom that person is employed, in the course of his trade or business; or
 - (b) watches and besets any premises where that person resides or works or carries on trade or business or happens to be, or the approaches to those premises; or
 - (c) persistently follows that person or anyone in whom that person is interested from place to place; or
 - (d) interferes with any property owned or used by such person or anyone in whom he is interested, or deprives him or such other person of or hinders him or such other person in the use of such property.
- (4) Subsection (3) shall not apply to a peaceful picketing which is lawful in accordance with any law relating to trade unions or trade disputes.

PART VII
BOYCOTTS

Wrongfully inducing a boycott.

13. (1) Where the Minister is satisfied that a boycott is being conducted or is threatened or likely to be conducted with the intention or effect of —

- (a) bringing into hatred or contempt, exciting disaffection against or undermining the lawful authority of the Government or a local authority, or of persuading such body to alter any law or by-law, to appoint a commission or committee or to take any action which it is not by law required to take; or
- (b) endangering public order; or
- (c) endangering the economic life of Swaziland; or
- (d) raising discontent or disaffection amongst His Majesty's subjects or the inhabitants of Swaziland, or engendering feelings of ill-will or hostility between different classes or different races of the population,

he may by notice in the Gazette, designate it to be a boycott for the purposes of this section.

(2) The Minister may by the same or by a subsequent notice so published specify in relation to a designated boycott any action which he is satisfied is likely to further such boycott, including (but without prejudice to the generality of such power) abstaining from —

- (a) buying goods from, or selling goods to, any person or class of persons;
- (b) buying or selling any goods or class of goods;
- (c) entering or approaching or dealing at any premises at which any person or class of persons carries on trade or business;
- (d) dealing with any person or class of persons in the course of his trade or business;
- (e) using or providing any service or class of services;
- (f) working for or employing any person or class of persons;

(g) letting, hiring, or allowing the use of any land or buildings to any person or class of persons;

(h) doing any other act which may lawfully be done.

(3) Any person, with intent to further a designated boycott who by word of mouth publicly, or by making a publication (as defined in sub-section (9)), advises, induces or persuades or attempts to advise, induce or persuade any person or class of persons to take any action which has been specified in relation to such boycott, shall be guilty of an offence and liable on conviction to imprisonment not exceeding six months.

(4) In determining, for the purpose of this section, whether any words were spoken or a publication was made with intent to further a designated boycott, a person shall be deemed unless the contrary be proved to intend the consequences which would naturally follow from his conduct at the time and in the circumstances in which he conducted himself.

(5) This section shall not be construed so as to make unlawful any action lawfully taken by a party to a trade dispute (as defined in section 2 of the Trade Unions and Employers Organisations, Act No. 12 of 1966) in contemplation or in furtherance of that dispute.

(6) Where a person is charged before a court with an offence under this section, further proceedings in respect of the offence shall not be taken against him without the consent of the Attorney-General except such as the court may think necessary by remand (whether in custody or on bail) or otherwise to secure the due appearance of the person charged.

(7) Where, however, that person is remanded in custody, he shall after the expiration of a period of fourteen days from the date on which he was so remanded be entitled to be discharged from custody on entering into a recognizance without sureties unless within that period the Attorney-General has so consented to further proceedings.

(8) A notice published under this section may, at any time, be amended, varied, suspended or revoked by a further notice so published.

(9) For the purpose of this section a person shall be deemed to make a publication if he prints it, makes it, publishes it, sells it, distributes it, offers it for sale or distribution or reproduces it.

PART VIII

NOTIFIED LIABILITIES AND STATUTORY DOCUMENTS

Notified Liabilities.

14. (1) The Minister may, by notice in the Gazette, order that any tax, rate, rent, charge, fee or other money legally due or payable to the Government or a local authority, or any class or arrears thereof, shall be a notified liability.

(2) Subject to the provisions of subsection (3) a person shall be guilty of an offence and liable on conviction to imprisonment not exceeding three years if he —

(a) instigates in any manner or by whatever means, expressly or by implication, any person or class of persons not to pay or to defer payment of a notified liability; or

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(b) does an act with intent or knowing it to be likely that any person or class of persons will be instigated by it not to pay or to defer payment of a notified liability.

(3) Subsection (2) shall not extend to advice given privately and in good faith by one person to another person with regard to the liability under the law of the last-mentioned person to pay any notified liability.

Destruction, etc. of statutory documents.

15. (1) Any person who knowingly and without lawful authority or excuse, destroys, mutilates, defaces, alters, abandons or fails to preserve any statutory document, shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred emalangeni or to imprisonment not exceeding one year or both.

(2) A person shall be guilty of an offence and liable on conviction, to imprisonment not exceeding three years, if he —

(a) instigates in any manner or by whatever means, expressly or by implication, any person or class of persons to destroy, mutilate, deface, alter, abandon or fail to preserve a statutory document or any class of statutory documents; or

(b) does any act with intent or knowing it to be likely that a person or class of persons will be instigated by it to destroy, mutilate, deface, alter, abandon or fail to preserve any statutory document.

PART IX

TAMPERING WITH PUBLIC OFFICERS, ETC.

Tampering with public officers, etc.

16. A person shall be guilty of an offence and liable on conviction to imprisonment not exceeding three years, if he —

(a) induces or attempts to induce a public officer or an officer or other member of any of the armed forces for the time being lawfully in Swaziland, or a servant of a local authority, to fail in his duty, or terminate his services in the discharge of his duty, or commit a breach of discipline;

(b) refuses or threatens to refuse to deal or do trade or business with, or supply or render, in the ordinary course of his trade or business, any goods or service to a person with intent to influence a public officer, or an officer, member or servant referred to in paragraph (a) in the discharge of his duty, or cause him to fail in his duty, or terminate his services in the discharge of his duty, or commit a breach of discipline.

PART X

QUASI-MILITARY ORGANIZATIONS AND POLITICAL UNIFORMS

Prohibition of organizations equipped to usurp functions of police, etc..

17. (1) Subject to this section, every member or adherent of an association of persons, whether incorporated or not shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred emalangeni or to imprisonment not exceeding six months, or both, if such members or adherents are —

- (a) organized or trained or equipped for the purpose of enabling them to be employed in usurping the functions of the police or the armed forces; or
- (b) organized and trained or organized 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 organized and either trained or equipped for that purpose.

(2) Any person who promotes or conspires with another person to promote, or takes part in the control or management of or in so organizing or training or equipping a member or adherent of such association, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred emalangeni or imprisonment not exceeding three years or both.

(3) In any proceedings against a person charged with the offence of taking part in the control or management of such association it shall be a defence to the charge to prove that he neither consented to nor connived at the organizing, training or equipment of members of the association in contravention of this section.

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

(5) Where, upon application by the Attorney-General, it appears to the High Court that an association is an association of which the members or adherents are organized, trained or equipped in contravention of this section, the court may —

- (a) make such order as appears to it necessary to prevent any disposition, of property held by or for such association without the leave of the court; and
- (b) direct an inquiry and report to be made as to any such property and as to the affairs of such association; and
- (c) make such further orders as appear to the court to be just and equitable for the application of that property in or towards —
 - (i) the discharge of the liabilities of such association lawfully incurred before the date of application or, with the approval of the court, since that date;
 - (ii) repayment of money to persons who, in good faith, became subscribers or contributors to such association and without knowledge of such a contravention; and
 - (iii) payment of any costs incurred in connection with such an inquiry and report or in winding up or dissolving such association, and

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(d) order the forfeiture to the Government of any property not directed by the court to be so applied.

(6) In any criminal or civil proceedings under this section proof of things done or of words written, spoken or published (whether or not in the presence of a party to the proceedings) by a person taking part in the control or management of an association or the organization, training or equipment of members or adherents of an association shall be admissible as evidence of the purposes for which or the manner in which members or adherents of such association (whether those persons or others) were organized or trained or equipped.

(7) If a judicial officer is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this section has been committed and evidence of its commission is to be found at any premises or place specified in the information, he may, upon an application made by a police officer of a rank of assistant superintendent or above, grant a search warrant authorizing the police officer named in the warrant, together with any other persons named in the warrant and any other police officers —

- (i) to enter the premises or place at any time within one month from the date of such warrant, if necessary by force;
- (ii) to search the premises or place and, subject to subsection (8), every person found there; and
- (iii) seize anything found on the premises or place, or on such person, which the officer has reasonable ground for suspecting to be evidence of the commission of such an offence.

(8) No woman shall in pursuance of a warrant issued under subsection (7) be searched except by a woman.

(9) This section shall not be construed as prohibiting —

- (a) the employment of a reasonable number of persons as stewards to assist in the preservation of order at a public meeting held upon private premises, or
- (b) the making of arrangements for that purpose or the instruction of the persons to be so employed in their lawful duties as stewards, or their being furnished with badges or other distinguishing signs.

(Amended P.53/1963.)

Prohibition of uniforms, etc. in connection with political objects.

18. (1) The Minister may, by notice in the Gazette, prohibit the wearing in public places or at public meetings of

- (a) any uniform or a distinctive dress which signifies association with a political organization or with the promotion of a political object; and
- (b) any uniform, distinctive dress or emblem by members or adherents of an organization or association specified or described in the order, whether incorporated or not if in the opinion of the Minister members of such organisation or association are organised or trained and equipped for the purpose of enabling them to be employed —
 - (i) in usurping the functions of the police or of the armed forces; or

- (ii) for the use or display of physical force in promoting a political or other object, or in such a manner as to arouse reasonable apprehension that they are organized or trained or equipped for such purpose.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable on conviction to imprisonment not exceeding three years.

(3) If a person is charged before a court with an offence under this section, further proceedings in respect of such offence shall not be taken against him without the consent of the Attorney-General except such as the court may think necessary by remand (whether in custody or on bail) or otherwise to secure the due appearance of the person charged.

(4) If, however, such person is remanded in custody, he shall after the expiry of a period of fourteen days from the date on which he was so remanded, be entitled to a discharge from custody on entering into a recognizance without securities unless within that period the Attorney-General has so consented to further proceedings.

PART XI

MISCELLANEOUS PROVISIONS

Service of documents.

19. If any order, notice or other document is required, by or under this Act, to be given to or served on any person, service thereof may be effected either personally or by registered post; and, if the person to be served is a body corporate or a society or other body of persons, service of any such order, notice or document may be effected —

- (a) by serving it personally on any secretary, director or other officer thereof or on any person concerned or acting in the management thereof, or
- (b) by leaving it or sending it by registered post addressed to the body corporate, society or body of persons at its registered office or, if there is no registered office, at any place where it carries on business.

(Added by P.53/1963.)

Offences by corporations, societies, etc..

20. If an offence under this Act is committed by any company or other body corporate, or by any society, association or other body of persons, every person charged with or concerned or acting in, the control or management of the affairs or activities of that company, body corporate, society, association or body of persons shall be guilty of such offence and liable to be punished accordingly, unless it be proved by him that —

- (a) through no act or omission on his part, he was not aware that the offence was being or was intended or about to be committed; or
- (b) he took all reasonable steps to prevent its commission.

(Added by P.53/1963.)

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Proof of instigation, lawful authority or excuse.

21. (1) If it is an offence for a person to incite or instigate another to do or omit to do any act or thing it shall be immaterial whether or not such incitement or instigation succeeds in its purpose.

(2) The burden of proving lawful or reasonable excuse or lawful authority shall be upon the person alleging that excuse or authority and, in any proceedings for an offence under this Act it shall not be incumbent on the prosecution to prove the lack of any such excuse or authority. (Added by P.53/1963.)

Regulations.

22. (1) The Minister may make regulations for giving effect generally to the purposes of this Act.

(2) Notwithstanding section 25(b) of the Interpretation Act No. 21 of 1970, regulations under this section may prescribe such penalties as the Minister may think fit for the contravention of them, not exceeding, however, a fine of five hundred emalangeneni or imprisonment not exceeding eighteen months or both. (Added by P.53/1963.)

SCHEDULE

(Section 1.)

Section 3(2), (3), (4), (7), (8), (10)(a)(i), (11), (12), (13), (14) and (20) to (24), inclusive

Section 9; and

Section 15.

(Amended A.9/1968.)
