CHAPTER 68

PUBLIC MEETINGS ORDINANCE

To repeal and to re-enact with amendments the law relating to Public Meetings and Assemblies.

(12th June, 1931)*

ORDINANCE XX of 1931, as amended by Ordinance VIII of 1933; Act XXX of 1955; Ordinances: XX of 1959, XXV of 1962; Legal Notices: 4 of 1963, 46 of 1965; Acts: XXII of 1971, LVIII of 1974, XXII of 1976, XI of 1977, VIII of 1982, XIII of 1983 and XIII of 1993; and Legal Notice 408 of 2007.

Short title.

1. The short title of this Ordinance is the Public Meetings Ordinance.

Interpretation. *Substituted by: XIII. 1993.2.*

2. In this Ordinance -

"demonstration" or "public demonstration" means any assembly or gathering of more than twenty persons in any public street, square or open space, having for its object the common public manifestation of welcome, approval or condemnation; and except for the purposes of articles 20 to 23 of this Ordinance does not include a spontaneous demonstration;

"meeting" or "public meeting" means any gathering of more than twenty persons assembled for the public discussion of any matter, in any public street, square or open space and includes a demonstration;

"spontaneous demonstration" means a demonstration which is not organised or advertised beforehand.

Notice to hold public meeting. *Substituted by: XXX.1955.2. Amended by: XXII.1976.4; XIII.1993.3.*

3. Every person over the age of eighteen years and every association of such persons shall be allowed to hold a public meeting, provided that:

(i) notice thereof in writing is given to the Commissioner of Police not earlier than eight days nor later than forty-eight hours before the meeting;

(ii) the said notice of the meeting, if it is to be held in the island of Malta, is delivered by hand at the office of the Commissioner of Police and if the meeting is to be held in the island of Gozo or Comino, is delivered by hand at the office of the Commissioner of Police or alternatively at the office of the senior Police officer, Gozo, in the Victoria Police station;

(iii) the delivery of a notice as aforesaid is effected between the hours of 8.30 a.m. and 4.00 p.m. during the period from 1st October of any year to 3lst May of the next succeeding year and

See Proclamation No. XXI of the 12th of June, 1931.

between the hours of 8.00 a.m. and 3.00 p.m. during the period from 1st June to 30th September.

Particulars to be stated in notice.
Amended by: XXV.1962.3; L.N. 46 of 1965. Substituted by: XIII. 1993.4.

4. The said notice shall specify:

(*a*) whether the object of the notice is a demonstration or any other meeting;

(*b*) the place, date and time of the meeting;

(*c*) the name and surname of the person giving the notice, and his address:

Provided that where the meeting is to be held by an association, the notice shall be given by the secretary or his representative, who shall together with his name, surname and address also specify his office, the name of the association he represents and its address.

Receipt of notice.
A*mended by: XXX. 1955.3; XIII. 1993.5.*

5. (1) The Commissioner of Police shall give a receipt for the said notice, stating therein the time at which the notice was received.

(2) The Commissioner of Police shall moreover keep a record showing in chronological order the notices received by him and specifying the name of the person or association proposing to hold the meeting, the date, time and place where the meeting is proposed to be held and the date and time when the notice is given.

(3) When two or more persons whether as individuals or on behalf of an association simultaneously give notice of their intention of holding a meeting in the same locality and at the same time, preference shall be given to the person whose name is extracted at a ballot held by the Commissioner of Police or any other Police officer deputed by him.

Prohibition to hold public meetings before 48 hours from notice.

6. No public meeting shall be held before the lapse of forty-eight hours from the notice referred to in article 3.

Power of Commissioner of Police to fix a place for the meeting other than that stated in the notice.
Amended by: XXX. 1955.4.

7. (1) The Commissioner of Police may order the public meeting to which the notice refers to be held in a place other than that stated in the notice; and may also order that the meeting shall not be held on any day on which, in the town or village wherein it is intended to hold the meeting, any public solemnity or festival is to be held.

(2) For the purposes of this article the words "public solemnity" shall include solemn functions held internally in any church, which, it is reasonable to think, might be interfered with by the sounds of speeches delivered at or by the commotion caused by a public meeting held in the vicinity of that church.

Open air meetings.
Amended by: XX. 1959.2; XIII.1993.6.

8. No public open air meeting shall in any case be held in any public street, or in any other public place than that assigned by the Commissioner of Police under the provisions of the last preceding article.

Processions to or from public meetings. *Repealed by: XXX. 1955.5 Added by: XX.1959.3. Substituted by: XXII.1971.2. Amended by: XIII. 1993.7.*

9. (1) It shall not be lawful to return from a public meeting on procession unless notice for such purpose, together with the details of the route intended to be followed, has been given in writing to the Commissioner of Police not earlier than eight days and not later than six days before the meeting is due to be held and unless the Commissioner of Police has signified his approval in writing.

(2) Any person who shall form part of a procession in contravention of the last preceding subarticle shall be guilty of an offence and liable on conviction to imprisonment for a term not exceeding three months.

Power of Commissioner of Police to make regulations. *Amended by: L.N. 4 of 1963; VIII.1982.2; XIII.1993.8.*

10. The Commissioner of Police may, with the authority of the Minister responsible for the Police, make regulations for the maintenance of good order on the occasion of any public meeting, and for prescribing the giving of notice in respect of activities referred to in article 7 of this Ordinance, including the time when and the place where such notice is to be given. Regulations under this article may prescribe among other things, the length of time that public meetings may take, and the times during which public meetings may commence or continue.

Right of Commissioner of Police to attend meeting.

11. The Commissioner of Police or any other Police officer deputed by him may attend any public meeting and choose his place at such meeting.

Duty to maintain character of meeting. *Amended by: XXX. 1955.7; XIII. 1993.9.*

12. Any person allowed to hold a public meeting under article 3 shall be bound to maintain the character of the meeting as specified in the notice mentioned in that article.

Punishments for holding meeting in contravention of ss. 3, 4, 6, 7 and 8. *Amended by: XI. 1977.2.*

13. Any public meeting held in contravention of articles 3, 4, 6, 7 and 8 shall be dispersed; and the promoters thereof shall, on conviction, be liable to detention or to imprisonment for a term not exceeding three months.

Power of Police to disperse meeting. *Amended by: XIII. 1993.10.*

14. The Police may disperse a public meeting in each of the following cases -

(*a*) if the person, or the representative of the association allowed to hold the meeting under article 3 does no present himself;

(*b*) if any seditious cries are uttered constituting a crime against the safety of the Government or against public peace;

(*c*) if any offence under the Criminal Code is committed during the meeting. Cap. 9.

Order to disperse. *Amended by: XXX. 1955.8; XIII. 1993.11.*

15. (1) The order to disperse shall be given by distinct formal intimations given by such means as the senior member of the Police force present may deem adequate. For the purpose of giving such intimation any member of the Police Force may use any public address system which may be in use at the meeting.

(2) Should the said intimations fail to have effect the meeting may be dispersed by the use of force.

(3) It shall also be lawful to use force if no intimation can be made owing to revolt or opposition.

(4) Any person refusing to obey the said intimations shall, on conviction, be liable to imprisonment from three days to three months.

Cancellation of meeting. *Added by: XXX. 1955.9. Amended by: XIII.1983.5; L.N. 408 of 2007.*

16. (1) If after having been allowed, under article 3 of this Ordinance, a meeting is not held and the person who was allowed to hold the meeting fails, without just cause, the proof whereof shall lie on him, to deliver not less than six hours before the time fixed for the opening of the meeting a notice in writing of the cancellation of such meeting at the office of the Commissioner of Police or of any Police inspector if the meeting was to have been held in Malta or alternatively at the office of the senior Police officer, Gozo, in the Victoria Police station if the meeting was to be held in the island of Gozo or Comino, that person shall be liable to a fine (*ammenda*) of not less than forty-six euro and fifty-nine cents (46.59) but not exceeding one hundred and sixteen euro and forty-seven cents (116.47|):

Provided, however, that the justification provided for in this article shall not be deemed established unless the notice therein referred to is given immediately it became possible to give it.

(2) When a meeting proposed to be held is cancelled within the prescribed time, the person who next gave notice of his intention to hold a meeting at the same place, date and time of the meeting which has been cancelled or, in the case provided for in subarticle (3) of article 5, the person whose name was not extracted at the ballot, shall be allowed to hold the meeting if he so wishes:

Provided that if more than one person is eligible under this subarticle, the provisions of subarticle (3) of article 5 shall apply.

Breaking up of public meeting. *Amended by: XX. 1959.5.*

17. Any person who shall disburse or pay or promise to pay any sum of money or shall offer any other valuable consideration to any other person for the purpose of breaking up a meeting lawfully convened or of disturbing public peace at any such meeting, or in any other way induces or attempts to induce any other person to break up such a meeting, or to disturb the public peace at such a meeting, and any person who shall afford the means of transport to any person or persons or in any other manner organize or abet the organization of any gathering of persons for the purpose of breaking up a meeting lawfully convened or of disturbing public peace at any such meeting, shall, on conviction, be liable to imprisonment from seven days to four months.

Prohibition to take part in any assembly with intent to break up a public meeting.

18. Any person who shall form part of any assembly with intent to break up a meeting lawfully convened or to disturb public peace at any such meeting, shall, on conviction, be liable to imprisonment from seven days to three months.

Power of Minister responsible for the Police and Commissioner of Police to prohibit meetings. *Amended by: VIII.1933.1; L.N. 4 of 1963; L.N. 46 of 1965; LVIII.1974.68; VIII.1982.2.*

19. (1) It shall be lawful for the Commissioner of Police, with the approval of the Minister responsible for the Police, for reasons of public order, to prohibit the holding of any public meeting in respect of which notice has been given in terms of article 3.

(2) The President of Malta may by proclamation, for reasons of public order, prohibit the holding of all public meetings for a specified period not exceeding three months. Such prohibition may be renewed for further periods each of which, however, shall not exceed three months.

Power of Commissioner of Police to disperse demonstrations. *Amended by: XXX. 1955.10.*

20. It shall be lawful for the Commissioner of Police for reasons of public order to disperse any demonstration.

Power of President of Malta to prohibit demonstrations. *Amended by: VIII. 1933.2; L.N. 46 of 1965; LVIII. 1974.68.*

21. The President of Malta may, by proclamation, prohibit the holding of all demonstrations in any place open to the public on any particular occasion or for a specified period not exceeding three months. Such prohibition may be renewed for further periods each of which, however, shall not exceed three months.

Order for dispersion of demonstration.

22. The order for the dispersion of any demonstration held in contravention of the last preceding article shall be given and may be enforced in the manner set out in article 15.

Prohibition to take part in unlawful demonstration. *Amended by: XXX.1955.11; XX.1959.6.*

23. Any person who shall take part in any demonstration held in contravention of the provisions of articles 20 and 21, or who shall not disperse after an intimation by the Police to that effect shall, on conviction, be liable to imprisonment for a term not exceeding three months or to a fine (*multa*).

General penalty. *Amended by: XXX.1955.12.*

24. Save as otherwise expressly provided, any offence against this Ordinance or against any regulations made under article 10 shall be subject to the punishments established for contraventions; provided that where the act constitutes a graver offence in terms of the Criminal Code the provisions of such Code shall apply.

Cap. 9.