

**REPUBLIC OF NAMIBIA**

**NATIONAL ASSEMBLY**

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**PUBLIC GATHERINGS AND  
PUBLIC PROCESSIONS  
BILL**

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*(As read a First Time)*

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*(Introduced by the Minister of Home Affairs, Immigration, Safety and Security)*

**[B. 12 – 2024]**

# BILL

**To regulate public gatherings and public processions; and to provide for incidental matters.**

*(Introduced by the Minister of Home Affairs, Immigration, Safety and Security)*

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**BE IT ENACTED** as passed by the Parliament, and assented to by the President, of the Republic of Namibia as follows:

PART 1  
PRELIMINARY PROVISIONS

**Definitions**

1. In this Act, unless the context otherwise indicates —

“authorised officer” means the executive director, chief executive officer or other official authorised to consider and determine applications in terms of section 13;

“Inspector-General of Police” means the Inspector-General of Police appointed in terms of Article 32(4)(c)(bb) of the Namibian Constitution;

“Minister” means the Minister responsible for the police;

“national public gathering or public procession” means a public gathering or public procession relating to the same subject matter and that is taking place at the same date in a given area in Namibia or in various areas in Namibia;

“organisation” means any association, group or body of persons, whether or not such association, group or body have been incorporated, established or registered in accordance with any law;

“organiser” means –

- (a) a person who is responsible for holding, convening or organising a public gathering or a public procession; or  
(b) in the case of an organisation, the person appointed in terms of section 8;

“Police Act” means the Police Act, 1990 (Act No. 19 of 1990);

“police officer” means an officer or non-officer of the Namibian Police Force appointed as such in terms of section 4(1) of the Police Act and includes -

- (a) any member of the Reserve Police Force appointed in terms of section 11 of the Police Act;
- (b) any temporary member of the Namibian Police Force referred to in section 12(1)(a) of the Police Act; and
- (c) any auxiliary member of the Namibian Police Force referred to in section 12(1)(b) of the Police Act;

“public entity” means an office, a ministry or an agency of the government and includes -

- (a) a local authority council as defined in section 1 of the Local Authorities Act, 1992 (Act No. 23 of 1992);
- (b) a regional council as defined in section 1 of the Regional Councils Act, 1992 (Act No. 22 of 1992);
- (c) a public enterprise as defined in section 1 of the Public Enterprises Governance Act, 2019 (Act No. 1 of 2019); and
- (d) any other body or trust that is owned or controlled by the Government, when engaged in any public function individually or in consortium;

“public gathering” means a meeting or assembly in a public place, whether or not it involves walking or involves motor vehicles or other means of transport, the purpose of which is -

- (a) to hold a public demonstration in support of or opposition to the views, principles, policies, actions or failure to act of any person or government;
- (b) publicising a cause or a campaign; or
- (c) to hand over a petition;

“public place” means any public road, street, thoroughfare, public park, public bridge or other place to which the public or a section of the public have access to or are expressly or by implication permitted to have access to, whether on payment or otherwise;

“public procession” means a march, parade or other procession in a public place, whether or not it involves walking or involves motor vehicles or other means of transport or walking, the purpose of which is to -

- (a) to hold a public demonstration in support of or opposition to the views, principles, policies, actions or failure to act of any person or government;
- (b) publicising a cause or a campaign; or
- (c) to hand over a petition;

“regional commander” means a police officer in charge of a region including a police officer acting as commander in charge of a region;

“restricted area” means -

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- (a) court buildings, buildings of the National Assembly and of the National Council, State House, airports, embassies, high commissions and other buildings used as foreign mission offices, military buildings, correctional service buildings or facilities and buildings of the Namibia Central Intelligence Service;
  - (b) any other building or structure in respect of which access, regardless of the number of the people demonstration, is likely to compromise national security; or
  - (c) a place declared as a restricted area in terms of section 12;

“riot damage” means any loss suffered as a result of any injury to or the death of any person, or any damage to or destruction of any property, caused directly or indirectly by, and immediately before, during or after, the holding of a public gathering or a public procession;

“station commander” means a police officer in charge of a police station including a person acting as commander in charge of a police station;

“this Act” includes regulations or notice made or issued under this Act;

“weapon” means -

- (a) an arm as defined in section 1 of the Arms and Ammunition Act, 1996 (No. 7 of 1996);
- (b) a dagger, an axe or a battle-axe, a pick, a spear, an assegai, a lead, an iron or other metal loaded stick or spiked stick or a stick, a knife, a handle with wire, chain or other heavy object attached to it, a metal rod or wire, knuckle duster, a sandbag, a jumper, a crowbar or hammer, a baton or an imitation of a firearm; or
- (c) any other object that is capable of inflicting bodily injury or death or cause destruction of property.

### **Objective of Act**

#### **2. Taking into consideration –**

- (a) the right of all persons to life, dignity, liberty, privacy, equality before the law and property and the freedom of all persons to assemble peacefully, freedom of speech and the freedom to practise any profession, or carry on any occupation, trade or business as guaranteed by the Namibian Constitution;
- (b) the reasonable restrictions that may be imposed as permitted by Article 21(2) of the Namibian Constitution; and
- (c) the duty of the police to secure internal security and to maintain law and order referred to in Article 118 of the Namibian Constitution.

the objective of this Act is to facilitate and protect the exercise of the rights and freedoms guaranteed under the Namibian Constitution and to take measures to maintain public health, public order and public safety.

## PART 2

## NOTICE REQUIRED FOR PUBLIC GATHERINGS AND PUBLIC PROCESSIONS

**Notice required for public gatherings and public processions**

3. (1) The organiser of a public gathering or a public procession must give notice of intention to hold a public gathering or public procession five days before the date of the public gathering or public procession in accordance with this section.

(2) The notice referred to in subsection (1) must -

- (a) in the case of a national public gathering or public procession, be given to the Inspector-General of Police; and
- (b) in the case of a public gathering or public procession, be given to the station commander of the police station nearest to the place of the proposed public gathering or public procession.

(3) The notice referred to in subsection (1) must -

- (a) be in the form substantially corresponding with Form A set out in the Schedule to this Act;
- (b) be signed by the organiser;
- (c) be submitted in duplicate; and
- (d) be submitted between the hours 8:00 and 17:00, Mondays to Fridays, but not on Saturdays, Sundays and public holidays.

(4) Despite the five days' notice requirement referred to in subsection (1), the Inspector-General of Police may accept notice given at least 48 hours before the date of the proposed public gathering or public procession, if the organiser gives reasonable reasons for the shorter period notice.

(5) If the Inspector-General of Police has made a decision not to accept the notice given within the period referred to in subsection (4), the Inspector-General must in writing communicate to the organiser the decision and the reasons for the decision.

(6) If a public gathering or public procession is postponed or delayed, the organiser must immediately notify the station commander or Inspector-General of Police to whom the notice was given in terms of subsection (2).

(7) If a public gathering or public procession is cancelled the organiser must immediately notify the station commander or the Inspector-General of Police to whom the notice was given in terms of subsection (2) and on such notification the notice given in terms of that subsection lapses.

(8) A person who fails to give notice in terms of subsection (1) read with subsection (2) or makes a false statement in the notice knowing that it is false commits an offence and on conviction is liable to a fine not exceeding N\$ 5 000 or to imprisonment for a period not exceeding one year.

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## Exemptions

4. (1) The requirement to give notice in terms of section 3, does not apply to a public gathering and a public procession exempted in terms of subsection (2).

(2) The Minister may by notice in the *Gazette* -

(a) exempt subject to conditions certain public gatherings or public processions or class of public gatherings or public processions from the requirement to give notice in terms of section 3; or

(b) amend or withdraw an exemption granted in terms of paragraph (a).

(3) An exemption in terms of subsection (2), must be based on reasonable grounds and be based on a rational objective and may not be inconsistent with the objectives of this Act.

## Consultative meetings

5. (1) On receiving the notice in terms of section 3(2)(b), the station commander or the police officer designated by the station commander -

(a) may hold a consultative meeting if the station commander is of the opinion that consultations are necessary; and

(b) must send the notice and a report of any consultative meeting held to the regional commander.

(2) On receiving the notice in terms of subsection (1), the regional commander or a police officer designated by the regional commander -

(a) may hold a consultative meeting if the regional commander is of the opinion that consultations are necessary; and

(b) must send the notice and a report of any consultative meeting held to the Inspector-General of Police.

(3) On receiving the notice in terms of section 3(2)(a) or subsection (2), the Inspector-General of Police -

(a) may hold a consultative meeting or designate a police officer to hold a consultative meeting if the Inspector-General of Police is of the opinion that consultations are necessary; or

(b) may direct the station commander or regional commander to hold a consultative meeting if the Inspector-General of Police is of the opinion that consultations are necessary.

(4) The purpose of the consultative meeting referred to in subsection (1), (2) or (3) is to discuss the contents of the notice and any amendments or conditions to be imposed in the interest of public health, public order or public safety.

(5) The consultative meeting referred to in subsection (1), (2) or (3) must be between the station commander, regional commander or Inspector-General of Police who called the consultative meeting or the police officers designated by those functionaries, and –

- (a) the organiser; and
- (b) the representatives of public entities, institutions and other persons whom the station commander, regional commander or the Inspector-General of Police considers necessary for purposes of the meeting.

(6) The parties to the consultative meeting referred to in this section must act in good faith.

(7) If a consultative meeting is held in terms of subsection (3)(a) or subsection (3)(b) and the parties to the consultative meeting reach an agreement on the contents of the notice and any amendments to the notice, the public gathering or public procession must take place in accordance with the notice and any amendments to the notice.

(8) If a consultative meeting is held in terms of subsection (3)(a) or subsection (3)(b) and the parties do not reach an agreement on the contents of the notice and any amendments to the notice, the functionary who called the meeting or the police officer designated by the functionary may make amendments to the notice or impose conditions for the holding the public gathering or public procession, to ensure -

- (a) that vehicular or pedestrian traffic especially during traffic rush hours is least impeded;
- (b) that an appropriate distance between participants in the public gathering or public procession, rival public gatherings or public processions or other public gatherings or public processions is maintained;
- (c) access to property and workplaces; or
- (d) the prevention of injury to persons or damage to property; or
- (e) that public health, public order or public safety will not be endangered.

(9) If a consultative meeting is held in terms of this section and amendments are made to the notice given in terms of section 3 or conditions are imposed, the functionary who called the meeting must ensure that the organiser and all the parties that attended the consultative meeting receive the notice given in terms of section 3, any amendments to the notice and conditions imposed.

(10) If an organiser fails or refuses to attend a consultative meeting called in terms of subsection (3)(a) or subsection (3)(b), the functionary who called the meeting or the police officer designated by that functionary may make amendments to the notice or impose conditions for the holding the public gathering or public procession, to ensure -

- (a) that vehicular or pedestrian traffic especially during traffic rush hours is least impeded;



- (b) that an appropriate distance between participants in the public gathering or public procession, rival public gatherings or public processions or other public gatherings or public processions is maintained;
- (c) access to property and workplaces;
- (d) the prevention of injury to persons or damage to property; or
- (e) that public health, public order or public safety will not be endangered.

(11) If the functionary who called the meeting or the police officer designated by the functionary makes a decision in terms of subsection (10) he or she must cause a written notice containing the amendments made a conditions imposed to be delivered to the organiser.

(12) A person who contravenes or fails to comply with amendments made to a notice given in terms of section 3 or conditions imposed in terms of subsection (8) or (10) commits an offence and on conviction is liable to a fine not exceeding N\$ 5 000 or to imprisonment for a period not exceeding one year.

### **Obligation to hold consultative meeting**

**6.** (1) On receiving information on oath that any of the following circumstances exist in respect of a proposed public gathering or public procession, the Inspector-General of Police must hold a consultative meeting:

- (a) national security would be seriously endangered;
- (b) public health, public order or public safety would be seriously endangered;
- (c) any property would be destroyed or seriously damaged; or
- (d) a public gathering or public procession will result in serious disruption of vehicular or pedestrian traffic.

(2) The consultative meeting referred to in subsection (1) must be between the Inspector-General of Police, police officers designated by the Inspector-General of Police if any and –

- (a) the organiser; and
- (b) representatives of public entities, institutions and other persons whom the Inspector-General of Police may consider necessary for purposes of the meeting.

(3) The parties to the consultative meeting referred to in subsection (2) Inspector-General of Police must act in good faith.

(4) After the consultative meeting referred to in subsection (2), Inspector-General of Police –

- (a) may prohibit the public gathering or public procession, if he or she has reasonable grounds to believe that making any amendments to

the notice given in terms of section 3 or imposing conditions will not safeguard public health, public order and public safety; or

- (b) may make amendments to the notice given in terms of section 3 or impose conditions to ensure –
  - (i) that vehicular or pedestrian traffic especially during traffic rush hours is least impeded;
  - (ii) that an appropriate distance between participants in the public gathering or public procession, rival public gatherings or public processions or other public gatherings or public processions is maintained;
  - (iii) access to property and workplaces;
  - (iv) prevention of injury to persons or damage to property; or
  - (v) that public health, public order or public safety will not be endangered.

(5) If the Inspector-General makes a decision in terms of subsection (4) (a) or (b) he or she must in writing communicate his or her decision and reasons for the decision and any amendment made or conditions imposed to the organiser and all persons who were part of the consultative meeting.

(6) If the identity of the organiser is not known or the whereabouts of the organiser are not known the Inspector-General of Police must give notice of the public gathering or public procession –

- (a) by causing it to be made known by means of radio or television or other media;
- (b) by causing notices to be distributed amongst the public and to be affixed in public or prominent places where the public gathering or public procession is to take place; or
- (c) by causing it to be announced orally at the place where the public gathering or public procession is to take place or amendments or conditions are to apply.

(7) A person commits an offence if the person fails to comply with or contravenes -

- (a) a decision made under subsection (4)(a);
- (b) amendments made or conditions imposed under subsection (4)(b).

(8) A person convicted of an offence under subsection (7) is liable to a fine not exceeding N\$5 000 or to imprisonment for a period not exceeding one year.

### **Factors to be considered**

7. The functionary who is given the power or function to make amendments to a notice in terms of section 5, 6 or 13, to impose conditions in terms of section 5, 6

or 13, to prohibit a public gathering or public procession in terms of section 6(4) or to determine applications for permission in terms of section 13 must have regard to –

- (a) the rights and freedoms of persons participating in the public gathering or public procession in particular the right to life, dignity, equality before the law, non-discrimination and freedom of speech and peaceful assembly, among others;
- (b) the rights and freedoms of all persons such as the right to life, dignity, equality before the law, non-discrimination, freedom of speech and peaceful assembly and the freedom to practise any profession, or carry on any occupation, trade or business as guaranteed by the Namibian Constitution;
- (c) any other public gathering or public procession taking place in the proposed area or near the proposed area;
- (d) the public health, public order and public safety; or
- (e) any other factor which the functionary considers reasonable in the circumstances.

### PART 3 APPOINTMENT OF ORGANISER

#### **Appointment of organiser**

**8.** (1) An organisation intending to hold a public gathering or public procession must appoint a person to –

- (a) be responsible for the arrangements of the public gathering or public procession;
- (b) be present at the public gathering or public procession;
- (c) give notice in terms of section 3; and
- (d) act on behalf of the organisation at any consultative meeting called in terms of this Act.

(2) If a person appointed in terms of subsection (1) is or becomes unable to perform or to continue to perform his or her functions in terms of this Act, the organisation must appoint another person in his or her place, and the person so appointed is considered to have been appointed in terms of subsection (1).

(3) The organisation must in writing give the station commander or Inspector-General of Police to whom notice is given in terms of section 3, the name and address and contact details of the person appointed as the organiser.

(4) If an organiser is not appointed in terms of this section, a person is considered to have convened a public gathering or public procession –

- (a) if he or she has taken any part in planning, organising or making preparations for that public gathering or public procession; or

- (b) if he or she has himself or herself or through any other person, either verbally or in writing, invited the public or any section of the public to attend that public gathering or public procession.

#### PART 4

#### RESPONSIBILITIES OF ORGANISERS AND POLICE OFFICERS

##### **Responsibilities of organisers**

- 9. An organiser –
  - (a) must comply with any amendments made or conditions imposed in respect of a public gathering or public procession;
  - (b) must comply with the provisions of this Act relating to the holding of a public gathering or public procession;
  - (c) must inform the participants of a public gathering or public procession of the requirements of this Act and amendments or conditions if any subject to which the public gathering or public procession is to be held;
  - (d) must inform the participants of the public gathering or public procession to maintain law and order;
  - (e) must inform the participants of the public gathering or public procession of the requirements of this Act regarding the prohibition on carrying weapons;
  - (f) must inform the speakers and participants at the public gathering or public procession not to use language likely to incite violence or issue pamphlets or posters which are likely to incite violence in any form against a person or group of persons;
  - (g) may not force persons to join the public gathering or public procession against their will;
  - (h) must cooperate with police officers and inform the participants of the public gathering or public procession to cooperate with police officers to ensure public health, public order and public safety are not endangered; and
  - (i) must be present before, during and after the public gathering or public procession.

##### **Responsibilities of police officers**

10. (1) A police officer is responsible for maintaining law and order before, during and after the public gathering or public procession and must in the exercise of this function have regard to the rights and freedoms of all persons as guaranteed in the Namibian Constitution.

(2) For the purposes of maintaining law and order at public gatherings and public procession, a police officer must -

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- (a) ensure that that the police officer in charge of the public gathering or public procession is known to the organiser;
  - (b) carry out security assessments before the public gathering or public procession and notify the organiser accordingly;
  - (c) identify an appropriate traffic plan to allow the flow of both vehicular and human traffic;
  - (d) ensure that participants of a public gathering or public procession and participants of other public gatherings or public processions taking place at the same time maintain a reasonable distance from each other;
  - (e) ensure that participants of a public gathering or public procession maintain the required distance in respect restricted areas and other areas;
  - (f) ensure that participants of a public gathering or public procession do not deviate from the route or place specified in the notice given in terms of section 3 or as amended;
  - (g) protect the participants and other members of the public who may be affected by the public gathering or public procession;
  - (h) protect property which may be affected by a public gathering or public procession;
  - (i) ensure fair and equal treatment of all persons at a public gathering or public procession;
  - (j) ensure that a person or a group of persons who are not part of an public gathering or public procession do not interfere or attempt to interfere with that public gathering or public procession;
  - (k) not use language likely to incite violence;
  - (l) protect and treat with dignity persons with disabilities, pregnant women, women, children, elderly and other persons who may be vulnerable; and
  - (m) only use reasonable force if the circumstances of the case warrants the use of force.

PART 5  
PROHIBITION ON CARRYING WEAPONS AT PUBLIC GATHERINGS OR  
PUBLIC PROCESSIONS

**Prohibition on carrying of weapons at public gatherings or public processions**

**11.** (1) A person may not have in his or her possession a weapon while taking part in a public gathering or a public procession.

(2) Subsection (1) does not apply to a police officer acting in an official capacity at the public gathering or public procession provided that the weapon in possession of a police officer is authorised by law to be carried by the police officer.

(3) A person who contravenes or fails to comply with subsection (1) commits an offence and on conviction is liable to a fine not exceeding N\$ 10 000 or to imprisonment for a period not exceeding two years.

## PART 6 PROVISIONS RELATING TO RESTRICTED AREAS

### Restricted areas

**12.** (1) The Minister may by notice in the *Gazette* declare areas other than those specified in the definition of restricted areas as restricted areas, but such a declaration must be based on reasonable grounds and be based on a rational objective and may not be inconsistent with the objectives of this Act.

(2) The Minister may by notice in the *Gazette* amend a declaration made in terms of subsection (1) by adding a place or an area as a restricted area or removing any place or area declared under that subsection as a restricted area.

(3) A persons may not hold a public gathering or a public procession –

(a) within 500 metres from a restricted area; or

(b) within 150 meters from any other area in respect of which a person is required to give notice in terms of section 3,

unless permission is given in terms of section 13.

(4) A person who fails to comply with or contravenes subsection (3)(a) or (b) commits an offence and on conviction is liable to a fine not exceeding N\$ 5000 or to imprisonment for a period not exceeding one year.

### Application for permission

**13.** (1) An organiser who intends to hold a public gathering or public procession within 500 metres from a restricted area or within 150 meters from any other area in respect of which a person is required to give notice in terms of section 3 must –

(a) give notice in terms of section 3 and the notice must indicate the proposed shorter distance and the reasons for the proposed shorter distance; and

(b) apply to an authorised officer for permission five days before the date of the public gathering or public procession or if reasonable reasons exist 48 hours before the date of the public gathering or the public procession and must indicate the proposed shorter distance and the reasons for the proposed shorter distance.

(3) On receiving an application in terms of subsection (1)(b) an authorised officer must immediately inform the Inspector-General of Police.

(4) The authorised officer, with the concurrence of the Inspector-General of Police, may –

(a) approve the application, make amendment to the notice and impose conditions, to ensure –

- (i) that vehicular or pedestrian traffic especially during traffic rush hours is least impeded;
  - (ii) that an appropriate distance between participants in the public gathering or public procession, nival public gatherings or public processions or other public gatherings or public processions;
  - (iii) access to property and workplaces;
  - (iv) the prevention of injury to persons or damage to property; or
  - (v) that public health, public order or public safety will not be endangered; or
- (b) reject the application.
- (5) The authorised officer must ensure that the organiser who made the application in terms of subsection (1) receives in writing –
- (a) the decision made in terms of subsection (4)(a) and any amendments made or conditions imposed; and
  - (b) the decision made in terms of subsection (4)(b) and the reasons for rejecting the application.
- (6) A person commits an offence if the person -
- (a) makes a false statement knowing it to be false in an application made under subsection (1)(a); or
  - (b) fails to comply with or contravenes amendments made or conditions imposed under subsection (4)(a).
- (7) A person convicted of an offence in terms of subsection (6)(a) or (b) is liable to a fine not exceeding N\$ 5 000 or to imprisonment for a period not exceeding one year.

## PART 7

### POWERS OF POLICE OFFICERS IN RESPECT OF PUBLIC GATHERINGS AND PUBLIC PROCESSIONS

#### **Powers of police officers in respect of public gatherings and public processions**

**14.** (1) The police officer assigned by the Inspector-General of Police, regional commander or station commander as the officer in charge of the public gathering or public procession may take any action referred to in subsection (2), if any or all of the following circumstances exist –

- (a) if the public gathering or public procession is prohibited in terms of section 6(4)(a);
- (b) if the public gathering or public procession takes place at a restricted area, within 500 meters from a restricted area or within 150 meters from any other area without the required permission;

- (c) if the organiser fails to comply with amendments made to the notice given in terms of section 3 or section 13 and the conditions imposed in respect of the public gathering or public procession;
  - (d) if there is clear or imminent danger of, or breach to public health, public order or public safety but in such case the police officer must have regard to the rights of persons participating in the gathering and public procession;
  - (e) if the organiser or a person participating in the public gathering or public procession kills or injures any person or attempts to do so;
  - (f) if the organiser or a person participating in the public gathering or public procession destroys or causes damage to property or attempts to do so;
  - (g) if the organiser advises, encourages, incites, orders or in any other manner instigates a person at a public gathering or public procession to cause harm to a person or property or attempts to do so;
  - (h) if the organiser or a person participating in the public gathering or public procession causes, encourages resistance to the government, administration or an authority legally established or recognised in Namibia or attempts to do so;
  - (i) if the organiser or a person participating in the public gathering or public procession uses violence, causes violence or encourages violence against a person or category of persons or persons or attempts to do so; or
  - (j) except in accordance with a lawful strike or picketing, if the organiser interferes with trade or business by obstructing, hindering or impeding a person from entering or leaving a place on which a trade or business is conducted.
- (2) If the circumstances referred to in -
- (a) paragraphs (a) (b) or (c) or (j) of subsection (1) apply, the police officer in charge must inform the public gathering or public procession of the prohibition or restriction and direct the public gathering or public procession to a different place or along a different route;
  - (b) paragraphs (d), (e), (f), (g), or (h) or (i) of subsection (1) apply the police officer in charge may direct the organisers to stop the public gathering or public procession and to disperse the public gathering or public procession within the period stated by the police officer.
- (3) If the organiser or participants fail or refuse to comply with a directive referred to in subsection (2)(a) or (b), the police officer may direct the public gathering or public procession to disperse.
- (4) The police officer referred to in subsection (3) must –
- (a) give the direction in the official language and may also use other



indigenous languages, if the police officer considers that appropriate to get attention;

- (b) give the direction in a loud voice, but having regard to persons with hearing impairments; and
- (c) give the organiser and participants a reasonable period to disperse.

(5) If the organiser and participants of a public gathering or public procession fail or refuse to disperse within the time stated by the police officer the police officer in charge may order police officers under his or her command to disperse the public gathering or public procession.

(6) Police officers who receive orders to disperse a public gathering or public procession –

- (a) must use reasonable and minimal force necessary to disperse a public gathering or public procession; and
- (b) may use lethal force only as a measure of last resort and only to protect life or to prevent serious injury if justified in the circumstances.

## PART 8 LIABILITY FOR RIOT DAMAGE

### **Liability for riot damage**

**15.** (1) If any riot damage occurs as a result of a public gathering or a public procession –

- (a) an organisation on behalf of which that public gathering or public procession was held; or
- (b) if the public gathering or public procession is not held on behalf of an organisation, the organiser,

is subject to section (2), jointly and severally liable for that riot damage as a joint wrongdoer together with any other person who unlawfully caused or contributed to such riot damage and any other organisation or person who is liable for riot damage in terms of this subsection, if there is evidence that the organisation or organiser encouraged or incited violence or used violence or in any manner instigated violence against any other person or incited violence against property.

(2) A person or a group of persons who unlawfully cause or contribute to riot damage are liable for the riot damage jointly and severally.

(3) The provisions of this section does not affect the right under the common law or any other law of a person to recover the full amount of damages arising from the negligence, intentional act or omission or delict committed by or on behalf of any other person.

PART 9  
GENERAL PROVISIONS

**Delegation of powers and assignment of functions**

16. (1) The Inspector-General of Police may, subject to conditions he or she may determine, in writing delegate to a police officer a power or assign a function given to the Inspector General of Police under this Act.

(2) A station commander or regional commander may, subject to such conditions as he or she may determine, in writing delegate to a police officer a power or function given to him or her under this Act.

(3) Despite subsection (1), the Inspector-General of Police may not delegate or assign powers and functions to –

- (a) call a consultative meeting in terms of section 6(1);
- (b) prohibit a public gathering or public procession in terms of section 6(4)(a); or
- (a) impose conditions in terms of section 6(4)(b).

(4) A delegation or assignment made under subsection (1) does not prevent the Inspector-General of Police, regional commander and station commander from exercising the power delegated or performing the function assigned.

**Review**

17. (1) A person aggrieved by a decision made or an action taken by a station commander or regional commander or a police officer in terms of this Act may apply to the Inspector-General of Police for the review of the decision within the prescribed time.

(2) A person aggrieved by the decision of the Inspector-General of Police may apply to a competent court for the review of the decision.

(3) An application for review under this subsection (1) must be in writing and be accompanied by the relevant information to enable the Inspector-General of Police to consider the application.

(4) The Inspector-General must within a reasonable time in writing communicate his or her decision and reasons for the decision to the applicant contemplated in subsection (1).

**Record of documents**

18. (1) The Inspector-General of Police must ensure that records of the following are kept for a period of five years or such longer periods as may be notified in writing by the Minister:

- (a) records of all notices and supporting documents of public gatherings and public processions received under this Act;
- (b) records of decisions made at consultative meetings held under this Act; and

(b) decisions made and reasons for decisions made under this Act.

(2) The authorised officer must ensure that records of all notices and supporting documents of public gatherings and public processions received under this Act are kept at his or her office for a period of five years or such longer period as may be notified in writing by the Minister.

(3) A person may make a written request to inspect the records referred to in subsection (1) or (2) and police officers designated by the Inspector-General of Police or persons designated by an authorised officer must make the records available to the person.

### **Other offences and penalties**

19. (1) A person commits an offence, if the person hinders, interferes with, or obstructs the Inspector-General of Police, a station commander, a regional commander, a police officer, an organiser or any other person in the exercise of his or her powers or the performance of his or her functions in terms of this Act.

(2) A person convicted of an offence referred to in subsection (1) is liable to a fine not exceeding N\$ 2500 or imprisonment for a period not exceeding six months.

### **Regulations**

20. (1) The Minister may by notice in the *Gazette* make regulations relating to –

- (a) any matter which is by this Act required or permitted to be prescribed; and
- b) form and manner of review applications in terms of section 17.

(2) Regulations made under subsection (1) may prescribe penalties in respect of a contravention of or a failure to comply with any provision of those regulations not exceeding a fine of N\$ 2500 or imprisonment for a period not exceeding six months.

### **Repeal of laws and savings**

21. (1) The Public Gathering Proclamation, 1989 (AG Proclamation No. 23 of 1989) and the Demonstrations in or near Court Buildings Prohibition Act, 1982 (Act No. 71 of 1982) are repealed.

(2) Nothing contained in this Act must be construed as affecting or derogating from any right conferred or duty imposed on any police officer or any member of the public under any other statute or under the common law to assist in the dispersal of riotous public gatherings or public procession in the prevention and suppression of riotous and seditious acts.

### **Short title and commencement**

22. (1) This Act is called the Public Gatherings and Public Processions Act, 2024 and comes into operation on a date determined by the Minister by notice in the *Gazette*.

(2) Different dates may be determined under subsection (1) in respect of different provisions of this Act.

SCHEDULE

Form A

The Public Gatherings and Public Processions Act, 2024  
Notice of intention to hold a public gathering or public procession  
(Section 3)

*(To be completed in duplicate)*

NB: This notice should be received by, or on behalf of, the Inspector-General of Police at least five (5) days before the date of the public gathering or public procession.

**To: The Inspector-General of Police**

I/We hereby give notice to the Inspector-General of Police of the intention to hold a public gathering or public procession.

1. Particulars of organiser/s

Surname: \_\_\_\_\_

Full Name/s: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Nationality: \_\_\_\_\_

National Identification Number: \_\_\_\_\_

Physical address: \_\_\_\_\_

Postal address: \_\_\_\_\_

Telephone Numbers: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Occupation: \_\_\_\_\_

(if more than one organiser, complete the next page)

[A copy of the organiser's identity document/s or passport must be attached]

2. Particulars of the public gathering or public procession.

2.1 Date: \_\_\_\_\_

2.2 Proposed venue (for a public gathering or public procession:) \_\_\_\_\_

2.3 Has the consent of the owner of the venue obtained? (yes/no/not applicable)  
*if yes, attach consent document*

2.4 In case of a public procession, the planned route: \_\_\_\_\_

2.5 Commencement time and ending time: \_\_\_\_\_

2.6 Estimated number of persons expected: \_\_\_\_\_

2.7 Purpose of public gathering or public procession: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2.8 Is the public gathering or public procession to be held at or near a restricted area?  
(yes/no)

\_\_\_\_\_

2.9 If the public gathering or public procession is to be held within 500m of a restricted area, or within 150m of other areas, a motivation why public gathering or public procession cannot be held 500m or 150m away from such restricted area or other area?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2.10 If the notice is given less than 5 days from intended date of the public gathering or public procession, the reasons for giving notice in a shorter period:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2.11. Other relevant information: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
**Signature(s) of organiser**

**Date**

FOR OFFICE USE ONLY

### 3. Particulars of receiving officer

3.1 Rank and Full Name \_\_\_\_\_

3.2 Office \_\_\_\_\_

3.3 Signature \_\_\_\_\_

3.4 Date and time received (affixed with office stamp)

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**4. Decision of the Inspector-General of Police.**

- 4.1 The public gathering or public procession may take place as notified.
- 4.2 The public gathering or public procession may take place with the following amendments.
- 4.3 The public gathering or public procession may take place, subject to the following conditions.

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**Inspector-General of Police**

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**Date**

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If more than one organiser, list all other organisers

1. Particulars of organiser/s

Surname: \_\_\_\_\_

Full Name/s: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Nationality: \_\_\_\_\_

National Identification Number: \_\_\_\_\_

Physical address: \_\_\_\_\_

Postal address: \_\_\_\_\_

Telephone Numbers: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Occupation: \_\_\_\_\_

[A copy of the organiser's identity document/or passport must be attached]

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