

PUBLIC ORDER ACT, 1994 (ACT 491)

ARRANGEMENT OF SECTIONS

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REPUBLIC OF GHANA

**THE FOUR HUNDRED AND NINETY-FIRST
ACT
OF THE PARLIAMENT OF THE REPUBLIC OF GHANA
ENTITLED
THE PUBLIC ORDER ACT, 1994**

AN ACT to make provision for maintenance of public order and related purposes.

DATE OF ASSENT: 30th December, 1994

BE IT ENACTED by Parliament as follows—

PART I—HOLDING OF SPECIAL EVENTS

Section 1—Notification to Police of Special of Event.

(1) Any person who desires to hold any special event within the meaning of this Act in any public place shall notify the police of his intention not less than 5 days before the date of the special event.

(2) The notification shall be in writing and signed by or on behalf of the organisers of the special event and shall specify—

- (a) the place and hour of the special event,
- (b) the nature of the special event;
- (c) the time of commencement;
- (d) the proposed route and destination, if any; and
- (e) proposed time of closure of the event.

(3) The notification shall be submitted to a police officer not below the rank of Assistant Superintendent of Police or other police officer responsible for the nearest police station to the location of the proposed special event.

(4) Where a police officer notified of a special event under subsection (1) has reasonable grounds to believe that the special event if held may lead to violence or endanger public

defence, public order, public safety, public health or the running of essential services or violate the rights and freedoms of other persons, he may request the organisers to postpone the special event to any other date or to the relocate the special event.

(5) An organiser requested under subsection (4) to postpone or relocate the holding of a special event shall within forty-eight hours of the request, notify the police officer in writing of his willingness to comply.

(6) Where the organisers refuse to comply with the request under subsection (4) or fail to notify the police officer in accordance with subsection (5), the police officer may apply to any judge or a chairman of a Tribunal for an order to prohibit the holding of the special event on the proposed date or at the proposed location.

(7) The judge or chairman may make such order as he considers to be reasonably required in the interest of defence, public order, public safety, public health, the running of essential services or to prevent violation of the rights and freedoms of other persons.

Section 2—Control of Routes and Crowds.

(1) It shall be the responsibility of every police officer to take all such steps as are reasonably necessary in any public place—

(a) to assist in the proper conduct of any special event by directing the routes of such event to prevent obstruction of pedestrian or vehicular traffic;

(b) to disperse crowds at any special event where he has reasonable grounds to believe that a breach of the peace is likely to occur or if any breach of the peace has Occurred or is occurring in order to prevent violence, restore order and preserve the peace.

(2) The Police officer III charge of an area of a special event may cause to be closed such streets or parts thereof to pedestrian or vehicular traffic or both and may cause to be erected such barriers as may be necessary to preserve public order.

Section 3—Responsibility of Organisers and Other Persons.

(1) Where at any special event any damage is caused to any public property, the organisers, or any other persons found to have been responsible for the damage caused shall be liable to pay for the cost of the damage.

(2) Any person taking part in a special event shall obey the directions of police officers safeguarding the proper movement of other persons and vehicles and generally maintain order.

(3) Any person taking part in a special event shall conduct himself in such a manner as to avoid causing obstruction of traffic, confusion or disorder.

PART II—IMPOSITION OF CURFEWS

Section 4—Power to Impose Curfew.

(1) Where the Minister for the Interior considers that it is reasonably required in the interest of defence, public safety, public health, the running of essential services or the protection of the rights and freedoms of other persons to impose a curfew in any part of Ghana, he may by

executive instrument impose a curfew in such part only of the country as shall be specified in the instrument.

(2) No instrument shall be issued under subsection (1) to impose a curfew in the whole of Ghana.

(3) The Minister shall on imposing a curfew notify Parliament as soon as practicable thereafter.

(4) No curfew shall be imposed for a period exceeding seven days at any one time under this Act.

(5) Where a curfew is imposed by instrument made under subsection (1) of this section, no person shall be out of doors between such hours as may be specified in the instrument except under the authority of a written permit granted by such person as may be specified in the instrument.

(6) An instrument imposing a curfew may exempt from its operation such persons or classes of persons as may be specified in it.

(7) An instrument imposing a curfew may authorise any person specified therein to suspend the operation of the curfew in any specified area or part.

PART III—ARMS AND AMMUNITIONS

Section 5—Power to Prohibit Manufacture, Possession of Arms.

(1) Where the Minister for the Interior considers that it is reasonably required in the interest of defence, public safety, the prevention of disorder or crime or for the protection of the rights and freedoms of other persons to do so, he may by executive instrument prohibit any person from manufacturing, possessing or carrying arms or ammunition within any part of Ghana specified in the instrument.

(2) An instrument issued under subsection (1) may exclude from its operation such classes of persons as the Minister may think fit.

(3) An instrument issued under subsection (1) may in lieu of prohibiting the manufacture, possession or carrying of arms, permit the possession or carrying of arms subject to such conditions as the Minister may think fit.

(4) An instrument issued under subsection (1) may contain provisions for requiring persons in possession of arms or ammunition to deposit them with such person or authority as may be prescribed in the instrument and for matters connected with it.

(5) Any arms or ammunition deposited with any person or authority in accordance with an instrument issued under subsection (1) shall be returned to the person entitled to them on the instrument ceasing to have effect where there is authority to hold the arms or ammunition.

Section 6—Power of Arrest.

A police officer may arrest without warrant any person whom he suspects on reasonable grounds of possessing or carrying arms in contravention of an instrument issued under section 5 of this Act.

Section 7—Power of Search.

(1) A District Magistrate or Chairman of a Community Tribunal may issue a warrant under his hand authorising any police officer to enter and search any buildings or premises in which any arms or ammunition are suspected to be in contravention of an instrument issued under section 5 of this Act.

(2) A warrant issued under this section shall be valid notwithstanding that the buildings or premises are not specified further therein than being buildings or premises in or about the specified town or village.

Section 8—Forfeiture of Arms and Ammunition Seized

Any arms or ammunition found in the possession of, or being carried by any person in contravention of an instrument made under section 5 of this Act shall be seized and unless it is shown that failure to deposit them in accordance with the instrument was due to inadvertence or other reasonable excuse, shall be forfeited to the State.

Section 9—Offence and Penalties

Any person who—

- (a) fails to notify the police of any special event contrary to section (1); or
- (b) fails to inform the police of his unwillingness to comply with a request contrary to section 1 (5); or
- (c) takes part in any special event knowing that no notification has been given to the police; or
- (d) acts contrary to a curfew imposed under this Act; or
- (e) manufactures, possesses or carries arms or ammunition contrary to a prohibition imposed under this Act; or
- (f) acts contrary to any provision in section 3 commits an offence and is liable on conviction to a fine not exceeding €2 million or imprisonment for a term not exceeding 1 year or to both.

Section 10—Interpretation

In this Act unless the context otherwise requires—

"ammunition" includes explosives, all ammunitions of war and all materials for loading firearms;

"arms" includes firearms and offensive weapons of all descriptions, artillery, apparatus for the discharge of all kinds of projectiles, explosive or gas-diffusing flame-throwers, bombs, grenades, machine-guns and rifled small-bore breech-loading weapons of all kinds, and includes also all parts of any of the foregoing;

"firearms" includes any gun, rifle, machine-gun, cap-gun, flint-lock gun or pistol, revolver, cannon or other firearms, and any air gun, air pistol, whether whole or in detached pieces;

"Minister" means the Minister responsible for the Interior;

"offensive weapon" means an article made or adapted for causing injury to a person or intended by the person having it with him for such use by him;

"organisers" means the person or persons who signed the notification provided for under section 1(2) or on whose behalf the notification was signed;

"public place" means a place to which, at the material time, the public have or are permitted to have access whether on payment or otherwise;

"special event" means procession, parade, carnival, street dance celebration of traditional custom, outdoorings of traditional ruler,

demonstration, public meeting and similar event but does not include—

- (a) religious meeting;
- (b) charitable, social or sporting gathering;
- (c) any lawful public entertainment or meeting.

Section 11—Repeal

The Public Order Decree, 1972 (N.R.C.D. 68) and the Public Order (Amendment) Law, 1983 (P.N.D.C.L. 48) are hereby repealed.