

Legislation Council Panel on Security

Public Procession Requirements in Overseas Countries

Purpose

This paper presents for Members' reference some information on a number of overseas countries/states/cities in relation to regulation of public processions.

Background

2. During the recent public debate on the Public Order Ordinance, there is a lot of interest in how other countries regulate public processions. We have obtained some information on relevant overseas legislation through our research, and our overseas offices. As earlier discussions mainly focussed on the notification requirements, the information we obtained largely concerned this area. In response to media requests, a brief summary (in table form) of the information on 19 countries/states/cities was distributed and placed on the Internet in October. A copy is at Annex A.

3. Copies of the relevant legislation in some of the countries/states/cities, viz. San Francisco and Washington D.C. of U.S., Toronto of Canada, Queensland of Australia, UK and Tokyo of Japan are at Annex B. As the table at Annex A was intended to cover the notification requirements, it does not include all the information available in the legislation.

4. The information we have obtained shows that most countries have some form of regulation of public processions and meetings. The Hong Kong Special Administrative Region's notification system is by no means strict when compared with systems in other countries.

5. In view of continuing public interest in overseas legislation on public meetings and processions, we are in the process of obtaining more detailed information on other aspects of the issue, albeit covering fewer places. The information will be provided to Members as soon as possible.

Security Bureau
November 2000

(panel-poo)

Public Procession Requirements in Overseas Countries

| Country/City | System | Detailed Requirements |
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| Chicago | permit | <ul style="list-style-type: none"> • No public procession is to be held without a permit issued by the Mayor's Office of Special Events and approved by the Department of Transportation after input from other agencies such as Police. An application for a permit must be made not less than 7 days in advance unless there are good and compelling reasons. |
| New York | permit | <ul style="list-style-type: none"> • A permit is required for any street activity that has the possibility to interfere with normal street use. Parades and demonstrations are handled by the Police Department. According to a US lawyer, 36 hours' notice needs to be given in advance of any marches or assemblies. • According to the New York Police Department, a large parade or demonstration application should be lodged at least 90 days before the event day. Approval is granted after consultation with other agencies concerned. • According to a US lawyer, the City Hall Access Law limits demonstrations on the actual steps of New York city's main government buildings to 150 people for a maximum three hour period. |

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| San Francisco | permit | <ul style="list-style-type: none">• Any person who wants to organise a public procession (parade or demonstration) on a street, excluding streets on property under the jurisdiction of the Recreation and Park Commissioner, must obtain a permit from the Chief of Police (CP). According to the Police Code, written application for such permit should be made at least 60 days in advance but the Chief of Police has a discretion to allow a shorter period. CP may grant permit to an applicant who applies less than 15 days in advance if CP determines that the permit application requires no substantial investigation or preparation of the route. |
| Washington D.C., | permit/ notification | <ul style="list-style-type: none">• All "special events" including public processions have to be approved by the DC Emergency Management Agency (DCEMA) and the Special Events Task Group which is under the control of DCEMA and is responsible for co-ordinating such events. In addition, they have to obtain permits issued from specific agencies. In this regard, all parades and demonstrations fall under the direct control of the Metropolitan Police Department.• For demonstrations and protests, an organizer has to submit a notification to the Metropolitan Police Department 5 days before the event. If the event is classified as a procession or parade, the notification period is 15 days before the event. |
| Calgary | permit | <ul style="list-style-type: none">• No person shall participate in any parade or special roadway event on a city street until a permit has been issued by the Mayor or Council in the case of a parade, or by the Chief of Police in the case of a special roadway event. |

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| Toronto | permit | <ul style="list-style-type: none">Any person wishing to hold a parade including a procession on a highway must apply in writing to the Metropolitan Board of Commissioner of Police at least 21 days in advance. |
| Vancouver | permit | <ul style="list-style-type: none">No parade* of persons more than 30, or vehicles numbering 10 or more (except funeral procession) shall take place on any street unless a written permit has been issued by the Chief Constable. Application for such permit should be made at least 90 days or within such shorter period of time as may be allowed by the Chief Constable. A permit will be issued subject to any conditions that the Chief Constable may impose on the time, route etc. of the parade. <p>(* A parade is defined as any procession or body of pedestrians (except members of the Armed Forces) numbering more than 30, standing, marching or walking on any street, or any group of vehicles numbering 10 or more (except funeral processions) standing or moving on any street.)</p> |
| Victoria (Canada) | permit | <ul style="list-style-type: none">Permit application for new events (including parades) that require a street closure needs to be submitted at least 4 months in advance. Repeat annual events (including parades) with no street closures require a minimum of 6 weeks for applications. |

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| <p>South Australia, New South Wales and Queensland</p> | <p>non-compulsory prior notification system</p> | <ul style="list-style-type: none"> • Prior notification is not compulsory but participants of a notified assembly are given immunity from prosecution for offences relating to traffic laws and obstruction. Participation in a non-authorized peaceful assembly is not an offence in itself but those specific immunities from prosecutions would not apply. • Queensland requires notification 5 days in advance. • Police may impose conditions relating to a matter concerning public safety, the maintenance of public order or the protection of rights and freedoms of persons. | | | | |
| <p>Western Australia and Northern Territory</p> | <p>non-compulsory permit system</p> | <ul style="list-style-type: none"> • A permit is not mandatory. Holding or participating in an unauthorized assembly is not an offence in itself but a permit gives immunity against specific summary offences. The system is similar to the non-compulsory prior notification system. | | | | |
| <p>Victoria (Australia)</p> | <p>general privilege system</p> | <ul style="list-style-type: none"> • The right to peaceful assembly (including processions) is neither constitutionally guaranteed nor incorporated in any statute. The only right to peaceful assembly is that which remains after the effect of common law offences and statutory restrictions are taken into account. There is no statutory power to prohibit an orderly peaceful procession. | | | | |
| <p>Amsterdam</p> | <p>permit</p> | <ul style="list-style-type: none"> • Any person who wants to organize a public event (including a public procession) needs to apply for a permit. The closing date for such applications depends on the size of the event as set out as below - <table style="margin-left: 40px; border: none;"> <tr> <td style="padding-right: 40px;">Less than 500 participants</td> <td>8 weeks in advance</td> </tr> <tr> <td>500 - 2000 participants</td> <td>4 months in advance</td> </tr> </table> | Less than 500 participants | 8 weeks in advance | 500 - 2000 participants | 4 months in advance |
| Less than 500 participants | 8 weeks in advance | | | | | |
| 500 - 2000 participants | 4 months in advance | | | | | |

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| | | <p>more than 2000 participants before 1 March of the previous year</p> <ul style="list-style-type: none">• However, persons who want to organize a public meeting only need to inform the authorities 24 hours before the date of the event. The mayor can refuse a public meeting if he believes that it could endanger public order. |
| Brussels | permit | <ul style="list-style-type: none">• A person wishing to organize a public meeting or public procession needs to submit a prior written application to the mayor's (i.e. the head of the local police) office. The application needs to arrive at the mayor's office at least 6 working days in advance. Shorter period will be accepted for very small public gatherings.• An application needs to provide details relating to the purpose of the public gathering, the date and hour, the number of participants, the organization measures, the route and the contact details of the organizer.• Applications for public gatherings will normally be approved unless they endanger public order.• The mayor however does not allow public gatherings in the Brussels city area on Wednesdays and Saturdays because many people go shopping on these days. |
| United Kingdom | notification | <ul style="list-style-type: none">• At least 6 clear days' advance notice must be given to the police in respect of a public procession except a funeral procession. The police may impose conditions on public processions to prevent public disorder and may prohibit public processions upon the issue of a prohibition order if serious public disorder is likely to occur. |

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| | | <ul style="list-style-type: none"> The police gave the direction on 21 April 1996 that during the sitting of Parliament, assemblies or processions of persons shall be dispersed and shall not be in or proceed along any street, square or open place within the area specified in the precincts of the Houses of Parliament. |
| Japan | permit | <ul style="list-style-type: none"> In Tokyo, a permit is required for holding a public procession. The application must be lodged 72 hours in advance. |
| Malaysia | licence | <ul style="list-style-type: none"> A licence is required for holding a public procession and the application must be submitted at least 2 weeks in advance. Before a licence is issued, the police must be satisfied that the public parade is not likely to be prejudicial to the interest of security or to excite a disturbance of the peace. |
| Philippines | permit | <ul style="list-style-type: none"> A permit is required for holding a public procession. The application must be lodged at least 5 working days before the procession. Permits will not be issued if there is a clear and present danger to public order, public safety, public convenience, public morals or public health. |
| Singapore | permit | <ul style="list-style-type: none"> No person shall hold or assist in holding any assembly or procession in any public road or public place without a permit or in contravention of any condition of a permit. An application for a permit shall be made in writing to the Deputy Commissioner of Police not less than 4 clear days before a procession (or 12 hours in respect of a funeral procession). An assembly of 5 or more persons is designated as "unlawful assembly" if the |

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| | | <p>Common object of the persons composing that assembly is, among the others, to resist the execution of any law or of any legal process, or, by means of criminal force or show of criminal force, to deprive any person of the enjoyment of a right of way.</p> <ul style="list-style-type: none">• In any proclaimed area, the Commissioner of Police may by order exclude all persons from any place in such area and an officer in charge of a division may by order prohibit absolutely or subject to such conditions as he may think fit any procession or meeting of 5 or more persons in any public place in such area. |
| Taiwan | permit | <ul style="list-style-type: none">• Application for a permit to hold assemblies/processions should be lodged to the Police at least six days before the event day. Applicants with a proper reason owing to a major unforeseen incident after a natural disaster may lodge two days in advance.• The Police is obliged to notify the applicant in writing within prescribed time whether the procession is approved. If the Police do not notify within the prescribed time, the application is taken to be approved.• Assemblies and processions are not allowed in the precincts of the following places (except with the permission of the Police):<ol style="list-style-type: none">(1) The Office of President (總統府), Executive Yuan (行政院), Judicial Yuan (司法院), Examination Yuan (考試院), Courts of all levels (各級法院);(2) International Airport, port;(3) Important military facilities area; and |

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| | | (4) Residences of President and Vice-President, Consulates and Representative Offices of overseas countries (added to the list from 11.10.2000, according to a press report). |
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Caveat: The above information is based on information provided by a legal consultant in 1997 as updated by our Economic and Trade Offices, through consulting their overseas contacts, and on Security Bureau's own research. Only some of the information has been verified against the relevant legislation.

Security Bureau
November 2000

SEC. 366. DEFINITIONS.

For the purpose of Sections 366 to 379 inclusive, the following definitions shall apply:

(a) The term "approve," when used in connection with approval of an application for a parade permit by the Chief of Police, means that the Chief of Police has determined that none of the grounds for denying an application, as set forth in Section 369, exists, and that a permit is to be issued once the applicant complies with Section 367, pertaining to applications, and Section 368, pertaining to indemnification.

(b) A "business district" is that area adjacent to a public street in which: (1) 50 percent or more of the property fronting upon one side of the street, for a distance of 600 feet, is occupied by structures in use for commercial purposes; or, (2) 50 percent or more of the property fronting upon both sides of the street, considered together and for a distance of 300 feet, is occupied by structures in use for commercial purposes. A business district may be longer than the distances specified in this section if the above ratio of buildings in use for commercial purposes to the length of the street exists.

(c) "Chief of Police" includes the Special Events Unit or any representative designated by the Chief of Police.

(d) To "issue" a permit is to deliver to an applicant for a parade permit written permission to sponsor or hold an event at a specified date and location.

(e) A "parade" is an event, not including an athletic event, in which a group of persons proceed as a collective body for more than one block on any street in the City and County of San Francisco, whether on foot or in any type of vehicle or on an animal or animals, which event obstructs or interferes with the normal flow of vehicular traffic. An "athletic event" is an event in which a group of people collectively engage in a sport or form of physical exercise on any street in the City and County of San Francisco, including but not limited to jogging, bicycling, racewalking, roller skating or running. The following processions are not included in the definitions of a "parade": (1) processions composed wholly of the military or naval forces of the United States or of the State of California; (2) processions incidental to a wedding or funeral; (3) processions composed of one or more governmental officials or candidates accompanied by security personnel to which such officials or candidates are entitled by virtue of their office or candidacy. Any event taking place entirely on property under the jurisdiction of the Recreation and Park Commission shall be exempt from this ordinance.

(f) "Person" shall include and mean any person, firm, association, corporation, club, organization or ad hoc committee.
(Added by Ord. 254-84, App. 5/31/84; amended by Ord. 394-88, App. 8/26/88)

SEC. 367. PERMIT REQUIRED; PROCEDURE.

(a) Any person desiring to sponsor a parade on any street of the City and County of San Francisco, excluding streets on property under the jurisdiction of the Recreation and Park Commission, shall first obtain a permit therefor from the Chief of Police.

(b) Written application for such permit should be made to the Special Events Unit at least 60 days in advance in order to insure timely appeal of a denial of the application. However, all applications for permits shall be processed by the Chief of Police so long as they are received at least 15 working days in advance of the proposed date of the event; provided, however, that when the proposed event designates a route which passes through a business district, extends over an area which involves more than five intersections (not including alleys), anticipates a number of participants exceeding 250, or requires the Municipal Railway to substantially alter passenger routes or schedules, the applicant shall apply at least 30 days in advance of the proposed date; provided, further, that the Chief of Police may grant a permit to an applicant who applies less than 15 working days in advance if the Chief of Police determines that the permit application requires no substantial investigation or preparation of the route, which determination shall not be subject to administrative review.

(c) The time limitations prescribed above for the filing of a permit application may be waived by the Chief of Police if the applicant can show that the event or events giving rise to the permit application did not reasonably allow the applicant time to file within the time prescribed and imposition of the time limitations would place an unreasonable restriction on the right of free speech.

(d) Application shall be made on a form provided by the Chief of Police and shall include: the name, business and home address, and business and home phone number of the applicant (who shall be a natural person), of the sponsor of the event, and of the event organizer (that is, the person responsible for managing and organizing the details of the parade); the relationship of the applicant to the sponsor; proof of the applicant's authority to act on behalf of the sponsor; a description of the route of the event; the names of all streets to be used; the number of participants anticipated; the starting time and expected finishing time of the event; and any other information requested in order to enable the Chief of Police to verify the information required in this subsection.

(e) Application for a permit shall be accompanied by a nonrefundable permit application fee, in the amount set forth in Section 2.26 of the Police Code.

(f) Applications submitted 60 days or more before the date of the proposed event shall be processed within 30 days. Applications submitted between 30 and 59 days before the date of the proposed event shall be processed within 20 days. Applications submitted between 15 and 29 days before the date of the proposed event shall be processed at least seven days before the date of the proposed event.

(g) Applications submitted less than 15 days before the date of the proposed event shall be processed within a reasonable time, which time shall be given to the applicant at the time the applicant is informed that the time limitations set forth in this Section have been waived.

(h) If an application is not processed within the time specified in Subsection (f), the applicant may obtain approval of a permit application by providing the Chief of Police with two copies of a letter addressed to the Chief of Police, which letter sets forth the details of the proposed event and the date of the application and the fact that the application has not yet been processed. The applicant shall deliver one copy of the letter and have the second copy file-stamped as proof of having complied with this Section. If

the Chief of Police does not process the application within 48 hours of delivery by the applicant of the letter described above, the application shall be deemed approved.

(i) The Chief of Police shall issue a permit immediately upon approval of the permit application, and execution and receipt of the indemnification agreement required by Section 368.

(j) The Chief of Police shall, as appropriate, transmit copies of any parade permit issued to the Chief of the Fire Department, the Department of Public Works, Emergency Hospital Service, Department of Public Health, and the General Manager of the Municipal Railway. (Added by Ord. 254-84, App. 5/31/84)

SEC. 368. INDEMNIFICATION AGREEMENT.

The applicant or sponsor of a parade permit must sign an agreement to reimburse the City and County of San Francisco for any costs incurred by it in repairing damage to City property which results from the actions of those sponsoring the event or authorized participants in the event, and to defend the City against and indemnify and hold the City harmless from any liability to any person which results from the actions of those sponsoring the event or authorized participants in the event. Execution of this agreement must occur at least one calendar week before the date of the proposed event, unless the application is not approved by that time, in which case the Chief of Police shall designate a reasonable time within which it is to be provided. (Added by Ord. 254-84, App. 5/31/84)

SEC. 369. GROUNDS FOR DENIAL OF APPLICATION FOR PARADE PERMIT.

The Chief of Police shall approve an application for a parade permit unless he or she determines, from a consideration of the application, or such information as the Chief of Police may otherwise obtain, or both, that:

(a) The Chief of Police has reasonable cause to conclude that the applicant or any person or persons participating in the parade will, in connection with that activity, cause physical injury to persons or substantial damage to property; or

(b) The conduct of the event will substantially interrupt the safe and orderly movement of other traffic contiguous to its route; or

(c) The conduct of the event will require the diversion of so great a number of police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the rest of the City and County of San Francisco; or

(d) The concentration of persons, animals and vehicles at the assembly areas of the event will unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas; or

(e) The conduct of the event will interfere with the movement of fire-fighting equipment en route to a fire; or

(f) The conduct of the event will substantially obstruct or interfere with any construction or maintenance work scheduled to take place upon or along the public streets; or

(g) Another permit application has been received, and has been or may be approved, to sponsor a parade at the same time and place requested by the applicant, or so close in time and place that undue confusion or congestion would result, or the Police Department would bear an unreasonable burden in meeting the request for services by more than one applicant; or

(h) The parade will not move from its point of origin to its point of termination in four hours or less, or such other reasonable time limit as set by the Chief of Police in light of all relevant circumstances; or

(i) The applicant fails to provide the information requested on the application form or to provide Police Department staff, when requested to do so, with further information in order to enable the Chief of Police to verify the information required on the application form; or

(j) The applicant fails to provide proof of approval from other governmental departments or agencies when such approval is legally required; or

(k) The applicant fails or refuses to comply with any condition reasonably imposed on the granting of the permit in order to insure the safety of event participants, members of the Police Department or the public, or to insure the orderly flow of traffic, or to avoid the likelihood of harm to public or private property, which conditions may include a change in the route of the event; provided, however, that nothing in this Section shall be deemed to authorize the Chief of Police to impose conditions which unreasonably interfere with the right of free speech; or

(l) Other circumstances exist which make it likely that the event would significantly interfere with ordinary activities in the City and County of San Francisco. (Added by Ord. 254-84, App. 5/31/84)

SEC. 370. PROCEDURE FOLLOWING DENIAL OF APPLICATION.

Upon the denial of any application for a parade permit, the Chief of Police shall inform the applicant of the reason or reasons for the denial in writing. (Added by Ord. 254-84, App. 5/31/84)

SEC. 371. APPEALS.

The Board of Supervisors shall by motion designate an appropriate committee of the Board to act as a "Committee on Parades" for the purposes of Sections 366 to 379, inclusive, of this Article.

The applicant may appeal the denial of an application for a parade permit, or the imposition of conditions on the issuance of a permit, to the Committee on Parades, if such appeal can be timely made. The Committee shall consider such appeal and may either concur in the action of the Chief of Police or overrule such action and order that the permit be approved. If the Committee orders that a permit be approved, it shall have the authority to impose only such conditions as are recommended by the Chief of Police. (Added by Ord. 254-84, App. 5/31/84; amended by Ord. 394-88, App. 8/26/88)

SEC. 372. REVOCATION BY POLICE CHIEF.

The Chief of Police may revoke a parade permit if an emergency arises which makes it impossible to assign the necessary personnel to the event and still provide the personnel required elsewhere to protect the public, or if information is obtained after the permit is issued from which the Chief of Police reasonably concludes that the permit should not have been approved for reasons set forth in Section 369. (Added by Ord. 254-84, App. 5/31/84)

SEC. 373. VIOLATION OF PERMIT CONDITIONS.

If a parade deviates from the route approved by the Chief of Police or if participants violate any conditions contained in the permit, the police officer whom the Chief of Police has designated as the officer in charge of overseeing personnel necessary to police the event may, after warning the participants and providing them with an opportunity to return to the approved route or to follow the permit conditions, revoke the permit. (Added by Ord. 254-84, App. 5/31/84)

SEC. 374. UNLAWFUL TO SPONSOR OR PARTICIPATE IN A PARADE WITHOUT A PERMIT OR TO INTERFERE WITH SUCH EVENT.

It shall be unlawful for any person to sponsor a parade unless a permit has been issued for the event, or for any person to participate in such an event with the knowledge that the sponsors of the event have not been issued the required permit or with the knowledge that a permit has been issued and subsequently revoked. Nor shall any person interfere with or disrupt a lawful parade undertaken pursuant to a permit, or participate in such event unless designated as a participant by its sponsor. (Added by Ord. 254-84, App. 5/31/84)

SEC. 375. CHIEF OF POLICE TO ESTABLISH LINES.

(a) The Chief of Police is hereby empowered to establish lines, if he or she deems it necessary, on both sides of the street along the proposed route over which a parade is to pass, and no person or vehicle of any kind, excepting those described in Subsection (b), shall pass over or through said lines. Such lines may be established either by means of a physical barrier, such as a rope, or by designating a curb or some other line of demarcation as the line beyond which no person or vehicle is to pass.

(b) Notwithstanding the provisions of Subsection (a), the following persons and vehicles are authorized to cross lines established along a parade route:

- (i) Any city, county, state or federal peace or fire prevention officer or vehicle responding to an emergency call; or
- (ii) Ambulances of public or private character, or any other vehicle when such vehicle is employed in carrying a sick or injured person to a hospital or other place for treatment or relief; or
- (iii) United States Postal Service vehicles; or
- (iv) Auxiliary fire apparatus or emergency vehicles when responding to a call to a fire, a burglar alarm, or other emergency call; or
- (v) Any other person or vehicle, including regularly scheduled mass transit vehicles, whose passage is deemed necessary or convenient by the Chief of Police or the police officer whom the Chief of Police has designated as the officer in charge of overseeing Police Department personnel assigned to the event. (Added by Ord. 254-84, App. 5/31/84)

SEC. 376. CHIEF OF POLICE TO DIVERT PARADE AROUND FIRE, ETC.

In case of fire, accident or any emergency along the route of a parade, the Chief of Police or the police officer in charge of the detail on the streets along which the parade shall pass, is hereby given full power to divert the parade around such fire, accident or emergency, over and along the nearest cross street from such fire, accident or emergency and shall direct the return of the parade to the route originally authorized. (Added by Ord. 254-84, App. 5/31/84)

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SEC. 377. INTERFERENCE WITH CITY PROPERTY PROHIBITED.

It shall be unlawful for any person to remove, displace or interfere with any socket, pole, wire, ropes or other property of the City and County of San Francisco used in connection with the regulation of a parade. (Added by Ord. 254-84, App. 5/31/84)

SEC. 378. PENALTIES.

Any person violating any provision of Sections 366 through 379 of this Code shall be deemed guilty of an infraction and upon conviction thereof shall be punished by a fine not to exceed \$500. (Added by Ord. 254-84, App. 5/31/84)

Washington D.C.**CHAPTER 7 PARADES AND PUBLIC EVENTS**

| | |
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| Secs. | |
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700 SPEECHES AND PUBLIC ADDRESSES

- 700.1 No person shall be permitted to make or deliver any address, speech, or sermon upon any subject whatever in or upon any street, avenue, alley, footway, highway, or other public space in the District of Columbia without first obtaining a permit in writing from the Chief of Police.
- 700.2 The permit shall designate the time and precise location where the address, speech, or sermon may be given.

AUTHORITY: Unless otherwise noted, the authority for this chapter is An Act approved January 26, 1887, 24 Stat. 368, ch. 49, §1; Commissioners' Order No. 274,310/929 (Commissioners' Minutes), Vol. 70, Page 925, effective September 1, 1949; and 17 DCMR §107, Highway and Traffic Regulations (18 DCMR §2218), October 19, 1970.

SOURCE: Article 2, §3 of the Police Regulations (May 1980).

701 MOBILE SOUND UNITS

- 701.1 Persons wishing to obtain a permit for a mobile sound unit shall submit an application in writing, or in person, to the Chief of Police.
- 701.2 Application for a mobile sound unit permit shall be made two (2) weeks before the permit is to be used.
- 701.3 The applicant shall supply the following information:
- (a) The applicant's full name, address, and phone number;
 - (b) The name of the organization requesting the permit (if any), and the applicant's official position in the organization;
 - (c) The purpose for the sound unit; and

(d) The license number and description of the vehicle to be used.

701.4 Permits shall be issued only for sound units operating for a community, civic, or electoral purpose.

701.5 Permits shall not be issued for commercial advertising purposes.

701.6 All sound units are subject to applicable District laws and regulations governing noise control.

SOURCE: 35 DCRR §106, Special Edition (November 1980).

702 OUTDOOR RELIGIOUS SERVICES

702.1 An applicant shall apply in writing or in person to the Chief of Police two (2) weeks in advance of the scheduled religious service.

702.2 Applications that are not made two (2) weeks in advance shall not be considered.

702.3 Each applicant shall be required to supply the following information:

- (a) The applicant's full name, address, and phone number;
- (b) The exact location where the applicant plans to speak or preach; and
- (c) The exact corner (north, south, east, or west) and the intersection, if the applicant wishes to speak on a street corner.

SOURCE: 35 DCRR §107, Special Edition (November 1980).

703 DISPLAY OF THE FLAG

703.1 Where metal staffs for the display of flags are authorized by the Mayor to be placed in the public space in the District of Columbia, those staffs shall be placed and flags displayed only on Washington's Birthday, Memorial Day, Flag Day, the Fourth of July, Labor Day, and other days that the Mayor may from time to time designate.

703.2 When a Sunday precedes any of the national holidays set forth in §703.1, the flag staffs may be placed and the flags may be displayed on those staffs from 12:00 noon on the Saturday preceding the holiday.

703.3 If the holiday falls on a Saturday, the staffs may be placed and the flags may be displayed from 12:00 noon on the day preceding that Saturday.

703.4 In no instance shall the staffs or flags be allowed to remain on public space later than 12:00 noon of the day following the day authorized for their use and display, unless the following day is a Sunday. If the following day is a Sunday, the staffs and flags shall be taken down not later than 12:00 noon on the following Monday.

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SOURCE: Article 4, §18 of the Police Regulations (November 1980).

704 [RESERVED]

705 PARADES: GENERAL PROVISIONS

- 705.1 For purposes of this chapter, a "parade" is any formation, march, or procession consisting of persons, animals, vehicles, or a combination of persons, animals, and vehicles traveling in unison and with a common purpose upon any public street, highway, alley, sidewalk, or other public way, within the territorial jurisdiction of the Metropolitan Police Department, in a manner that would normally be in violation of any provision of DCMR Title 18 "Vehicles and Traffic," or any other applicable law or regulation.
- 705.2 A permit shall be issued for a parade when, after consideration of the application and other information that may otherwise be obtained, it appears that the parade will meet the following criteria:
- (a) The conduct of the parade will not substantially interrupt the safe and orderly movement of other vehicular and pedestrian traffic contiguous to its route;
 - (b) The conduct of the parade will not divert such numbers of police officers from their normal police duties that the city would be deprived of reasonable police protection;
 - (c) The concentration of persons, animals, and vehicles in the assembly and disbanding areas and along the parade route will not substantially interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets;
 - (d) The parade is scheduled to move from its assembly location to its disbanding location expeditiously and without unreasonable delays enroute;
 - (e) The parade will not substantially interfere with any other parade for which a permit has already been granted;
 - (f) The applicant has provided for the services of the number of parade monitors that the Chief of Police considers reasonably necessary to ensure that the parade will be conducted in conformity with the parade permit;
 - (g) The applicant has not materially misrepresented any facts or information set forth in the application for a parade permit;
 - (h) The applicant has furnished proof that, if the assembly or disbanding locations or the route of march for the parade, encroach upon, occupy, or

traverse any area within the jurisdiction of the federal or local governments, permits or permission have been obtained from the appropriate authorities;

- (i) The parade is not to be held for the sole purpose of advertising for private gain any product, merchandise, contest, or event; and
- (j) The parade does not create a substantial possibility of violent, disorderly conduct likely to endanger public safety or to result in significant property damage.

SOURCE: Final Rulemaking published at 21 DCR 2476, 2477 (March 31, 1975); 35 D.C.R.R. §§100.1, 102.4. Special Edition.

706 APPLICATION FOR A PARADE PERMIT

- 706.1 Any person seeking issuance of a parade permit shall file an application with the Chief of Police on a form issued by the Chief of Police in person or by mail at the Metropolitan Police Department, 300 Indiana Avenue, N.W., Washington, D.C. 20001.
- 706.2 An application for a permit shall be filed not less than fifteen (15) days before the date on which the parade is proposed to be conducted.
- 706.3 Applications filed less than fifteen (15) days prior to the proposed date of the parade shall receive favorable action only if there is sufficient time to review the application and to coordinate with the parade organizers to resolve questions or problems concerning the application for or the conduct of the parade.
- 706.4 The application for a parade permit shall set forth the following information:
 - (a) The name, address, and telephone number of the sponsoring organization (if any) and its chief officer;
 - (b) The name, address, and telephone number of the applicant and the person or persons chiefly responsible for the conduct of the parade, if other than the applicant;
 - (c) The purpose of the parade;
 - (d) The date when the parade is to be conducted;
 - (e) The approximate times when the parade is to begin and end, and the approximate times when assembly for, and disbanding of, the parade are to take place;
 - (f) The specific proposed route of the parade;
 - (g) The locations of the assembly area, reviewing stands, and the disbanding area for the parade;

- (h) The approximate number of persons, animals, and vehicles that will constitute the parade;
- (i) A description of the types of animals; the types of vehicles to be used; the number of bands and other musical units and sound trucks to be used; and the number, type, and size of banners, placards, and signs to be used; and
- (j) The number of persons who will be designated to monitor the parade, and the name of the parade marshal in charge.

706.5 If none of the persons listed in §§706.4(a) and (b) of this chapter are located within the Washington metropolitan area, the name, address, and telephone number of a local representative shall be included, if possible.

SOURCE: Final Rulemaking published at 21 DCR 2476, 2477 (March 31, 1975); 35 DCRR §§102.1 - 102.3, Special Edition.

707 ISSUANCE OF A PARADE PERMIT

707.1 Action shall be taken upon an application for a parade permit within five (5) days after the filing of the application.

707.2 Final action on an application shall consist of the following:

- (a) Issuance of a permit in accordance with the terms of the application;
- (b) Issuance of a permit in accordance with terms other than those set forth in the application; or
- (c) Rejection of the application by the Chief of Police.

707.3 If an application is rejected, the applicant shall be served with a written notice of rejection at least seven (7) days prior to the proposed date of the parade.

707.4 The notice of rejection shall include specific reasons for the rejection.

707.5 Service of the notice of rejection shall be made personally or by certified mail.

707.6 If the late filing of an application or ongoing negotiations concerning the terms of a permit make it impractical to issue a written notice of rejection at least seven (7) days prior to the proposed date of the parade, every effort shall be made to promptly notify the organizers of the parade once a decision to reject the application has been made; and a written notice of rejection shall be served as soon as reasonably possible.

707.7 Notwithstanding failure of an applicant to receive notice of rejection, no parade shall be conducted without issuance of a permit.

SOURCE: Final Rulemaking published at 21 DCR 2476, 2480 (March 31, 1975); 35 DCRR §103, Special Edition.

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708 REVOCATION OF A PARADE PERMIT

- 708.1 A parade permit shall be revoked if it is determined that the parade is being conducted in violation of the standards for issuance, as set forth in §705 of this chapter.
- 708.2 If time permits, notices of revocation shall be in writing, with the reasons for revocation specifically set forth.
- 708.3 A copy of the notice of revocation shall be served personally, or delivered by certified mail, return receipt requested, if time permits.
- 708.4 If, due to exigent circumstances, it is necessary to revoke a parade permit immediately prior to or during a parade, notice of the revocation may be made orally by the Metropolitan Police Department official responsible for monitoring the parade.

SOURCE: Final Rulemaking published at 21 DCR 2476, 2481 (March 31, 1975); 35 DCRR §105, Special Edition.

709 CONTENTS OF A PARADE PERMIT

- 709.1 Parade permits shall contain the following information as relevant:
- (a) The date, assembly area, time for assembly, and starting time of the parade;
 - (b) The specific route plan of the parade;
 - (c) The number of monitors to be furnished by the parade organizer;
 - (d) The number and types of animals and vehicles, and the number of bands, other musical units, and sound trucks, if any;
 - (e) The portion of the street, sidewalk, or other public way that is to be occupied by the parade, and the location of reviewing stands, if any;
 - (f) The number and size of banners, placards, or other devices, consistent with the information filed on the application, and any restrictions concerning the number and size of banners, placards, or other devices;
 - (g) The disbanding area and time for disbanding; and
 - (h) Other information that is reasonably necessary for the conduct of the parade and the enforcement of this chapter.

SOURCE: Final Rulemaking published at 21 DCR 2476, 2480 (March 31, 1975); 35 DCRR §§104, Special Edition.

710 - 719 [RESERVED]

720 SPECIAL EVENTS USER FEES

720.1 For purposes of this section, "Special Events" are those activities held on public space such as parades, cultural programs, musical concerts and community activities.

720.2 The following Special Events User Fees shall be as follows:

Department of Human Services, Commission on Public Health

Advanced Medical Aid Station:

| Personnel: | Number | Cost for first hour |
|--------------------------------|--------|---------------------|
| Nurses | 2 | \$82.00 |
| Equipment & Supply Specialist | 1 | \$20.00 |
| Medical Supplies and Equipment | | <u>\$400.00</u> |
| Total first hour cost | | \$502.00 |
| Additional hourly cost: | | \$102.00 |

Basic Medical Aid Station:

| Personnel: | Number | Cost for first hour |
|--------------------------------|--------|---------------------|
| Nurses | 1 | \$41.00 |
| Equipment & Supply Specialist | 1 | \$20.00 |
| Medical Supplies and Equipment | | <u>\$150.00</u> |
| Total first hour cost | | \$211.00 |
| Additional hourly cost: | | \$61.00 |

720.3 If the event requires more than four Medical Aid Stations, for either type of Aid Station, a supervisor from the Office of Emergency Health and Medical Services (OEHMS) will be required.

One OEHMS Supervisor - per hour \$38.00

Fire and Emergency Medical Services Department

Over the Counter Permit Fee - to cover the review, research and limited on-site inspection for an over-the-counter permit.
Cost per permit \$44.00

On-site Permit Fee - to cover the time required to perform an inspection of the site and/or the activities or equipment in use during the event that needs to be inspected.
Cost per hour \$44.00

On-site monitoring Fee - to monitor the special event to ensure the safety of the public.
 Cost per hour \$44.00

Department of Public Works

Flag Installation and Removal - to cover the cost of installation and removal of flags from city street light poles for special events.
 Rate per person per hour \$32.75

Temporary Sign Installation - to cover the cost of installing temporary no parking signs for special events.
 Rate per person per hour \$27.61

Clean-up and Trash Removal - to cover the cost of space cleaning and trash removal for special events.
 Rate per person per hour \$24.25

Disposable Trash Bags - per bag \$0.35

Metropolitan Police Department

Special Events Fee - to cover the cost of police services for special events
 Rate per officer per hour \$32.74

Department of Consumer and Regulatory Affairs

Special Events Fee - to cover the cost of services provided by the following categories of Department of Consumer and Regulatory Affairs employees for monitoring health and food practices, safety conditions, and alcoholic beverage control at special events: sanitarians, building inspectors, electrical inspectors, plumbing inspectors, and alcoholic beverage control investigators.
 Rate per employee per hour \$21.03

SOURCE: Final Rulemaking published at 43 DCR 6577 (December 13, 1996).

TORONTO



Parade By-Law

"To regulate parades on highways, and for preventing the obstruction thereof during parades or public demonstrations."

The Metropolitan Board of Commissioners of Police hereby ENACTS as follows:

By-Law No. 42, as amended by By-Law No. 52, is repealed and the following is substituted therefor:

1. In this By-law,
 - (i) "Applicant" means any person applying to the Board under this By-Law for permission to hold a parade or procession;
 - (ii) "Board" means Metropolitan Board of Commissioners of Police;
 - (iii) "Chairman" means the Chairman of the Board;
 - (iv) "Chief" means the Chief of Police of the Metropolitan Toronto Police or any officer of the rank of inspector or higher designated, in writing, by the Chief to exercise the function conferred on the Chief under this By-Law;
 - (v) "Highway" means a highway within the Metropolitan Area as the words "highway" and "Metropolitan Area" are defined in Section 1 of the Municipality of Metropolitan Toronto Act, R.S.O. 1980, c. 314;
 - (vi) "Parade" includes a procession.

2. Any person wishing to hold a parade on a highway shall, before doing so and as a condition of being allowed to do so, submit a written application on behalf of himself or herself or the group or organization intending to hold such parade, in Form MTP 831 attached hereto. Such application shall be signed by the applicant and shall be submitted and filed with the Board at least twenty-one clear days prior to the date on which it is proposed to hold such parade. No person shall hold or participate in a parade unless permission for such parade has been granted in accordance with this By-Law.

3. Such application shall include the following particulars:
 - (i) date and hour of start of parade;
 - (ii) place of assembly for start of parade;
 - (iii) proposed parade route including assembly and destination of parade, with accompanying sketch showing, by name, all highways intended to be used as the route of the parade;
 - (iv) ~~estimate of approximate number of participants with particulars as to~~ number of persons on foot, number of automobiles, trucks, floats and all other vehicles whether motorized or non-motorized, number of riders on horseback, number and kind of other animals, if any, and number of musical bands and the size thereof.

4. All applicants, as a condition of being permitted to hold a parade, shall before such parade is held execute, deliver to the Board and agree to be bound by the terms of an agreement in Form MTP 831A attached to this By-Law; by which agreement the applicant shall agree to assume complete legal liability and responsibility for the conduct of the parade, and in addition to indemnify the Board, the Municipality of Metropolitan Toronto, the Chief of Police and all members of the Metropolitan Toronto Police Force including auxiliary police officers, for all claims, actions, lawsuits and legal proceedings of any other kind or nature arising out of, resulting from or in any way connected with such parade; and further, to assume at the expense of the applicant, the entire costs, including legal expenses, related to any such legal proceedings. This indemnity shall not apply to intentional wrongful acts, or negligent acts of omission or commission by the persons indemnified by this agreement.

5. As a further term and condition of being granted permission to hold a parade, the applicant shall be responsible for posting, publishing and communicating to all prospective participants in the parade, the terms and conditions under which permission to hold such parade is being granted; and shall further assure, to the best of his or her ability, compliance with such terms and conditions by all such participants during and throughout the course of the parade.

6. The criteria applicable to the granting of permission to hold a parade shall be the following and no other:

- (i) that a proper application, under Section 1, and an indemnity agreement, under Section 2, of this By-Law have been executed and delivered to the Board;
- (ii) that the proposed route, place of assembly, destination, date and time of such parade are not such as to be likely:
 - (a) to cause or create unreasonable delay in, or interference with, the operations of the Toronto Transit Commission or any other fixed-route public transit system in the Metropolitan Area,
 - (b) to result in unreasonable interference with normal street traffic or unreasonable disruption of normal business and mercantile operations along, or in the vicinity of, the proposed parade route,
 - (c) to cause a substantial nuisance to residents living along, or in the vicinity of, the proposed parade route,
 - (d) to conflict with any other parade for which permission had been previously given;
- (iii) that the applicant has not, within the previous two years of the application, been found guilty of an offence under this By-Law;
- (iv) that adequate police personnel and facilities are, in the opinion of the Chief, available for the proposed parade to ensure proper crowd control, the orderly movement of the parade and other traffic with a minimum of conflict between them, the maintenance of civil order and the prevention of disturbances of the peace and property damage.

7. Applications for permission to hold parades shall, in the first instance, be considered by the Chief who may if, in his opinion, the above noted criteria are adequately met, grant permission for the parade in the terms requested by the applicant.

8. In the event that the Chief, after receipt and consideration of the application, shall be of the opinion that there may be difficulty in compliance with any of the aforesaid criteria, the Chief shall, if the applicant so requests, meet promptly with the applicant in an endeavour to negotiate an alternative route, date, time, destination or assembly place, as the case may be, which will satisfy such criteria.

9. If the Chief and the applicant are unable to resolve any such difference by negotiations, the Chief shall not refuse permission to hold the parade but shall, forthwith, refer the matter to the Board.

10. Where an application is referred to it by the Chief, the Board may, upon review of the matter, grant permission for the parade without a hearing. The Board shall not refuse permission for the parade without first affording the applicant a reasonable opportunity to be heard, and shall, in regard to any such hearing, comply with the provisions of the Statutory Powers Procedures Act. In determining whether or not to grant permission for the holding of the parade, both the Chief and the Board shall be governed solely by the criteria hereinbefore set out. In making its decision, the Board may make its permission conditional upon reasonable changes in the proposed date, time, place of assembly, route and destination of the proposed parade. The decision of the Board following such hearing shall be final.

11. Permission to hold a parade shall be in accordance with Form MTP 831B of this By-Law.

12. No person shall take part in any public meeting or demonstration on any highway which interferes with the normal flow of traffic upon such highway; and in the event of any such highway being obstructed as to impede the normal flow of traffic thereon, during the holding of any such public meeting or demonstration, every person taking part therein shall, upon request by a member of the Metropolitan Police Force, forthwith disperse; and upon failure to do so, shall be liable to the penalties provided for by this By-Law.

13. When permission has been issued to any person, organization or group of persons for the holding of a parade, no other organization, group or person shall interfere with such parade or procession, by joining in or taking part in it, without the permission of its organizers, or in any other way.

14. The person to whom permission to hold a parade has been given, under this By-Law, shall be responsible for the strict observance of all rules and regulations included in this By-Law and the written permission issued in Form MTP 831B.

15. In order to minimize interference with normal traffic on the highways during any parade, and in furtherance of the maintenance of public order on the highways, no person shall in any such parade carry or display on the highway any banner, placard, flag, insignia or other similar device of a character or nature calculated or tending to engender disorder or strife, or to defame any person or persons.

16. At and during any parade, every police officer is authorized and required to take, or resort to, any or all lawful means at his or her disposal, as may be required, to keep or maintain order, prevent obstruction of traffic, and exercise any other duty imposed on him or her by law.

17. All persons taking part in any parade shall obey the directions of a police officer given for the purpose of regulating traffic or maintaining order.

18. Parades shall, unless otherwise approved by the Board, march or travel on the right hand side of the roadway, leaving room for other opposing traffic thereon to pass in the opposite direction.

OVER

19. Nothing in the By-Law shall be construed to prohibit any person from attending at, or listening to, meetings authorized by law so long as the proceedings thereat are peaceful and orderly, and sufficient space is left on the sidewalks and roadways for the normal use thereof.

20. Every person who contravenes any of the provisions of this By-Law is guilty of an offence and on conviction therefor, is liable to a fine not exceeding two thousand dollars (\$2,000.00).



Clare Wentcott,
Chairman.

Queensland



PEACEFUL ASSEMBLY ACT 1992

Reprinted as in force on 1 December 1999
(includes amendments up to Act No. 42 of 1999)

Reprint No. 1A

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

Information about this reprint

This Act is reprinted as at 1 December 1999. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- when provisions commenced
- editorial changes made in earlier reprints.

Queensland

PEACEFUL ASSEMBLY ACT 1992

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PEACEFUL ASSEMBLY ACT 1992

[as amended by all amendments that commenced on or before 1 December 1999]

An Act to provide for the recognition, exercise and any necessary and reasonable restrictions of the right of peaceful assembly, and for related purposes**Short title**

1. This Act may be cited as the *Peaceful Assembly Act 1992*.

Objects

- 2.(1) The objects of this Act are—
 - (a) to recognise the right of peaceful assembly; and
 - (b) to ensure, so far as it is appropriate to do so, that persons may exercise the right to participate in public assemblies; and
 - (c) to ensure that the exercise of the right to participate in public assemblies is subject only to such restrictions as are necessary and reasonable in a democratic society in the interests of—
 - (i) public safety; or
 - (ii) public order; or
 - (iii) the protection of the rights and freedoms of other persons; and
 - (d) to ensure that the right of persons to participate in public assemblies may be exercised without payment of a fee, charge or other amount for a licence, permit or other authorisation.

(2) In subsection (1)(c)(iii), a reference to the rights of persons includes a reference to—

- (a) the rights of members of the public to enjoy the natural environment; and
- (b) the rights of persons to carry on business.

Relationship with other laws

3.(1) This Act has effect despite any other law relating to—

- (a) the right of peaceful assembly; or
- (b) the movement of traffic or pedestrians; or
- (c) loitering; or
- (d) the use or obstruction of a public place; or
- (e) the payment of a fee, charge or other amount for a licence, permit or other authorisation relating to a public assembly.

(2) Despite subsection (1), nothing in this Act affects the common law of trespass and, in particular, the right of a person in, or entitled to, possession of land—

- (a) to request a trespasser to leave the land; and
- (b) if the trespasser refuses to leave on being requested—to remove the trespasser from the land.

(3) In this section—

"law" includes an Act, a statutory rule and the common law.

Definitions

4. In this Act—

"appropriate police office", in relation to a proposed public assembly, means a police office in the police district in which the assembly is to be held;

"assembly notice" means a notice of intention to hold a public assembly mentioned in section 7;

"clerk", in relation to a local authority, includes a town clerk;

"Commissioner" means the Commissioner of the Police Service within the

meaning of the *Police Service Administration Act 1990*;

"mediation session" has the meaning given by section 1.3 of the *Dispute Resolution Centres Act 1990*;

"organiser", in relation to a public assembly for which an assembly notice has been given, means the person specified in the notice as the person responsible for organising and conducting the assembly;

"place of assembly", in relation to an assembly that is a procession, includes a place at or through which it is proposed the assembly will stop or pass;

"police district" means a district established by the Commissioner for the efficient and proper administration, management and functioning of the Police Service;

"police office" means a place in relation to which a declaration declaring the place to be a police establishment or police station is in force under section 10.10 of the *Police Service Administration Act 1990*;

"public assembly" means an assembly held in a public place, whether or not the assembly is at a particular place or moving;

"public place" includes—

- (a) a road; and
- (b) a place open to or used by the public as of right; and
- (c) a place for the time being open to or used by the public, whether or not—
 - (i) the place is ordinarily open to or used by the public; or
 - (ii) by the express or implied consent of the owner or occupier; or
 - (iii) on payment of money;

"representative" means—

- (a) in relation to the Commissioner—a police officer nominated by the Commissioner; or
- (b) in relation to a local authority—an officer of the local authority nominated by it;

"road" has the meaning given by the *Transport Operations (Road Use Management) Act 1995*.

Right of peaceful assembly

5.(1) A person has the right to assemble peacefully with others in a public place.

(2) The right is subject only to such restrictions as are necessary and reasonable in a democratic society in the interests of—

- (a) public safety; or
- (b) public order; or
- (c) the protection of the rights and freedoms of other persons.

(3) In subsection (2)(c), a reference to the rights of persons includes a reference to—

- (a) the rights of members of the public to enjoy the natural environment; and
- (b) the rights of persons to carry on business.

(4) Nothing in this section limits the power of a local authority to regulate pedestrian malls, but the power is subject to the right mentioned in subsection (1).

Legal immunity for participant in public assembly

6.(1) If a public assembly—

- (a) is an authorised public assembly; and
- (b) is peaceful; and
- (c) is held substantially in accordance with—
 - (i) the relevant particulars; and
 - (ii) any relevant conditions;

a person who participates in the assembly does not, merely because of the participation, incur any civil or criminal liability because of the obstruction of a public place.

(2) In this section—

"relevant condition" means a condition specified in relation to the assembly in—

- (a) a notice under section 10(2)(a) or (b); or
- (b) an order of a Magistrates Court under section 12 or 14;

"relevant particulars" means the particulars given in the assembly notice for the assembly (except so far as any of the particulars are inconsistent with a relevant condition).

Authorised public assembly

7. A public assembly is an authorised public assembly if—

- (a) notice of intention to hold the assembly has been given under section 8; and
- (b) the notice complies with section 9; and
- (c) the assembly is taken to have been approved under section 10.

Giving of assembly notice

8.(1) An assembly notice is to be given—

- (a) to the Commissioner; and
- (b) if it is proposed that the assembly will be held in, or pass through, a place that is a park, reserve, pedestrian mall, square or other public place—to any local authority having jurisdiction in relation to the place.

(2) The notice is to be given—

- (a) in the case of the Commissioner—by leaving it at, or by sending it to, an appropriate police office; and
- (b) in the case of a local authority—by leaving it at, or by sending it to, the office of the clerk of the local authority.

Requirements for assembly notice

- 9.(1)** An assembly notice must—
- (a) be in writing; and
 - (b) be addressed to the Commissioner or the relevant local authority, as the case requires; and
 - (c) be signed by the organiser.
- (2)** The notice must contain the following particulars—
- (a) the name of the person responsible for organising and conducting the assembly;
 - (b) the address for service on the organiser of any notice under this Act;
 - (c) the name and address of the person by whom the notice is given;
 - (d) the day on which the assembly is proposed to be held;
 - (e) the place at which the assembly is proposed to be held;
 - (f) the time at which it is proposed that persons will assemble to participate in the assembly;
 - (g) the times at which it is proposed that the assembly will begin and end;
 - (h) if the assembly is a procession—
 - (i) the proposed route of the procession; and
 - (ii) any places at which it is proposed that the procession will stop; and
 - (iii) the length of time it is proposed that the procession will remain at each such place;
 - (i) the expected number of participants;
 - (j) the purpose of the assembly;
 - (k) a description of any sound amplification equipment proposed to be used during the assembly.

Approval of public assembly

10.(1) A public assembly is taken to have been approved for the purposes of section 7(c) if, after the giving of the assembly notice for the assembly—

- (a) the required notice of permission for the assembly has been given to the organiser of the assembly; or
- (b) if the assembly notice was given not less than 5 business days before the day on which the assembly is held—a Magistrates Court has not made an order under section 12 refusing to authorise the holding of the assembly; or
- (c) if the assembly notice was given less than 5 business days before the day on which the assembly is held—a Magistrates Court has made an order under section 14 authorising the holding of the assembly.

(2) The required notice of permission for a public assembly is—

- (a) a notice by the Commissioner stating that the Commissioner does not oppose the holding of the assembly; and
- (b) if the assembly notice was given to a local authority—a notice by the local authority stating that the authority does not oppose the holding of the assembly; and
- (c) if the place of assembly is a place for the time being open to or used by the public by the express or implied consent of the owner or occupier or on payment of money—a notice by the owner or occupier of the place consenting to the holding of the assembly.

(3) A notice mentioned in subsection (2) must be in writing.

Permission notice may be subject to certain conditions

11.(1) The Commissioner, or local authority concerned, (the "**relevant authority**") may, in a notice given under section 10(2)(a) or (b), specify conditions to which the giving of the notice is subject.

(2) A condition may not be specified unless—

- (a) the relevant authority has had regard to the objects of this Act; and
- (b) the organiser has agreed, in writing, to the condition; and

(c) the consultations required by subsection (4) have been held.

(3) A condition must relate to—

(a) a matter concerning—

(i) public safety; or

(ii) the maintenance of public order; or

(iii) the protection of the rights and freedoms of persons; or

(b) the payment of clean up costs arising out of the holding of the assembly; or

(c) the recognition of any inherent environmental or cultural sensitivity of the place of assembly; or

(d) the application to the place of assembly of any resource management practice of a delicate nature.

(4) For the purposes of subsection (2)(c), the relevant authority must consult, or attempt to consult, with—

(a) if there is a body known to the relevant authority to represent persons who have a significant interest in the place of assembly—the body; or

(b) in any other case—each person, body, or agency, (an "**interested person**") known to the relevant authority to have a significant interest in, or responsibility for, the place of assembly.

(5) If the relevant authority considers that, because of time constraints and the number of interested persons involved, it is not practicable—

(a) to hold separate consultations with each interested person; or

(b) to contact each interested person for the purpose of arranging consultations;

the relevant authority may—

(c) fix a reasonable time and place for holding the consultations; and

(d) cause a notice of the time and place to be published in a newspaper circulating in the area in which the assembly is proposed to be held.

Application for refusal to authorise public assembly

12.(1) If an assembly notice is given to the Commissioner, or local authority concerned, (the "**relevant authority**") not less than 5 business days before the day specified in the notice as the day on which it is proposed that the public assembly be held, the relevant authority may apply to a Magistrates Court for an order refusing to authorise the holding of the assembly.

(2) The Court must be in the Magistrates Courts District in which the public assembly is proposed to be held.

(3) The Court may, by order—

- (a) refuse to authorise the holding of the public assembly; or
- (b) specify conditions that are to apply to the holding of the public assembly.

Restrictions affecting application for refusal to authorise public assembly

13.(1) The relevant authority is not entitled to apply for an order under section 12 unless—

- (a) the relevant authority has had regard to the objects of this Act; and
- (b) the relevant authority has formed the opinion, on reasonable grounds, that if the assembly were to be held—
 - (i) the safety of persons would be likely to be placed in jeopardy; or
 - (ii) serious public disorder would be likely to happen; or
 - (iii) the rights or freedoms of persons would be likely to be excessively interfered with; and
- (c) the relevant authority has consulted, or attempted to consult, with each person, body, or agency, (an "**interested person**") with which the relevant authority would be required to consult under section 11(4) for the purposes of section 11(2)(c); and
- (d) a mediation process has been engaged in and the process has ended.

- (2) The mediation process is taken to have ended if—
- (a) a mediation session has been held at the request of the relevant authority and the session was attended by—
 - (i) the representative of the relevant authority; and
 - (ii) the organiser of the assembly; or
 - (b) the relevant authority requested that a mediation session be held, but the session was not held because—
 - (i) the matter was a matter that, under the *Dispute Resolution Centres Act 1990*, may not be the subject of a mediation session; or
 - (ii) the matter was not accepted for mediation under that Act; or
 - (c) the relevant authority requested that a mediation session be held, but—
 - (i) the organiser of the assembly—
 - (A) failed to attend, or participate in, the session; or
 - (B) withdrew from the session; or
 - (ii) the session was terminated under the *Dispute Resolution Centres Act 1990*.

(3) If the relevant authority considers that, because of time constraints and the number of interested persons involved, it is not practicable, for the purposes of subsection (1)(c)—

- (a) to hold separate consultations with each interested person; or
- (b) to contact each interested person for the purpose of arranging consultations;

the relevant authority may—

- (c) fix a reasonable time and place for holding the consultations; and
- (d) cause a notice of the time and place to be published in a newspaper circulating in the area in which the assembly is proposed to be held.

Application to authorise public assembly

14.(1) If an assembly notice is given to the Commissioner, or local authority concerned, (the "**relevant authority**") less than 5 business days before the day specified in the notice as the day on which it is proposed that the public assembly be held, the organiser may apply to a Magistrates Court for an order authorising the holding of the assembly.

(2) The Court must be in the Magistrates Courts District in which the public assembly is proposed to be held.

(3) The Court may, by order, authorise the holding of the public assembly subject to such conditions (if any) as are specified in the order.

Restrictions affecting application to authorise public assembly

15.(1) The organiser of a public assembly is not entitled to apply for an order under section 14 if the relevant authority, or each relevant authority, as the case requires, has notified the organiser in writing that the relevant authority does not oppose the holding of the assembly.

(2) The organiser is also not entitled to apply for the order unless a mediation process has been engaged in and the process has ended.

(3) The mediation process is taken to have ended if—

- (a)** a mediation session has been held at the request of the organiser and the session was attended by—
 - (i)** the organiser; and
 - (ii)** the representative of the relevant authority or each relevant authority, as the case may be; or
- (b)** the organiser requested that a mediation session be held, but the session was not held because—
 - (i)** the matter was a matter that, under the *Dispute Resolution Centres Act 1990*, may not be the subject of a mediation session; or
 - (ii)** the matter was not accepted for mediation under that Act; or
- (c)** the organiser requested that a mediation session be held, but—
 - (i)** the representative of the relevant authority or a relevant

authority, as the case may be—

- (A) failed to attend, or participate in, the session; or
- (B) withdrew from the session; or

- (ii) the session was terminated under the *Dispute Resolution Centres Act 1990*.

Hearing and determination of applications

16.(1) For the purpose of hearing and determining an application under section 12 or 14, a Magistrates Court is to be constituted by—

- (a) a Stipendiary Magistrate; or
- (b) if that is not practicable—2 justices, each of whom is either—
 - (i) a justice of the peace (magistrates court); or
 - (ii) a justice of the peace (qualified);

within the meaning of the *Justices of the Peace and Commissioners for Declarations Act 1991*.

- (2)** In determining an application under section 12 or 14, a Magistrates Court—

- (a) must have regard to the objects of this Act; and
- (b) must determine the application with the greatest possible speed to ensure that the application is not frustrated because of delay by the Court in giving its decision; and
- (c) is not bound by the rules of evidence; and
- (d) must conduct the proceeding with as little formality and technicality as possible.

(3) Each party to the application is to bear the party's own costs of the proceeding, regardless of the outcome of the proceeding.

(4) Not more than 1 application may be made under section 12 or 14 in relation to the same public assembly.

(5) Subsection (1) has effect despite anything contained in the *Justices of the Peace and Commissioners for Declarations Act 1991*.

Delegation of powers

17. The Commissioner may delegate the Commissioner's powers under this Act to a Superintendent of Traffic within the meaning of the *Transport Operations (Road Use Management) Act 1995*.

Regulations

18. The Governor in Council may make regulations for the purposes of this Act.

ENDNOTES**1 Index to Endnotes**

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 December 1999. Future amendments of the Peaceful Assembly Act 1992 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

| | | | | | |
|--------|---|------------------------------|--------|---|--------------------------------|
| AIA | = | Acts Interpretation Act 1954 | prev | = | previous |
| amd | = | amended | (prev) | = | previously |
| amdt | = | amendment | proc | = | proclamation |
| ch | = | chapter | prov | = | provision |
| def | = | definition | pt | = | part |
| div | = | division | pubd | = | published |
| exp | = | expires/expired | R[X] | = | Reprint No.[X] |
| gaz | = | gazette | RA | = | Reprints Act 1992 |
| hdg | = | heading | reloc | = | relocated |
| ins | = | inserted | renum | = | renumbered |
| lap | = | lapsed | rep | = | repealed |
| notfd | = | notified | s | = | section |
| o in c | = | order in council | sch | = | schedule |
| om | = | omitted | sdiv | = | subdivision |
| p | = | page | SIA | = | Statutory Instruments Act 1992 |
| para | = | paragraph | SL | = | subordinate legislation |
| prec | = | preceding | sub | = | substituted |
| pres | = | present | unnum | = | unnumbered |

4 **Table of earlier reprints**

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

| Reprint No. | Amendments included | Reprint date |
|-------------|---------------------|------------------|
| 1 | none | 1 September 1992 |

5 **List of legislation**

Peaceful Assembly Act 1992 No 38

date of assent 23 July 1992
commenced on date of assent

as amended by—

Road Transport Reform Act 1999 No. 42 ss 1-2(1), 54(3) sch pt 3

date of assent 2 September 1999
ss 1-2 commenced on date of assent
remaining provisions commenced 1 December 1999 (see s 2(1))

6 **List of annotations**

Definitions

s 4 def "road" amd 1999 No. 42 s 54(3) sch pt 3

Delegation of powers

s 17 amd 1999 No. 42 s 54(3) sch pt 3

Amendment of Traffic Act 1949

s 19 om (see s 40 RA)

Public Order Act 1986

PART II

Processions and Assemblies

11.(1) Written notice shall be given in accordance with this section of any proposal to hold a public procession intended –

- (a) to demonstrate support for or opposition to the views or actions of any person or body of persons,
- (b) to publicise a cause or campaign, or
- (c) to mark or commemorate an event,

unless it is not reasonably practicable to give any advance notice of the procession.

- (2) Subsection (1) does not apply where the procession is one commonly or customarily held in the police area (or areas) in which it is proposed to be held or is a funeral procession organised by a funeral director acting in the normal course of his business.
- (3) The notice must specify the date when it is intended to hold the procession the time when it is intended to start it, its proposed route and the name and address of the person (or of one of the persons) proposing to organise it.
- (4) Notice must be delivered to a police station -
 - (a) in the police area in which it is proposed the procession will start, or
 - (b) where it is proposed the procession will start in Scotland and cross into England, in the first police area in England on the proposed route.
- (5) If delivered not less than 6 clear days before the date when the procession is intended to be held, the notice may be delivered by post by the recorded delivery service; but section 7 of the Interpretation Act 1978 (under which a document sent by post is deemed to have been served when posted and to have been delivered in the ordinary course of post) does not apply.
- (6) If not delivered in accordance with subsection (5), the notice must be delivered by hand not less than 6 clear days before the date when the procession is intended to be held or, if that is not reasonably practicable, as soon as delivery is reasonably practicable.
- (7) Where a public procession is held, each of the persons organising it is guilty of an offence if
 - (a) the requirements of this section as to notice have not been satisfied, or
 - (b) the date when it is held, the time when it starts, or its route differs from the date, time or route specified in the notice.
- (8) It is a defence for the accused to prove that he did not know of, and neither

suspected nor had reason to suspect, the failure to satisfy the requirements or (as the case may be) the difference of date, time or route.

- (9) To the extent that an alleged offence turns on a difference of date, time or route, it is a defence for the accused to prove that the difference arose from circumstances beyond his control or from something done with the agreement of a police officer or by his direction.
 - (10) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- 12.(1) If the senior police officer having regard to the time or place at which and the circumstances in which any public procession is being held or is intended to be held and to its route or proposed route, reasonably believes that -
- (a) it may result in serious public disorder, serious damage, to property or serious disruption to the life of the community, or
 - (b) the purpose of the persons organising it is the intimidation of others with a view to compelling them not to do an act they have a right to do, or to do an act they have a right not to do,
- he may give directions imposing on the persons organising or taking part in the procession such conditions as appear to him necessary to prevent such disorder, damage, disruption or intimidation, including conditions as to the route of the procession or prohibiting it from entering any public place specified in the direction.
- (2) In subsection (1) "the senior police officer" means-
 - (a) in relation to a procession being held, or to a procession intended to be held in a case where persons are assembling with a view to taking part in it, the most senior in rank of the police officers present at the scene, and
 - (b) in relation to a procession intended to be held in a case where paragraph (a) does not apply, the chief officer of police.
 - (3) A direction given by a chief officer of police by virtue of subsection (2)(b) shall be given in writing.
 - (4) A person who organises a public procession and knowingly fails to comply with a condition imposed under this section is guilty of an offence, but it is a defence for him to prove that the failure arose from circumstances beyond his control.
 - (5) A person who takes part in public procession and knowingly fails to comply with a condition imposed under this section is guilty of an offence, but it is a defence for him to prove that the failure arose from circumstances beyond his control.
 - (6) A person who incites another to commit an offence under subsection (5) is guilty of an offence.
 - (7) A constable in uniform may arrest without warrant anyone he reasonably suspects in committing an offence under subsection (4), (5) or (6).

- (8) A person guilty of an offence under subsection (4) is liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale or both.
 - (9) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
 - (10) A person guilty of an offence under subsection (6) is liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale or both, notwithstanding section 45(3) of the Magistrates' Courts Act 1980 (inciter liable to same penalty as incited).
 - (11) In Scotland, this section applies only in relation to a procession being held, and to a procession intended to be held in a case where persons are assembling with a view to taking part in it.
- 13.(1) If at any time the chief officer of police reasonably believes that, because of particular circumstances existing in any district or part of a district, the powers under section 12 will not be sufficient to prevent the holding of public processions in that district or part from resulting in serious public disorder, he shall apply to the council of the district for an order prohibiting for such period not exceeding 3 months as may be specified in the application the holding of all public processions (or of any class of public procession so specified) in the district or part concerned.
- (2) On receiving such an application, a council may with the consent of the Secretary of State make an order either in the terms of the application or with such modifications as may be approved by the Secretary of State.
 - (3) Subsection (1) does not apply in the city of London or the metropolitan police district.
 - (4) If at any time the Commissioner of Police for the City of London or the Commissioner of Police of the Metropolis reasonably believes that, because of particular circumstances existing in his police area or part of it, the powers under section 12 will not be sufficient to prevent the holding of public processions in that area or part from resulting in serious public disorder, he may with the consent of the Secretary of State make an order prohibiting for such period not exceeding 3 months as may be specified in the order the holding of all public processions (or of any class of public procession so specified) in the area or part concerned.
 - (5) An order made under this section may be revoked or varied by a subsequent order made in the same way, that is, in accordance with subsections (1) and (2) or subsection (4), as the case may be.
 - (6) Any order under this section shall, if not made in writing, be recorded in writing as soon as practicable after being made.
 - (7) A person who organises a public procession the holding of which he knows is prohibited by virtue of an order under this section is guilty of an offence.

- (8) A person who takes part in a public procession the holding of which he knows is prohibited by virtue of an order under this section is guilty of an offence.
 - (9) A person who incites another to commit an offence under subsection (8) is guilty of an offence.
 - (10) A constable in uniform may arrest without warrant anyone he reasonably suspects is committing an offence under subsection (7), (8) or (9).
 - (11) A person guilty of an offence under subsection (7) is liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale or both.
 - (12) A person guilty of an offence under subsection (8) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
 - (13) A person guilty of an offence under subsection (9) is liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale or both, notwithstanding section 45(3) of the Magistrates' Courts Act 1980.
- 14.(1) If the senior police officer having regard to the time or place at which and the circumstances in which any public assembly is being held or is intended to be held reasonably believes that -
- (a) it may result in serious public disorder, serious damage to property, or serious disruption to the life of the community, or
 - (b) the purpose of the persons organising it is the intimidation of others with a view to compelling them not to do an act they have a right to do, or to do an act they have a right not to do,
- he may give directions imposing on the persons organising or taking part in the assembly such conditions as to the place at which the assembly may be (or continue to be) held, its maximum duration, or the maximum number of persons who may constitute it, as appear to him necessary to prevent such disorder, damage, disruption or intimidation.
- (2) In subsection (1) "the senior police officer" means -
 - (a) in relation to an assembly being held, the most senior in rank of the police officers present at the scene, and
 - (b) in relation to an assembly intended to be held, the chief officer of police.
 - (3) A direction given by a chief officer of police by virtue of subsection (2)(b) shall be given in writing.
 - (4) A person who organises a public assembly and knowingly fails to comply with a condition imposed under this section is guilty of an offence, but it is a defence for him to prove that the failure arose from circumstances beyond his control.
 - (5) A person who takes part in a public assembly and knowingly fails to comply with a condition imposed under this section is guilty of an offence, but it is a

defence for him to prove that the failure arose from circumstances beyond his control.

- (6) A person who incites another to commit an offence under subsection (5) is guilty of an offence.
- (7) A constable in uniform may arrest without warrant anyone he reasonably suspects is committing an offence under subsection (4), (5) or (6).
- (8) A person guilty of an offence under subsection (4) is liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale or both.
- (9) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (10) A person guilty of an offence under subsection (6) is liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale or both, notwithstanding section 45(3) of the Magistrates' Courts Act 1980.

Translation

Ordinance Relating to Group Assemblies, Group Processions, and Group Demonstrations
(Public Order Ordinance)

(Tokyo Metropolitan Government Ordinance No. 44, July 3, 1950)

Recent revision: Tokyo Metropolitan Government Ordinance No. 82, September 30, 1991
(Article 5)

Article 1

When about to hold an assembly or group procession in a street or other public place, or when about to hold a group demonstration in whatever place, the permission of the Tokyo Metropolitan Public Safety Commission (hereafter referred to as the Public Safety Commission) must be obtained. However, this does not apply in the following cases:

- (1) Excursions, school trips, athletic meetings, and sporting games by university and school students
- (2) Events held by custom, such as ordinary funerals and weddings

Article 2

Regarding applications for permission in accordance with the preceding article, the sponsoring individual or a representative of the sponsoring group (hereafter referred to as the Sponsor) must submit three copies of an application for permission, containing the following details, through the police station with jurisdiction over the district where the event will be held, at least 72 hours prior to the assembly, group procession, or group demonstration:

- (1) Address and name of the Sponsor
- (2) Address and name of a responsible contact in the special ward, city, town, or village where the event will take place if the above-named Sponsor does not reside in that special ward (the whole area of a ward is considered to be one district), city, town, or village.
- (3) Date and time of the assembly, group procession, or group demonstration
- (4) Route, place, and brief map of the assembly, group process, or group demonstration
- (5) Name(s) of group(s) scheduled to participate and address(es) and name(s) of representative(s)
- (6) Scheduled number of participants
- (7) Objective and name of assembly, group procession, or group demonstration

Article 3

1. When the Public Safety Commission receives an application as described in the preceding article, it must grant permission for the event unless the implementation of the assembly, group procession, or group demonstration is clearly recognized to pose a direct danger to the maintenance of public peace. However, the Public Safety Commission can impose conditions as necessary regarding the following matters:

- (1) Matters relating to the obstruction or prevention of work in government offices
- (2) Matters relating to the prevention of danger, such as restrictions on the possession of firearms, lethal weapons, and other dangerous objects
- (3) Matters relating to the maintenance of traffic order
- (4) Matters relating to the maintenance of order at the assembly, group procession, or group demonstration
- (5) Matters relating to the maintenance of quiet at night
- (6) Matters relating to changes in route, place, or date and time that are unavoidable for the maintenance of public order or public hygiene

2. When giving conditional permission as described above, the Public Safety Commission must give the reason on one copy of the application and, unless there is a special reason, issue it to the Sponsor or the responsible contact at least 24 hours prior to the time when the assembly, group procession, or group demonstration is to take place.

3. When, despite the stipulation in the preceding paragraph, the Public Safety Commission clearly recognizes the need for emergency measures to maintain the public peace, it shall be able to cancel the permission or change the conditions.

4. When the Public Safety Commission refuses permission in accordance with the regulation in the first section of Article 3, or cancels permission in accordance with the regulation in the preceding paragraph, it must report the matter promptly and with detailed reasons to the Tokyo Metropolitan Assembly.

Article 4

The superintendent-general of the Metropolitan Police, within the necessary limits, shall be able to take necessary measures against the participants in an assembly, group procession, or group demonstration who violate the regulation of Article 1, the items mentioned in the regulation of Article 2, the conditions stipulated in the provisos of section 1 of the preceding article, or the regulation of section 3 of the same article, by issuing a warning, controlling the activity, or otherwise correcting the offense in order to maintain public order.

Article 5

A Sponsor who fabricates facts in an application for permission made in accordance with Article 2 and submits that application, and the Sponsor, leaders, and participants in an assembly, group procession, or group demonstration that is held in violation of the regulation of Article 1, the items mentioned in the regulation of Article 2, the conditions stipulated in the provisos of section 1 of Article 3, or the regulation of section 3 of the same article, shall be liable to a maximum of one year imprisonment with hard labor or imprisonment or a fine of up to ¥300,000.

Article 6

The regulations of this ordinance must not be interpreted as prohibiting or restricting the rights of assembly other than the assemblies, group processions, and group demonstrations stipulated in Article 1, as supervising assemblies or political movements, or as giving the Public Safety Commission, the police, other metropolitan officials, or municipal officials or employees the authority to censor placards, publications, or other text or illustrations.

Article 7

The regulations of this ordinance must not be interpreted as contradicting the law relating to public employees and elections or as necessitating advance notification for political assemblies or speeches in electoral campaigns.

Supplementary Clause

This ordinance shall take effect from the day of promulgation.