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ATTORNEY GENERAL
Fumadele
05/03/2025

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MINISTRY OF JUSTICE	
DATE	2025 -03- 05
DIRECTORATE: LEGISLATIVE DRAFTING	
NAME:	<i>Felicia Owase</i>
SCRUTINIZED BY	<i>[Signature]</i>

AMENDMENTS TO PUBLIC GATHERINGS AND PUBLIC PROCESSIONS BILL

[BILL NO. OF 2025]

THAT:

1. In the arrangement of sections and in the Bill, delete Parts 5, 6 and 8 and renumber the clauses accordingly.

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NAME:	<i>F. Doost</i>
SCRUTINIZED BY:	<i>Jwa</i>

2. In clause 1, delete the definitions of “authorised officer”, “restricted area” and “riot damage”.

3. In clause 3 –

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- (a) substitute subclause (1) with the following subclause –

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

- (b) substitute subclause (4) with the following subclause –

“(4) Despite the two days’ notice requirement referred to in subsection (1), the Inspector-General of Police may accept notice given at least 24 hours before the date of the proposed public gathering or public procession, if the organiser gives reasonable reasons for the shorter period notice.”

- (c) substitute subclause (8) with the following subclause -

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

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4. In clause 5

(a) substitute paragraph (b) of subclause (5) with the following paragraph –

“(b) the representatives of public entities, institutions and other persons whom the station commander, regional commander or the Inspector-General of Police consider necessary for purposes of the meeting.”

(b) substitute subclause (12) with the following subclause –

“(12) A person who contravenes or fails to comply with amendments made to a notice given in terms of section 3 or conditions imposed in terms of subsection (8) or (10) commits an offence and on conviction is liable to a fine not exceeding N\$ 2 000 or to imprisonment for a period not exceeding one year.”

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NAME:	F. Owsen
SCRUTINIZED BY:	J. Owsen

5. Substitute clause 6 with the following clause –

“Obligation to hold consultative meeting

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

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

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

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

(3) The parties to the consultative meeting referred to in subsection (2) must act in good faith.

(4) After the consultative meeting referred to in subsection (2), the Inspector-General of Police may make amendments to the notice given in terms of section 3 or impose conditions to ensure –

- (i) that vehicular or pedestrian traffic, especially during traffic rush hours, is least impeded;
- (ii) an appropriate distance between participants in the public gathering or public procession, rival public gatherings or public processions or other public gatherings or public processions;

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SCRUTINISED BY:	<i>[Signature]</i>

- (iii) access to property and workplaces;
- (iv) prevention of injury to persons or damage to property; or
- (v) public order, public safety or public health will not be endangered.

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

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

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

(7) A person commits an offence if the person fails to comply with amendments made or conditions imposed under subsection (4).

(8) A person convicted of an offence under subsection (7) is liable to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding one year.”

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6. In clause 7 –

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- (a) substitute the introductory paragraph with the following introductory paragraph

—

“The functionary who is given the power or function to make amendments to a notice in terms of sections 5 or 6 or to impose conditions in terms of sections 5 or 6 must have regard to —.”

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NAME:	<i>J. S. Woods</i>
SCRUTINIZED BY	<i>W.S.O.</i>

7. In clause 10, delete paragraph (e) of subclause (2) and renumber the paragraphs.

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NAME:	<i>F. Q. Was</i>
SCRUTINIZED BY:	<i>J. War</i>

8. In clause 11, substitute subclause (3) with the following subclause –

“(3) A person who contravenes or fails to comply with subsection (1) commits an offence and is liable on conviction to a fine not exceeding N\$ 5 000 or to imprisonment for a period not exceeding two years.”

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9. Delete clauses 12, 13 and 15.

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DIRECTORATE: LEGISLATIVE DRAFTING

NAME: J. J. WOOD

SCRUTINIZED BY: J. J. WOOD

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NAME:	<i>F. Trumore</i>
SCRUTINIZED BY:	<i>[Signature]</i>

10. In clause 14, substitute subclauses (1) and (2), with the following subclauses –

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

- (a) if the organisers fail to comply with amendments made to the notice given in terms of section 3 and the conditions imposed in respect of the public gathering or public procession;
- (b) if there is clear or imminent danger of, or breach to peace or public order, but in such case the police officer must have regard to the rights of persons participating in the gathering and public procession;
- (c) if the organiser or a person participating in the public gathering or public procession kills or injures any person or attempts to do so; or
- (d) if the organiser or a person participating in the public gathering or public procession destroys or causes damage to property or attempts to do so; or
- (e) if the organiser advises, encourages, incites, orders or in any other manner instigates a person at that public gathering or public procession to cause harm to a person or property or attempts to do so; or

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SCRUTINIZED BY	<i>F. Munnick</i>

- (f) if the organiser or a person participating in the public gathering or public procession causes, encourages or furthers an insurrection or forcible resistance to the government, administration or an authority legally established or recognised in or for the territory or attempts to do so; or
 - (g) if the organiser or a person participating in the public gathering or public procession uses violence, causes violence or encourages violence against a person or category of persons or persons or attempts to do so; or
 - (h) except in accordance with a lawful strike or picketing, if the organiser interferes with trade or business by obstructing, hindering or impeding a person from entering or leaving a place on which a trade or business is conducted.
- (2) If the circumstances referred to in –
- (a) paragraphs (a) of subsection (1) apply, the police officer in charge must inform persons participating in the public gathering or public procession of the prohibition of the restriction and direct the public gathering or public procession to a different place or along a different route; and
 - (b) paragraphs (b), (c), (d), (e), (f) or (h) of subsection (1) apply, the police officer in charge may direct the organisers to stop the public gathering or public procession and to disperse the public gathering or public procession within the period stated by the police officer.”

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11. In clause 16, delete subclause (3) and renumber subclause (4) as subclause (3).

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SCRUTINIZED BY:	<i>J. Quast</i>

12. In clause 18, substitute subclauses (2) and (3) with the following subclauses –

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

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

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13. In clause 19, substitute subclause (2) with the following subclause –

“(2) A person convicted of an offence referred to in subsection (1) is liable to a fine not exceeding N\$ 2000 or imprisonment for a period not exceeding six months.”

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NAME:	<i>F. Swass</i>
SCRUTINIZED BY:	<i>J. J. J.</i>

14. In clause 20, substitute subclause (2) with the following subclause –

“(2) Regulations made under subsection (1) may prescribe penalties in respect of a contravention of or a failure to comply with any provision of those regulations not exceeding a fine of N\$ 2 000 or imprisonment for a period not exceeding six months.”

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SCRUTINIZED BY:	<i>J. W. Odo</i>

15. In clause 21, substitute subclause (1) with the following subclause –

“(1) The Public Gathering Proclamation, 1989 (AG Proclamation No. 23 of 1989) is repealed.”

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F. M. M. de la
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SCRUTINIZED BY	<i>F. M. M. de la</i>

16. Substitute clause 22 with the following clause –

“Short title and commencement

22. (1) This Act is called the Public Gatherings and Public Processions Act, 2025 and comes into operation on a date determined by the Minister by notice in the *Gazette*.

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

CONTINUED:
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Fremmiller
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MINISTRY OF JUSTICE	
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DIRECTORATE LEGISLATIVE DRAFTING	
NAME:	<i>T. WOS</i>
SCRUTINIZED BY	<i>T. WOS</i>

17. Substitute Form A with the following Form –

“Form A
The Public Gatherings and Public Procession Act, 2025
Notice of intention to hold a public gathering or public procession
(Section 3)

(To be completed in duplicate)

NB: This notice should be received by, or on behalf of, the Inspector General of Police at least two (2) days before the date of the public gathering or public procession.

To: The Inspector General of Police

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

1. Particulars of organiser/s

Surname: _____

Full Name/s: _____

Date of Birth: _____

Nationality: _____

National Identification Number _____

Physical address: _____

Postal address: _____

Telephone Numbers: _____

E-mail Address: _____

Occupation: _____

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MINISTRY OF JUSTICE	
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NAME:	<i>E. O. W. G. S.</i>
SCRUTINIZED BY	<i>J. W. S.</i>

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

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

2. Particulars of the public gathering or public procession

2.1 Date _____

2.2 Proposed venue (for a public gathering)

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

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

2.5 Commencement time and ending time _____

2.6 Estimated number of persons expected: _____

2.7 Purpose of public gathering or public procession:

2.8 If the notice is given less than 2 days from the intended date of the public gathering or public procession, the reasons for giving notice in a shorter period:

2.7. Other relevant information:

Signature(s) of organiser

Date

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NAME:	T. O. 2025
SCRUTINIZED BY:	J. 2025

3. Particulars of receiving officer

- 3.1 Rank and Full Names _____
- 3.2 Office _____
- 3.3 Signature _____
- 3.4 Date and time received (affixed with office stamp)

4. Decision of the Inspector-General of Police.

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

Inspector-General of Police

Date

If more than one organiser, list all other organisers

1. Particulars of organiser/s

Surname: _____

Full Name/s: _____

Date of Birth: _____

Nationality: _____

National Identification Number _____

Physical address: _____

Postal address: _____

Telephone Numbers: _____

E-mail Address: _____

Occupation: _____

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

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