

## THE PUBLIC GATHERING BILL, 2026

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### MEMORANDUM

The objects of this Bill are to —

- (a) promote the protection of the freedom of assembly and association at a public gathering;
- (b) regulate the conduct of a public gathering for the preservation of public order and public safety;
- (c) repeal and replace the Public Order Act, 1955; and
- (d) provide for matters connected with, or incidental to, the foregoing.

M . D. KABESHA,  
*Attorney-General*



**THE PUBLIC GATHERING BILL, 2026**

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ARRANGEMENT OF SECTIONS

Section

**PART I**  
**PRELIMINARY**

1. Short title
2. Interpretation
3. Application

**PART II**  
**REGULATION OF PUBLIC GATHERING**

4. Duties and obligations of authorised officer
5. Duties of organiser
6. Notice of Public Gathering
7. Acknowledgment of notice
8. Approval of public gathering
9. Restriction of public gathering
10. Monitoring of public gathering by media
11. Prohibition of attire in connection with defence force and security officers
12. Prohibition of firearms or weapons at public gatherings
13. Unauthorised public gathering
14. Register of notices

**PART III**  
**GENERAL PROVISIONS**

15. Appeals
16. Immunity
17. Regulations
18. Repeal of Cap. 113 and savings and transitional provisions



# A BILL

ENTITLED

**An Act to promote the protection of the freedom of assembly and association at a public gathering; regulate the conduct of a public gathering for the preservation of public order and public safety; repeal and replace the Public Order Act, 1955; and provide for matters connected with, or incidental to, the foregoing.**

PART I

PRELIMINARY PROVISIONS

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Public Gathering Act, 2026, and shall come into operation on the date appointed by the Minister by statutory instrument.

Short title and commencement

5 2. In this Act, unless the context otherwise requires—

Interpretation

“assistive device” means a device that is designed, made or adapted to assist a person with a disability to perform a particular task;

10 “authorised officer” means the Inspector-General of Police, Divisional- Commander, Officer Commanding-District, officer-in-charge of a police station, or any other police officer authorised by the Inspector-General of the Zambia Police Service

15 “council chairperson” has the meaning assigned to the words in the Constitution;

Cap. 1

Cap. 1	“councillor” has the meaning assigned to the word in the Constitution;	
Cap. 1	“election” has the meaning assigned to the word in the Constitution;	
Cap.110	“firearm” has the meaning assigned to the word in the Firearms Act;	5
Cap. 1	“First Deputy Speaker” has the meaning assigned to the words in the Constitution;	
Cap.1	“mayor” has the meaning assigned to the word in the Constitution;	10
Cap.13	“media” has the meaning assigned to the word in the Electoral Process Act;	
Cap.1	“Member of Parliament” has the meaning assigned to the words in the Constitution;	
Cap. 1	“Minister” has the meaning assigned to the word in the Constitution;	15
Cap.1	“national security services” means the national security services established by the Constitution;	
	“organiser” means a person who is responsible for organising, and the holding of, a public gathering;	20
Cap.65	“person with disability” has the meaning assigned to the words in the Persons with Disabilities Act	
Cap. 125	“protected area” has the meaning assigned to the words in the Protected Places and Areas Act;	
Cap.125	“protected place” has the meaning assigned to the words in the Protected Places and Areas Act;	25
Cap.1	“Provincial Minister” has the meaning assigned to the words in the Constitution;	
Cap.347	“public body” has the meaning assigned to the words in the Public Finance Management Act;	30
	“public gathering” means an assembly, meeting, procession or demonstration of three or more people in a public place;	
Cap.1	“public officer” has the meaning assigned to the words in the Constitution;	
	“public place” includes any highway, market place, square, road, street, bridge or other way which is lawfully used by the	35

- public, and any place, including a building, to which the public are for the time being entitled or permitted to have access either without any condition or on the condition of making payment;
- 5 “repealed Act” means the Public Order Act; Cap.113
- “Second Deputy Speaker” has the meaning assigned to the words in the Constitution; Cap.1
- “State institution” has the meaning assigned to the words in the Constitution; and Cap.1
- 10 “weapon” means an object or article made or adapted for use which is likely to cause or threatens to cause injury or death to a person and includes a knife, machete, spear, axe, arrow, sjambok, stick, stone, axe handle or similar object or article, but does not include an assistive device.
- 15 **3.** (1) This Act shall apply to a public gathering held in the Republic. Application
- (2) Despite subsection (1), this Act does not apply to a public gathering held —
- (a) by the President;
- 20 (b) by the Vice-President;
- (c) by the Speaker, First Deputy Speaker or Second Deputy Speaker;
- (d) by a Minister or Provincial Minister;
- 25 (e) by a Member of Parliament in the performance of that Member of Parliament’s functions under any written law in that Member of Parliament’s constituency;
- (f) by a mayor, council chairperson and councillor in the performance of a civic duty in that mayor or council chairpersons’ district, or that councillor’s ward;
- 30 (g) by a public officer in the performance of Government functions;
- (h) in a place of worship which is registered in accordance with the Societies Act for the purposes of a religious meeting; Cap.119
- 35 (i) for the purposes of a funeral;

	(j) for the purposes of a traditional ceremony or other traditional meeting;	
	(k) for the purposes of a wedding ceremony;	
	(l) as an indoor meeting of a company, non-governmental organisation, trade union or any other organisation registered under any written law;	5
	(m) as an indoor meeting of an organ of a registered political party convened in accordance with the constitution of that political party held exclusively to discuss the affairs of the political party;	10
	(n) as a meeting convened exclusively for a lawful purpose of a State institution; and	
	(o) by any other officer as may be prescribed.	
	(3) The exemption for a person under subsection (2) (c), (d), (e) and (f) shall not apply—	15
	(a) during an election campaign;	
	(b) during an election; or	
Cap.1	(c) where Parliament is dissolved in accordance with the Constitution	
	PART II	20
	REGULATION OF PUBLIC GATHERING	
Duties and obligations of authorised officer Cap. 1	4. (1) Subject to the Constitution, an authorised officer shall, in the execution of that authorised officers' functions under this Act —	
	(a) protect and promote the freedom—	25
	(i) of peaceful assembly and association;	
	(ii) of expression;	
	(iii) of movement;	
	(iv) from arbitrary arrest; and	
	(v) from torture, or from inhuman or degrading punishment or other like treatment;	30
	(b) not show partiality in the administration of the law;	
	(c) ensure that the right to freedom of assembly is exercised with due regard to the interests of public order and public safety;	35

- (d) intervene in the conduct of a public gathering if the failure to do so gives rise to imminent danger to public order and public safety;
- 5 (e) ensure that persons participating in the public gathering adhere to the conditions attached to the notice referred to under section 8; and
- (f) ensure minimum disruption in the area where a public gathering is to be held by—
  - (i) controlling vehicular or pedestrian traffic;
  - 10 (ii) allowing access to property and work places in that area;
  - (iii) preventing injury to a person or damage to property; and
  - (iv) maintaining public order and public safety in  
15 that area.

(2) An authorised officer may order the participants at a public gathering to disperse from a particular area within a reasonably specified time where the authorised officer has reasonable grounds to believe that the public gathering

- 20 (a) poses a direct and imminent threat to public order and public safety and the threat cannot be adequately contained under the powers referred to in subsection (1); or
- 25 (b) is likely to result in a loss of life of one or more of the participants, or a member of the public in the surrounding area of the public gathering.

(3) Nothing in this section shall be construed as depriving an authorised officer of the powers granted to that authorised officer under any other written law

- 30 5. An organiser shall cooperate with an authorised officer—
- (a) in the planning and adoption of measures for the maintenance of public order and public safety at a public gathering; and

Duties of  
organiser

- (b) to ensure that the participants at a public gathering comply with any written law and any condition attached to the holding of a public gathering under this Act.
- Notice of public gathering
- 6.** (1) A person who intends to hold a public gathering shall, at least five days before the proposed date of a public gathering, 5 notify an authorised officer in the prescribed manner and form.
- (2) A notice under subsection (1), shall include—
- (a) the location, date and time of the proposed public gathering;
- (b) in the case of a procession, the route of the proposed procession and the final destination of the proposed 10 procession;
- (c) the purpose of the public gathering;
- (d) the estimated number of participants;
- (e) the name and contact details of the organiser;
- (f) the arrangements put in place to ensure the safety and 15 control of the participants;
- (g) an undertaking to cooperate with the police to ensure peace and order; and
- (h) any other information that may be prescribed.
- (3) A notice referred to under this section shall be delivered 20 to a police station in the area where the public gathering is proposed to take place.
- Acknowledgment of notice
- 7.** (1) An authorised officer shall, within twenty-four hours of receipt of the notice under section 6, acknowledge receipt of the notice in the prescribed manner and form. 25
- (2) Where an authorised officer does not acknowledge receipt of the notice within the period specified under subsection (1), that notice shall be deemed to have been received.
- Approval of public gathering
- 8.** (1) Subject to section 9, an authorised officer shall, within three days of receipt of a notice under section 6 (1), approve the 30 holding of a public gathering in the prescribed manner and form.

(2) An authorised officer may attach conditions to the approval of the holding of a public gathering for the purpose of ensuring public order and public safety.

(3) Subject to the provisions of this Act, an organiser may, where a notice is deemed to have been received under section 7(2) and the proposed public gathering is not approved under this section, proceed with the public gathering.

9. (1) An authorised officer may restrict the holding of a public gathering, where the—

Restriction  
of  
public  
gathering

(a) authorised officer is in receipt of a prior notice to hold a public gathering on the same date, and at the same time and venue as the proposed public gathering;

(b) venue for the public gathering

(i) is unsuitable for purposes of crowd and traffic control;

(ii) interferes with other lawful business; or

(iii) is within a protected area, a protected place, or a restricted area as prescribed; or

(c) authorised officer reasonably believes that the public gathering is likely to result in public disorder, damage to property, or is a danger to public safety.

(2) An authorised officer shall, where an authorised officer restricts a public gathering under subsection (1), inform the organiser, in writing, of the reasons for the restriction at least three days prior to the proposed date of the public gathering.

(3) An authorised officer may, where the holding of a public gathering is restricted on a ground specified under subsection (1), invite the organiser to take remedial measures to address the reasons for the restriction within three days prior to the proposed date of the public gathering.

(4) An authorised officer shall, where an organiser takes remedial measures as requested under subsection (3), lift the restriction.

(5) An authorised officer shall, where the authorised officer lifts a restriction referred to under subsection (4) after the proposed date of a public gathering has elapsed, inform an organiser, in writing, of an alternative date and time for the holding of a public gathering.

- (6) Where an alternative date and time referred to under subsection (5) is not practicable for holding a public gathering, an authorised officer and organiser shall agree on another alternative date and time for the holding of the public gathering.
- Monitoring of public gathering by media **10.** An authorised officer, organiser, participant and any other person shall respect and uphold the right of the media to monitor a public gathering. 5
- Prohibition of attire in connection with defence force and security officers **11.** (1) A person shall not wear an attire at a public gathering that signifies an association or connection with the Defence Force or national security services of the Republic or of a foreign State. 10
- (2) Despite subsection (1), a person may wear an attire connected with the Defence Force or national security services of the Republic in the course of—
- (a) a stage play performed in a place in which the stage play may lawfully and publicly be performed; 15
- (b) a circus performance; or
- (c) any other theatrical performance.
- (3) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to twenty thousand penalty units or to imprisonment for a term not exceeding two months, or to both. 20
- (4) This section does not apply to an officer of the Defence Force or national security services.
- Prohibition of firearms or weapons at public gathering Cap. 110 **12.** (1) Subject to the Firearms Act, a person shall not be in possession of a firearm or weapon at a public gathering, other than in the course of a public duty. 25
- (2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a term not exceeding five years, or to both. 30

13. (1) A person shall not hold a public gathering — Unauthorised public gathering  
(a) if that person does not give notice of the public gathering as required under section 6;  
(b) in contravention of the restriction issued under section 9; or  
5 (c) contrary to the provisions of this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction—

10 (a) to a fine not exceeding fifty thousand penalty units or to imprisonment for a term not exceeding three months, or to both; or

(b) depending on the facts of the case, to community service or probation.

15 14. (1) An authorised officer shall keep and maintain a register in the prescribed manner and form of notices received by that authorised officer under section 6. Register of notices

(2) The Register shall be open for inspection by the public during normal working hours.

20 (3) An authorised officer shall, on an application by a person, issue to the person a certified extract from the Register on payment of a prescribed fee.

### PART III

#### GENERAL PROVISIONS

25 15. (1) A person aggrieved with a decision or action of an authorised officer under this Act may, within fourteen days of the decision or action of an authorised officer, appeal to the Minister. Appeals

(2) A person aggrieved with a decision of the Minister may, within fourteen days of the decision, appeal to the High Court.

30 16. An action or other proceedings shall not lie or be instituted against an authorised officer in respect of an act or thing done, or omitted to be done in good faith in the exercise or performance of any of the functions or duties conferred under this Act. Immunity

Regulations	<p><b>17.</b> (1) The Minister may, by statutory instrument, make Regulations for the better carrying out of the provisions of this Act.</p> <p>(2) Despite the generality of subsection (1), the regulations may make provision for—</p> <p style="padding-left: 2em;">(a) the manner and form of giving notice for a public gathering;</p> <p style="padding-left: 2em;">(b) the manner and form of acknowledging receipt of a notice for a public gathering;</p> <p style="padding-left: 2em;">(c) the areas that are designated as restricted from the holding of a public gathering;</p> <p style="padding-left: 2em;">(d) the form and particulars to be entered on the Register of notices; and</p> <p style="padding-left: 2em;">(e) the fees for inspection of the register.</p>	<p>5</p> <p>10</p>
Repeal of Cap. 113 and savings and transitional provisions	<p><b>18.</b> (1) The Public Order Act is repealed.</p> <p>(2) Despite subsection (1), on the coming into operation of this Act, a public gathering that was notified under the repealed Act shall be regulated as if the public gathering had been notified under this Act.</p> <p>(3) After the commencement of this Act, proceedings in respect of a right, liability or obligation under the repealed Act, shall continue to subsist as if accrued, incurred or arising under this Act.</p>	<p>15</p> <p>20</p>