

## **TRANSLATION OF THE OFFICIAL PUBLICATION OF SINT MAARTEN (AB 2010, GT no. 3 )**

### **National ordinance public demonstrations<sup>1</sup>**

#### **§1. General provisions**

##### **Article 1**

1. The following definitions apply for the purposes of this national ordinance:
  - a. minister: the Minister of Justice;
  - b. public space: a space that is open to the public pursuant to zoning regulations or established use, not including a building or enclosed space as referred to in Article 9(2) of the Constitution.

##### **Article 2**

The minister shall exercise the powers granted by this ordinance solely for the protection of health, in the interests of traffic and to prevent or control disorder.

#### **§ 2. Provisions for public spaces**

##### **Article 3**

1. A party intending to hold a gathering for the practice of religion or faith, or a meeting or demonstration at a public space must notify the minister of this in writing prior to the public announcement of that event and at least 48 hours before it is held.
2. A party who gives notice of such an event shall receive written confirmation of this, stating the date and time of the notification.
3. In exceptional cases, the minister may reduce the term referred to in the first paragraph, or accept oral notification.

##### **Article 4**

1. The notification shall state:
  - a. the name and address of the party holding the demonstration, gathering or meeting;
  - b. the purpose of the demonstration, gathering or meeting;
  - c. the date on which the demonstration, gathering or meeting is to be held and the times of its commencement and closure;
  - d. the location and, where applicable, the route and the closure location;
  - e. where applicable, the composition;
  - f. measures that the party organising the demonstration, gathering or meeting will take to promote its orderly progress.
2. No information is required on the substance of what will be expressed or on the ideas or emotions to be made public.

##### **Article 5**

1. The minister shall assess whether the notification provides cause to prohibit the demonstration, gathering or meeting or to impose regulations or restrictions.
2. A prohibition may be issued only if:
  - a. the required notification is not issued in time, or in the event of exceptional circumstances as referred to in Article 3(3);
  - b. the required information has not been provided, or proves to be incorrect or incomplete;
  - c. this is required by one of the interests referred to in Article 2.

##### **Article 6**

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<sup>1</sup> This issuance takes place on the basis of the additional Article II of the Constitution.

1. A regulation, restriction or prohibition does not relate to the content of what is expressed, or to the ideas or emotions to be made public.
2. The party that issued the notification will be informed of administrative decisions as referred to in the first paragraph at the earliest opportunity.

#### **Article 7**

During a gathering to practice a religion or faith, a meeting or a demonstration, the minister may issue instructions that must be observed by the parties conducting it or participating therein.

#### **Article 8**

The minister may instruct parties holding a gathering to practice a religion or faith, a meeting or a demonstration, or who participate therein, to discontinue this immediately and to disperse if:

- a. the required notification was not issued, or a prohibition was imposed;
- b. action in contravention of a regulation, restriction or instruction takes place;
- c. this is required by one of the interests referred to in Article 2.

### **§ 3. Provisions for locations other than public spaces**

#### **Article 9**

1. The minister may instruct parties that hold or participate in a meeting or demonstration open to the public at a location other than a public space to discontinue this immediately and to disperse if this is required for the protection of public health or to control or prevent disorder.
2. The minister and parties to be designated by the minister have access to the meetings and demonstrations referred to in the first paragraph. If necessary, they shall obtain access with the aid of force.

### **§ 4. Special provisions**

#### **Article 10**

1. Parties that hold or participate in a gathering to practice a religion or faith, a meeting or a demonstration in the vicinity of a building in use by the International Court or a diplomatic or consular representation shall refrain from conduct that obstructs the operations of the relevant institution.
2. During a gathering to practice a religion or faith, a meeting or a demonstration, the minister may issue instructions in order to control conduct as referred to in the first paragraph, which must be observed by the parties conducting or participating in that gathering, meeting or demonstration.
3. In the event of action in contravention of an instruction as referred to in the second paragraph, if the circumstances so require, the minister may order the parties holding or participating in a gathering to practice a religion or faith, a meeting or demonstration to discontinue this immediately and to disperse.
4. The provisions of paragraphs 1 to 3 of this Article are likewise applicable with regard to buildings in use by public law organisations, to the extent that Sint Maarten has undertaken similar protective obligations as those concerning the institutions as referred to in paragraph 1.
5. The Minister of General Affairs and Foreign Relations and the Minister of Justice shall announce the buildings referred to in paragraph 4 in the National Gazette.

#### **Article 11**

Ringling bells on the occasion of religious or ideological ceremonies and funeral ceremonies, as well as calls to practice religion or faith are permitted, provided that the noise levels and duration of the call are such that the residential peace of local residents is not unacceptably restricted.

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*This is an English translation of the Dutch source text.*

*In the event of any discrepancy between the Dutch language version and the translation, and in case of any disputes, the Dutch version prevails. No rights can be derived from the English translation.*

*October 2013*

## **§ 5. Penal provision**

### **Article 12**

1. The following bear a penalty of a maximum of two months' imprisonment or a second-category fine:
  - a. holding or participating in a gathering to practice a religion or faith, a meeting or a demonstration for which the required notification has not been issued or which has been prohibited;
  - b. action in contravention of a regulation or restriction as referred to in Article 5(1), an instruction as referred to in Article 7 or Article 10(2) or an order as referred to in Article 8, Article 9(1), or Article 10(3).
2. The facts as referred to in the first paragraph are offences.

## **§ 6. Final provision**

### **Article 13**

This national ordinance may be referred to as National ordinance public demonstrations.

Issued on the *twentieth* of December 2010  
The Minister of General Affairs,  
S.A. Wescot-Williams