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INTERNAL SECURITY DECREE 1988

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

SECTION

1. Short Title
2. Interpretation

PART II

GENERAL PROVISIONS RELATING TO INTERNAL SECURITY

CHAPTER I—PROHIBITION OF ORGANISATIONS AND ASSOCIATIONS OF A POLITICAL OR QUASI-MILITARY CHARACTER AND UNIFORMS, ETC.

3. Prohibition of uniforms of political or quasi-military organisations.
4. Penalty.
5. Prohibition of quasi-military organisations.
6. Illegal drilling.
7. Prohibition of uniforms, emblems, etc.

CHAPTER II—POWERS OF PREVENTIVE DETENTION

8. Power to order detention.
9. Duty to inform person detained of grounds of detention, etc.
10. Detention order may be suspended.
11. Representations against detention order.
12. Advisory Board.
13. Review.
14. Power to summon witnesses.
15. Member of advisory board deemed to be a public servant.
16. Disclosure of information.
17. Power to order removal.
18. Power to order production of detained person.
19. Saving in respect of prosecution of persons detained.

CHAPTER III—SPECIAL POWERS RELATING TO SUBVERSIVE PUBLICATION, ETC.

20. Prohibition of printing, sale, etc., of documents and publication.
21. Objections against orders under Section 20.
22. Printing, published, etc., in contravention of order under Section 20.
23. Possession of documents, etc., in contravention of order under Section 20.
24. Importation in contravention of order under Section 20.
25. Posting of placards, etc.
26. Dissemination of false reports.
27. Possession of subversive documents.
28. Powers of search and seizure of documents.
29. Disposal of subversive documents, etc.

CHAPTER IV—CONTROL OF ENTERTAINMENT AND EXHIBITIONS

30. Power to require information.
31. Power to impose conditions.
32. Promoter, etc., to be in attendance at entertainment or exhibitions.
33. Power to prohibit certain entertainment or exhibitions.
34. Powers of entry and investigation.
35. Search.
36. Powers of seizure.
37. Powers of closure.
38. Liability of principal for acts of servant.
39. Abetment and penalty.

CHAPTER V—OTHER POWERS FOR THE PREVENTION OF SUBVERSION

40. Powers relating to appointments.
41. Power to close schools or educational institutions.
42. Control of admission of employees to institutions of higher education.
43. Powers in relation to pupils (within or outside Fiji) entering or travelling within Fiji.

CHAPTER VI—MISCELLANEOUS

44. Attempts to commit offences and assisting offenders.
45. Abetment and general penalty.
46. Arrest.
47. Enforcement of bonds.

PART III

SPECIAL PROVISIONS RELATING TO SECURITY AREAS

CHAPTER I—PROCLAMATION OF SECURITY AREAS

48. Proclamation of security areas.

CHAPTER II—POWERS RELATING TO PRESERVATION OF PUBLIC SECURITY

49. Danger area.
50. Controlled area.
51. Protected place.
52. Exclusion of persons.
53. Curfew.
54. Power to take possession of land or buildings.
55. Power to order destruction of certain unoccupied buildings.
56. Power to control roads, etc.
57. Power to seize any article of food.

CHAPTER III—OFFENCES RELATING TO SECURITY AREAS

58. Offences relating to firearms, ammunition and explosives.
59. Consorting with person carrying or having possession of arms or explosives.
60. Supplies.
61. Failure to report offences or to give information.
62. Attempt to commit offences.
63. Assisting offenders.
64. Abetment and general penalty.

CHAPTER IV—POWERS OF POLICE AND OTHERS

65. Arrest.
66. Powers of search.
67. Power to dispense with death inquiries.
68. Medical officers of armed forces to be regarded as medical officers for purpose of inquiries.

CHAPTER V—GENERAL

- 69. Compensation.
- 70. Application of Section 16 of the Penal Code.
- 71. Extension of right of private defence.

CHAPTER VI—POWER TO MAKE REGULATIONS

- 72. Power to make regulations.

PART IV

MISCELLANEOUS PROVISIONS

- 73. Cognisability and bailability of offences.
- 74. Power to detain suspected persons.
- 75. Use of lethal weapons in effecting arrests.
- 76. Admission of statements in evidence.
- 77. Inspection of bankers' books.
- 78. Disposal of property.
- 79. Taking of fingerprints, other impressions and photographs of persons arrested or detained.
- 80. Restriction on prosecution.
- 81. Order of exclusion of persons from Fiji.
- 82. Notification of effect of order, regulations, etc.
- 83. Saving.
- 84. Amendment to Schedules.
- 85. Paramountcy of the provisions of the Decree.
- 86. Coming into force and application.

IN exercise of the powers vested in me as President and Commander-in-Chief of the Republic of Fiji,
I hereby make the following Decree—

PART I

PRELIMINARY

Short title

- 1. This Decree may be cited as the Internal Security Decree 1988.

Interpretation

- 2. In this Decree, unless the context otherwise requires—

“advisory board” means an advisory board constituted under Section 12 of this Decree;

“ammunition” means ammunition for any firearm as hereafter defined and includes grenades, bombs and other like missiles whether capable of use with such a firearm or not and any ammunition containing or designed or adapted to contain any noxious liquid, gas or other thing;

“Commissioner of Police” includes the Deputy Commissioner of Police and any gazetted police officer for the time being lawfully authorised to exercise the powers and perform the duties conferred or imposed upon the Commissioner of Police by this Decree;

“controlled area” means any area declared to be a danger area under section 49;

“document” includes any substance on which is recorded any matter, whether by letters, figures, marks, pictorial or other representation, or by more than one of these means;

“entertainment” means any game, sport, diversion, concert or amusement of any kind to which the public has or is intended to have access and in which members of the public may or may not take part, whether on payment or otherwise;

“exhibition” includes every display of goods, books, pictures, films or articles to which the public has or is intended to have access, whether on payment or otherwise;

“explosive”—

- (a) means gunpowder, nitroglycerine, dynamite guncotton, blasting powder, fulminate of mercury or of other metals, coloured fires and every other substance, whether similar to those abovementioned or not, used or manufactured with a view to producing a practical effect by explosion or a pyrotechnic effect;

- (b) includes fog-signals, fireworks, fuses, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions and every adaptation or preparation of an explosive as above defined;
- (c) includes any substance declared to be deemed an explosive by notification in the Gazette under section 4 of the Explosives Act; and
- (d) includes any material for making any explosive and any apparatus, machine, implement or material used or intended to be used or adapted for causing or aiding in causing any explosion in or with any explosive, and any part of any such apparatus, machine or implement.

"firearm" means any lethal barrelled weapon of any description from which any short bullet or other missile can be discharged or which can be adapted for the discharge of any such short bullet or other missile and any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing, and includes any component part of any such weapon as aforesaid;

"Minister" means the Minister charged with the responsibility for internal security;

"offence under this Decree" includes an offence under any regulations made under section 72;

"officer in charge of a division" means any police officer appointed as such and, when any officer so appointed is unable through absence, illness or otherwise to perform his duties, means the police officer designated, under the authority of the Commissioner of Police, to act for him;

"periodical publication" includes every publication issued periodically or in parts or numbers at intervals, whether regular or irregular;

"police officer" includes any member of the Special Constabulary established under the Police Act;

"promoter", in the case of an entertainment or exhibition promoted by a society, includes the secretary and officials of such society and, in the case of a society organised or having its headquarters out of Fiji, the officials in Fiji of such society;

"proprietor" includes the owner, tenant or other person in possession or control of premises and any person who receives payment for the use of premises;

"protected place" means any place or premises in relation to which an order made under section 51 is in force;

"publication" includes all written, pictorial or printed matter, and everything of a nature similar to written or printed matter, whether or not containing any visible representation, or by its form, shape or in any other manner capable of suggesting words or ideas, and every copy, translation and reproduction of substantial translation or reproduction in part or in whole thereof;

"public place" includes any highway, public street, public road, public park or garden, any sea beach, waterway, public bridge, lane, footway, square court, alley or passage, whether a thoroughfare or not, any unalienated land, any plantation, any land alienated for agricultural or mining purposes, any theatre or place of public entertainment of any kind or other place of general resort admission to which is obtained by payment or to which the public has access, and any open space to which for the time being the public has or is permitted to have access, whether on payment or otherwise;

"public road" means any public highway or any road over which the public has a right of way or is granted access, and includes every road, street, bridge, passage, footway or square over which the public has a right of way or is granted access;

"security area" means any area in respect of which a proclamation under section 48 is for the time being in force;

"security forces" includes the Fiji Police Force, the Special Constabulary, the Fiji Prison Service, the Fiji Military Forces (including the Naval Division), any local forces established under any written law in force in Fiji, and any force which is a visiting force for the purposes of Part I of the Visiting Forces Act and in respect of whom all or any of the powers exercisable by the Fiji Military Forces or their members under this Act have been made exercisable by an order made under any such law;

"supplies" includes ammunition, explosives, firearms, money, food, drink, clothing, medicines, drugs or any other stores, instruments, commodities, articles or things whatsoever;

"terrorist" means any person who—

- (a) by the use of any firearm, explosive or ammunition acts in a manner prejudicial to the public safety or to the maintenance of public order or incites to violence or counsels disobedience to the law or to any lawful order;
- (b) carries or has in his possession or under his control any firearm, ammunition or explosive without lawful authority therefore; or
- (c) demands, collects or receives any supplies for the use of any person who intends or is about to act, or has recently acted, in a manner prejudicial to public safety or the maintenance of public order.

PART II

GENERAL PROVISIONS RELATING TO INTERNAL SECURITY

CHAPTER I—PROHIBITION OF ORGANISATIONS AND ASSOCIATIONS OF A POLITICAL OR QUASI-MILITARY CHARACTER AND UNIFORMS, ETC.

Prohibition of uniforms of political or quasi-military organisations

3. The Minister may from time to time by order prohibit the wearing in public places or at meetings or gatherings to which the public or any section of the public has access, of—

- (a) any uniform or dress which signifies association with any political organisation or with the promotion of any political object; or
- (b) any uniform, dress or emblem by members or adherents of any organisation or association specified or described in the order, whether incorporated or not when, in the opinion of the Minister, members of that organisation or association are organised or trained or equipped for the purpose of enabling them to be employed—
 - (i) in usurping the functions of the Police or of the Fiji Military Forces; or
 - (ii) for the use or display of physical force in promoting any political or other object or in such a manner as to arouse reasonable apprehension that they are organised or trained or equipped for that purpose.

Penalty

4. Every person who wears any prohibited uniform, dress or emblem in contravention of an order made under section 3 shall be guilty of an offence under this Part and shall be liable on conviction to a fine of not less than \$2,000 or to imprisonment for a term of not less than one year or to both.

Prohibition of quasi-military organisations

5.—(1) If the members or adherents of any association of persons whether incorporated or not, are—

- (a) organised or trained or equipped for the purpose of enabling them to be employed in usurping the functions of the police or of the Fiji Military Forces; or
- (b) organised or trained or equipped either for the purpose of enabling them to be employed for the use or display of physical force in promoting any political or other object, or in such a manner as to arouse reasonable apprehension that they are organised or trained or equipped for that purpose,

then any member or adherent of such association shall be guilty of an offence under this Part and shall be liable on conviction to a fine of not less than \$2,000 or to imprisonment for a term of not less than one year or to both; and any person who promotes or conspires with another to promote, or who takes part in the control or management of, the association, or in so organising or training as aforesaid any member or adherent thereof, shall be guilty of an offence under this Part and shall be liable on conviction to a fine of not less than \$10,000 or to imprisonment for a term of not less than 5 years or to both:

Provided that in any proceedings against any person charged with the offence of taking part in the control or management of such an association as aforesaid it shall be a defence to that charge to prove that he neither consented to nor connived at the organisation training or equipment of any member or adherent of the association in contravention of this section.

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(2) No prosecution for any offence under this section shall be instituted except with the consent of the Director of Public Prosecution.

(3) If upon application being made by or on behalf of the Director of Public Prosecution it appears to the High Court that any association is an association of which members or adherents are organised, trained or equipped in contravention of this section, the Court may—

- (a) make such order as appears necessary to prevent any disposition without the leave of the Court of property held by or for the association;
- (b) direct an inquiry and report to be made as to any such property as aforesaid and as to the affairs of the association;
- (c) make such further order as appears to the Court to be just and equitable for the application of such property in or towards the discharge of the liabilities of the association lawfully incurred before the date of the application or, with the approval of the Court, since that date in or towards the repayment of moneys to persons who became subscribers or contributors to the association in good faith and without knowledge of any such contravention as aforesaid, and in or towards any costs incurred in connection with any such inquiry and report as aforesaid or in winding up or dissolving the association; and
- (d) order that any property which is not directed by the Court to be so applied as aforesaid shall be forfeited to the Government.

(4) In any criminal or civil proceedings under this section proof of things done or of words written, spoken or published (whether or not in the presence of any party to the proceedings) by any person taking part in the control or management of an association or in organising, training or equipping members or adherents of an association shall be admissible as evidence of the purposes for which, or the manner in which, members or adherents of the association were organised or trained or equipped.

(5) If a Magistrate or the Commissioner of Police is satisfied by information that there is reasonable grounds for suspecting that an offence under this section has been committed, and that evidence of the commission thereof is to be found at any premises or place specified in the information, he may, on an application made by a police officer not below the rank of sergeant, grant a search warrant authorising any such officer with or without assistance to enter the premises or place at any time within one month from the date of the warrant, if necessary by force, and to search the premises or place and every person found therein, and to seize anything found on the premises or place or on any such person which the officer has reasonable ground for suspecting to be evidence of the commission of such an offence as aforesaid.

(6) No woman shall, in pursuance of any warrant issued under subsection (5), be searched except by a woman provided that in any situation where it is impracticable to satisfy this requirement, a man may search a woman.

(7) Nothing in this section shall be construed as prohibiting the employment of a reasonable number of persons as stewards at any public meeting held upon private premises with the permission of the owner of those premises, or the making of arrangements for that purpose or the instruction of the persons to be so employed in their lawful duties as such stewards, or their being furnished with badges or other distinguishing signs.

Illegal drilling

6.—(1) Any person other than a member of the Security Forces or the police or of a volunteer force or local force constituted under any written law in force in Fiji, or of any other force which is a visiting force or of any organisation or association specially exempted by the Minister, who—

- (a) is present at or attends any meeting or assembly of persons for the purpose of training or drilling themselves in the use of arms or of being so trained or drilled, or for the purpose of practising military exercises, movements or evolutions; or
- (b) is present at or attends any such meeting or assembly for the purpose of training or drilling any other person or persons in the use of arms or the practice of military exercises, movements or evolutions,

shall be guilty of an offence under this Part and shall be liable on conviction to a fine of not less than \$2,000 or to imprisonment for a term of not less than one year or to both.

(2) Any person, other than a member of the Security Forces or of a volunteer force or local force constituted under any written law in force in Fiji, or of any other force lawfully present in Fiji under any law for the time being in force relating to visiting forces or of any organisation or association specially exempted by the Minister, who—

- (a) trains or drills any other person in the use of arms or the practice of military exercises, movements or evolutions; or
- (b) takes part in the control or management of any association or organisation whose members are trained or drilled in the practice of military exercises, movements or evolutions,

shall be guilty of an offence under this Part and shall be liable on conviction to a fine of not less than \$10,000 or to imprisonment for a term of not less than 5 years or to both.

Prohibition of uniforms, emblems, etc.

7.—(1) The Minister may, if he considers it in the national interest to do so, by order prohibit the manufacture, sale, use, wearing, display or possession of any flag, banner, badge, emblem, device, uniform or distinctive dress or any part thereof.

(2) Any person contravening any provision of an order made under this section shall be guilty of an offence under this Part.

(3) Any article in respect of which an offence has been committed under this section may be seized and destroyed or otherwise dealt with as the Minister may direct, whether or not the identity of the offender is known and whether or not any prosecution has been commenced in respect of the offence.

CHAPTER II—POWERS OF PREVENTIVE DETENTION

Power to order detention

8.—(1) If the Minister is satisfied with respect to any person that, with a view to preventing that person from acting in any manner prejudicial to the security of Fiji or any part thereof or to the maintenance of public order or essential services therein, it is necessary to do so, the Minister shall make an order:

- (a) directing that such person be detained for any period not exceeding two years, provided that such detention shall be reviewed every six months by the Minister; or
- (b) for all or any of the following purposes:
 - (i) for imposing upon that person such restrictions as may be specified in the order in respect of his activities and the places of his residence and employment;
 - (ii) for prohibiting him from being out of doors between such hours as may be specified in the order, except under the authority of a written permit granted by such authority or person as may be so specified;
 - (iii) for requiring him to notify his movements in such manner at such times and to such authority or person as may be specified in the order;
 - (iv) for prohibiting him from addressing public meetings or from holding office in, or taking part in the activities of or acting as adviser to any organisation or association, or from taking part in any political activities;
 - (v) for prohibiting him from travelling beyond the limits of Fiji or any part thereof specified in the order except in accordance with permission given to him by such authority or person as may be specified in such order,

and any order made under paragraph (b) shall be for such period, not exceeding two years, as may be specified therein, and may by such order be required to be supported by a bond.

(2) The Minister may direct that the period of any order made under subsection (1) be extended for a further period or periods not exceeding two years at a time.

(3) For the purposes of subsection (1), "essential services" means any service, business, trade, undertaking, manufacture or calling included in the Third Schedule.

(4) Every person detained in pursuance of an order made under subsection (1)(a) or of a direction given under subsection (2) shall be detained in such place as the Minister may direct (hereinafter referred to as a place of detention) and in accordance with instructions issued by the Minister and any rules made under subsection (5).

(5) Notwithstanding the provision of any law the Minister may in addition to any orders made pursuant to this Chapter also make an order for the confiscation or cancellation of a persons passport and such shall be communicated in writing to the Principal Immigration Officer who shall ensure that the person whose passport has been confiscated or cancelled is not re-issued with a new passport while he is subject to the Minister's order.

(6) The Minister may by rules provide for the maintenance and management of any place of detention and for the discipline of persons detained therein.

Duty to inform person detained of grounds of detention, etc.

9. Whenever any person is detained under any order made under section 8(1) (a) he shall.

- (a) be informed of the grounds of his detention;
- (b) be informed of the allegation of fact on which the order is made;

Provided that the Minister may not be required to disclose facts whose disclosure would in his opinion be against the national interest or public safety of Fiji;

- (c) be given the opportunity of making representations against the order as soon as possible.

Detention order may be suspended

10. At any time after an order has been made in respect of any person under section 8(1) (a) the Minister may direct that the operation of such order be suspended subject to the execution of a bond and to such conditions—

- (a) imposing upon that person such restrictions as may specified in the direction in respect of his activities and the places of his residence and employment;
- (b) prohibiting him from being out of doors between such hours as may be so specified, except under the authority of a written permit granted by such authority or person as may be so specified;
- (c) requiring him to notify his movements in such manner, at such times and to such authority or person as may be so specified;
- (d) prohibiting him from travelling beyond the limits of Fiji or any part thereof specified in the direction except in accordance with permission given to him by such authority or person as may be so specified;
- (e) prohibiting him from addressing public meetings or from holding office in, or taking part in the activities of or acting as adviser to any organisation or association, or from taking part in any political activities;
- (f) permitting him to return to the country to which he belongs or to any other place to which he wishes to proceed provided that the government of such place consents to receive him.

as the Minister sees fit; and the Minister may revoke any such direction if he is satisfied that the person against whom the order was made has failed to observe any condition so imposed or that it is necessary in the public interest that such direction should be revoked.

Representations against detention order

11.—(1) A copy of every order made by the Minister under section 8(1) (a) shall as soon as possible after the making thereof be served on the person to whom it relates and every such person shall be entitled to make representations against the order to the Advisory Board.

(2) For the purpose of enabling a person to make representations under subsection (1) he shall, within 14 days of the service on him of the order—

- (a) be informed of his right to make representations to the Advisory Board under subsection (1); and
- (b) be furnished by the Minister with a statement in writing—
 - (i) of the grounds on which the order is made;
 - (ii) of the allegations of fact on which the order is based; and
 - (iii) of such other particulars, if any, as he may in the opinion of the Minister reasonably require in order to make his representations against the order to the Advisory Board.

(3) The Minister may make rules as to the manner in which representations may be made under this section and for regulating the procedure of the Advisory Board.

Advisory Board

12.—(1) There shall be an Advisory Board consisting of not more than 5 members to be appointed by the Attorney-General.

(2) The Commissioner of Police shall be an *ex-officio* member of the Advisory Board.

(3) Whenever any person has made any representations under section 11(1) to the Advisory Board, the Advisory Board shall, within 3 months of the date on which such person was detained, consider such representations and make recommendations thereon to the Minister.

(4) Upon considering the recommendations of the Advisory Board under this section the Minister may give such directions, if any, as he thinks fit regarding the order made by the Minister; and every decision of the Minister thereon shall, subject to section 13, be final and shall not be called in question in any court.

Review

13.—(1) Every order or direction made or given by the Minister under section 8 or 10 (including any order extended by direction of the Minister under section 8(2)) shall, so long as it remains in force, be reviewed by the Advisory Board at intervals of not more than 6 months, and the first of such reviews shall take place—

- (a) in the case of a person who is detained in a place of detention, not more than 6 months from the date on which his representations against the order were considered by the Advisory Board under section 12(1) or, where no such representations have been made, not more than 6 months from the date on which that person was detained in pursuance of the order;
- (b) in the case of a person who is not detained in a place of detention, where the order has been made under section 8(1), not more than 6 months from the date on which the order was served upon that person;
- (c) in the case of a person who has been released from a place of detention in pursuance of a direction under section 10, not more than 6 months from the date of his release.

(2) The Advisory Board shall on completing every review under subsection (1) forthwith submit to the Minister a written report of every such review, and may make therein such recommendations as it thinks fit.

Power to summon witnesses

14. The Advisory Board shall, for the purposes of this Decree, but subject to section 16, have all the powers of a court for the summoning and examination of witnesses, the administration of oaths or affirmations, and for compelling the production of documents.

Member of Advisory Board deemed to be a public servant

15. Every member of the Advisory Board shall be deemed to be a public officer within the meaning of the Penal Code and shall have in case of any action or suit brought against him for any act done or omitted to be done in the execution of his duty under the provisions of this Chapter the like protection and privileges as are by law given to a Judge in the execution of his office.

Disclosure of information

16. Nothing in this Chapter or in any rules made thereunder shall require the Minister or any member of the Advisory Board or any public servant to disclose facts or to produce documents whose disclosure or production he considers to be against the national interest.

Power to order removal

17.—(1) The Minister may by order direct the removal from any place of detention to another place of detention to be specified in such order of any person detained in pursuance of the provisions of this Chapter.

(2) Any person in the course of removal under subsection (1) shall be deemed to be in lawful custody.

Power to order production of detained person

18.—(1) On proof to his satisfaction that the presence at any place of any person detained under the provisions of this Chapter, or lawfully in the custody of the police or confined in any prison whether in pursuance of the provisions of this Chapter or under an order of any court or otherwise howsoever, and notwithstanding any order of any court or other authority whatsoever, is required in the interests of justice, or for the purpose of any public or other inquiry, or in the national interest, or in the interests of the person detained, in custody or confined, the Minister may order that such person be taken to that place.

(2) Any person in the course of being taken to any place in pursuance of subsection (1) and while at such place shall be kept in custody as the Minister may direct and while in that custody shall be deemed to be in lawful custody.

Saving in respect of prosecution of persons detained

19. The detention of any person under this Chapter shall be without prejudice to the taking of any criminal proceedings against such person, whether during or after the period of his detention.

CHAPTER III—SPECIAL POWERS RELATING TO SUBVERSIVE PUBLICATIONS, ETC.

Prohibition of printing, sale, etc., of documents and publications

20.—(1) Where it appears to the Minister charged with the responsibility for printing presses and publications that any documents or publication—

- (a) contains any incitement to violence;
- (b) counsels disobedience to the law or to any lawful order;
- (c) is calculated or likely to lead to a breach of the peace, or to promote feelings of hostility between different races or classes of the population; or
- (d) is prejudicial to the national interest, public order or security of Fiji,

he may by order published in the Gazette prohibit either absolutely or subject to such conditions as may be prescribed therein the printing, publication, sale, issue, circulation or possession of such document or publication.

(2) An order under subsection (1) may, if the order so provides, be extended so as—

- (a) in the case of a periodical publication, to prohibit the publication, sale, issue, circulation, possession or importation of any past or future issue thereof;
- (b) in the case of a publication which has or appears or purports to have issued from a specified publishing house, agency or other source, to prohibit the publication, sale, issue, circulation or importation of any other publication which may at any time whether before or after the date of the order have or appear to purport to have issued from such specified publishing house, agency or other source.

Objections against orders under Section 20

21. The proprietor or agent in Fiji of the proprietor of any publication which is the subject of an order made under section 20 may, within one month of the date of publication of the order in the Gazette, make an objection against the order to the Minister, whose decision shall be final and shall not be called in question in any court.

Printing, publishing, etc., in contravention of order under Section 20

22. Any person who prints, publishes, sells, issues, circulates or reproduces a document or publication which is the subject of an order under section 20, or any extract therefrom, shall be guilty of an offence under this Part and shall be liable on conviction to a fine of not less than \$2,000 or to imprisonment for a term of not less than 3 years or to both:

Provided that no person shall be convicted of an offence under this section if he proves to the satisfaction of the court that the document or publication in respect of which he is charged was printed, published, sold, issued, circulated or reproduced, as the case may be, without his authority, consent and knowledge, and without any want of due care or caution on his part, and that he did not know and had no reason to suspect the nature of the document or publication.

Possession of documents, etc., in contravention of order under Section 20

23.—(1) Any person who without lawful excuse has in his possession any document or publication the possession of which is prohibited by an order under section 20, or any extract therefrom, shall be guilty of an offence under this Part and shall be liable in respect of a first offence under this section to a fine of not less than \$1,000 or to imprisonment for a term of not less than one year or to both and, in respect of a subsequent offence to imprisonment for a term not less than 2 years.

(2) In any proceedings against any person for an offence under this section such person shall be presumed until the contrary is proved, to have known the contents and the nature of the contents of any document or publication immediately after the document or publication came into his possession.

Importation in contravention of order under Section 20

24. Any person who imports or attempts to import or abets the importation of any document or publication or without lawful excuse has in his possession any document or publication imported in contravention of an order under section 20 shall be guilty of an offence under this section and shall be liable on conviction to a fine of not less than \$1,000 or to imprisonment for a term of not less than 2 years or to both and, in respect of a subsequent offence to imprisonment for a term of not less than 4 years.

Posting of placards, etc.

25. Any person who posts or distributes any placard, circular or other document containing any incitement to violence, or counselling disobedience to the law or to any lawful order, or likely to lead to any breach of the peace, shall be guilty of an offence under this Part.

Dissemination of false reports

26. Any person who, by word of mouth or in writing or in any newspaper, periodical, book, circular or other printed publication or by any other means spreads false reports or makes false statements likely to cause public alarm, shall be guilty of an offence under this Part.

Possession of subversive documents

27.—(1) Any person who without lawful excuse carries or has in his possession or under his control any subversive document shall be guilty of an offence under this Part and shall be liable on conviction to a fine of not less than \$10,000 or to imprisonment for a term of not less than 5 years or to both.

(2) Any person or any office bearer of any association or any responsible member or agent of any organisation who receives any subversive document shall deliver the same without delay to a police officer; and any person, office bearer, member or agent who fails to do so, or who, unless authorised to do so by a police officer not below the rank of superintendent of police, communicates to any other person, or publishes or causes to be published the contents of any such document, shall be guilty of an offence under this Part and shall be liable on conviction to a fine of not less than \$10,000 or to imprisonment for a term of not less than 5 years or to both.

(3) In this section, "subversive document" means any document having in part or in whole a tendency—

- (a) to excite organised violence against persons or property in Fiji;
- (b) to support, propagate or advocate any act prejudicial to the security of Fiji or the maintenance or restoration of public order therein or inciting to violence therein or counselling disobedience to the law thereof or to any lawful order therein; or
- (c) to invite, request or demand support for or on account of any collection, subscription, contribution or donation, whether in money or in kind, for the direct or indirect benefit or use of persons who intend to act or are about to act, or have acted in a manner prejudicial to the security of Fiji or to the maintenance of public order therein, or who incite to violence therein or counsel disobedience to the law thereof or any lawful order therein.

(4) Every document purporting to be a subversive document shall be presumed to be a subversive document until the contrary is proved; and where in any prosecution under this section it is proved that a person was carrying or had in his possession or under his control a subversive document he shall be deemed to have known the contents and the nature of the contents of such document:

Provided that no person shall be convicted of an offence under this section if he proves to the satisfaction of the court—

- (a) that he was not aware of the contents and the nature of the contents of the subversive document which he was carrying or had in his possession or under his control; and
- (b) that he was carrying or had the subversive document in his possession or under his control in such circumstances that at no time did he have reasonable cause to believe or suspect that such document was a subversive document.

Powers of search and seizure of documents

28.—(1) Any member of the security forces may, without warrant and with or without assistance—

- (a) enter and search any premises;
- (b) stop and search any vehicle, vessel, train, aircraft or individual, whether in a public place or not,

if he suspects that any document, publication, material or article being evidence of the commission of an offence under this Chapter is likely to be found in such vehicle, vessel, train, aircraft or on such individual, and may seize any document, publication, material or article so found.

(2) Any document, publication, material or article seized under subsection (1) shall be destroyed or otherwise disposed of in such manner as the Commissioner of Police may order.

(3) The Commissioner of Police shall, on making an order under subsection (2), if he has reason to believe that the owner, or person who was in possession immediately before such document, publication, material or article was seized, is in Fiji, cause a notice to be served on that person informing him of the terms of the order.

(4) Any person aggrieved by an order made under subsection (2) may appeal against the order to the Minister:

Provided that no appeal against the order shall be allowed unless notice of appeal in writing, together with the reasons for the appeal, is given to the Commissioner of Police and to the Minister within 14 days of service of notice of the order under subsection (3).

(5) Where an order has been made under subsection (2) it shall only be carried into effect if the order has not been appealed against or if any appeal against the order has been dismissed or abandoned.

(6) No woman shall be searched under this section except by a woman provided that in any situation where it is impracticable to satisfy this requirement, a man may search a woman.

Disposal of subversive documents, etc.

29.—(1) Where proceedings are taken in respect of any offence under this Chapter the court by or before which the alleged offender is tried shall, on the request of any police officer not below the rank of assistant superintendent of police, on the final determination of those proceedings order that any document, publication, material or article being an exhibit in such proceedings be delivered to such officer for disposal under section 28(2).

(2) For the purpose of this section, any proceedings shall not be deemed to have been finally determined so long as there is pending any appeal in the matter of the proceedings; and an appeal in the matter shall be deemed to be pending during the ordinary time within which such an appeal may be lodged, and if such an appeal is duly lodged the appeal shall be deemed to be pending until it is decided or withdrawn.

CHAPTER IV—CONTROL OF ENTERTAINMENTS AND EXHIBITIONS

Power to require information

30.—(1) The promoter and every person concerned in the promotion of any entertainment or exhibition and the proprietor of any premises upon which any such entertainment or exhibition is held or is intended to be held shall upon the order in writing of the Minister or of any officer authorised by the Minister in that behalf furnish to the Minister or that officer such information as he may specify relating to the following matters:

- (a) particulars of persons concerned in the promotion of the entertainment or exhibition and the interests represented by those persons;
- (b) particulars of the persons who have agreed to participate or participated in the entertainment or exhibition or have been invited to do so and the interests represented by those persons;
- (c) the purposes to which any profits from the entertainment or exhibition are intended to be or have been applied; and
- (d) such other matters as the Minister may direct.

(2) Any person furnishing as true information required under subsection (1) which he knows or has reason to believe to be false or incomplete shall be guilty of an offence under section 39.

(3) In the event of any entertainment or exhibition in respect of which information has been furnished under subsection (1) being conducted in any manner contrary to the information so furnished the person by whom the information was furnished shall be guilty of an offence under section 39.

Power to impose conditions

31.—(1) The Minister may, if he is satisfied that it is necessary to do so in order to ensure that any entertainment or exhibition shall not be an entertainment or exhibition to which section 33 would apply, by order in writing require the promoter and every person concerned in the promotion of the entertainment or exhibition and the proprietor of any premises upon which any such entertainment or exhibition is held or is intended to be held to observe such conditions relating to the holding of such entertainment or exhibition as he may specify.

(2) Every person who commits any breach of or fails to comply with any conditions imposed under subsection (1) shall be guilty of an offence under section 39:

Provided that no person shall be convicted of an offence under this section if he proves that the breach of or failure to comply with the conditions in respect of which he is charged was done without his authority, consent and knowledge, and without any want of due care or caution on his part.

(3) The Minister may, if in any particular case he thinks it necessary, require any person in respect of whom an order under subsection (1) has been made to enter into a bond, with or without sureties, in such sum as the Minister may direct, that the conditions contained in such order shall be observed.

Promoter, etc., to be in attendance at entertainment or exhibitions

32.—(1) The promoter and every person concerned in the promotion of any entertainment or exhibition which is the subject of an order under section 31 and the proprietor of any premises upon which any such entertainment or exhibition is held shall severally, and either personally or by a duly authorised agent approved in that behalf by a police officer not below the rank of inspector, be present throughout the period of every performance or display of every such entertainment or exhibition.

(2) The Minister may by writing exempt any person either absolutely or subject to such conditions as the Minister may prescribe from subsection (1).

Power to prohibit certain entertainment or exhibitions

33.—(1) The Minister may by order prohibit the holding of or may direct the closing of any entertainment or exhibition—

- (a) if he is satisfied that such entertainment or exhibition is or is likely to be in any way detrimental to the national interest;
- (b) if there has been in respect of such entertainment or exhibition any refusal of or failure to furnish any information required to be furnished under section 30, or if any information so furnished is false or incomplete; or
- (c) if there has been in respect of such entertainment or exhibition any breach of or failure to comply with any conditions imposed under section 31.

(2) The promoter and every person concerned in the promotion of any entertainment or exhibition which is held or continued in contravention of an order under subsection (1) and the proprietor of any premises upon which such exhibition is held shall be guilty of an offence under section 39:

Provided that no person shall be convicted of an offence under this section if he proves that the entertainment or exhibition in respect of which he is charged was promoted or continued without his authority, consent and knowledge and without any want of due care or caution on his part.

Powers of entry and investigation

34.—(1) Any police officer or any person authorised by the Minister in writing in that behalf may without warrant enter any premises upon which any entertainment or exhibition is being held or is intended to be held with a view to ascertaining whether the provisions of this Chapter or of any order made thereunder are being complied with, and may make such investigation and inspection of such premises and call upon any person to produce such articles, books, accounts, tickets or other documents or things and to furnish any information as such officer or person may consider necessary for such purpose:

Provided that any person not in uniform purporting to exercise any powers under this subsection shall on demand produce his written authority to exercise such powers to any person lawfully demanding the written authority.

(2) Any person who—

- (a) obstructs any officer or authorised person lawfully exercising any powers conferred on him by or under subsection (1) in entering or inspecting any premises or delays in producing any articles, books, accounts or other documents or things which he has been called upon by such officer or authorised person to produce and which are or ought to be in ordinary course of business in his power to produce;
- (b) refuses to furnish any information which he may be required to furnish by such officer or authorised person or who, being required to furnish information by such officer or authorised person, furnishes false or misleading information; or
- (c) obstructs the seizure of any document or other thing under section 36, or the closure of any entertainment or exhibition under section 37,

shall be guilty of an offence under section 39.

Search

35.—(1) Any officer or person authorised to exercise the powers of entry or investigation under section 34 may without warrant and with or without assistance enter any premises if he considers it to be necessary and has reason to believe that an offence under this Chapter or any order made thereunder has been committed and may search such place and any person whom he reasonably believes to be concerned in the management or promotion of any entertainment or exhibition or to be an agent or employee of the promoter or of the proprietor of those premises.

(2) No woman shall be searched under this section except by a woman provided that in any situation where it is impossible to satisfy this requirement, a man may search a woman.

Powers of seizure

36. Any officer or person authorised to exercise the powers of entry or investigation under section 34 may seize any document or other thing in respect of which he reasonably believes an offence to have been committed under this Chapter or any order made thereunder or which he reasonably believes to be or to contain evidence relating to such an offence:

Provided that nothing in this section shall be deemed to affect the powers of a police officer under the Criminal Procedure Code.

Powers of closure

37. Any officer or person authorised to exercise the powers of entry or investigation under section 34 may, without prejudice to the exercise of the powers conferred on him by that section, forthwith take such steps as he may consider necessary to close any entertainment or exhibition which he is satisfied is kept open in contravention of any order made under section 31 or 33.

Liability of principal for acts of servant

38. For the purpose of this Chapter and any orders made thereunder every person shall be liable for every act, omission, neglect or default of any agent or employee employed by him, as fully and effectually as if such act, omission, neglect or default were done or committed by such person; but so that nothing in this section shall affect the liability of such agent or employee, and provided that the liability of a principal shall not extend to imprisonment unless he is privy to the offence.

Abetment and penalty

39. Any person who contravenes or fails to comply with any provision of this Chapter or any order made or any condition imposed thereunder, or abets such contravention or failure, shall be guilty of an offence under this Part and shall be liable on conviction to a fine of not less than \$10,000 or to imprisonment for a term of not less than 3 years or to both.

CHAPTER V—OTHER POWERS FOR THE PREVENTION OF SUBVERSION

Powers relating to appointments

40.—(1) Where any written law confers any power relating to any appointment upon any person, body or authority constituted under such law, the Minister may by order require that, before making any appointment, that person, body or authority shall submit to him—

- (a) a list of the names of the persons from whom such appointment will be made; and
- (b) such other information as may be specified in the order.

(2) Such person, body or authority shall not appoint or recruit any person whose appointment is in the opinion of the Minister prejudicial to the interests of Fiji.

(3) No person otherwise than in the course of his official duty shall disclose to any person any communication which he may have received from the Minister under subsection (2).

Power to close schools or educational institutions

41.—(1) The Minister, if he is satisfied at any time that a school or educational institution is being used—

- (a) for a purpose detrimental to the interests of Fiji or of the public;
- (b) for the purpose of instruction detrimental to the interests of the public or of the pupils; or
- (c) as a meeting place of an unlawful society,

and that the circumstances so require, may make an order closing such school or educational institution for such period, not exceeding 6 months at any one time, as may be specified in the order.

(2) The board of governors or management of any school or educational institution, aggrieved by any order made under subsection (1), may within one month of the date of the order make an objection against such order to the Minister whose decisions shall be final and shall not be called in question in any court.

(3) In this section—

“school” means—

- (a) a place where 10 or more persons are or are habitually taught, whether in one or more classes; or
- (b) in the case of a correspondence school, the place or places where instruction is prepared or where answers are examined or corrected.

but does not include any place where the teaching is of a purely religious character, or for a purely religious purpose;

“educational institution” means any place (including a school) where, in the carrying on of the work of any organisation or institution, persons are or are habitually taught, whether in one or more classes, except that it does not include any place where the teaching is of a purely religious character or for purely religious purposes;

“unlawful society” means any society, organisation or association of people whether registered or not who in the opinion of the Minister has as one of its objectives whether stipulated in writing or otherwise the carrying out of activities including the dissemination of information and instruction against the state.

Control of admission of employees to institutions of higher education

42.—(1) Notwithstanding anything in any other written law, no Fiji citizen shall, on or after 1 June 1988 be admitted as an employee to any institution of higher education to which this section applies unless he holds a certificate of suitability for admission thereto issued to him in accordance with subsection (2):

Provided that this subsection shall not apply to any person ordinarily resident outside Fiji whose admission to any such institution is recommended by any person or body designated for the purposes of this section by the Minister charged with the responsibility for education.

(2) Any Fiji citizen requiring a certificate of suitability for admission as an employee to any institution of higher education shall apply therefor in writing to the Minister responsible for Education; and the Minister responsible for Education, after making such enquiries as he may consider appropriate, shall issue the certificate unless there appears to him to be reasonable grounds for believing that the applicant, if admitted to the institution in question, would be likely to promote or otherwise participate in, action prejudicial to the interests or security of Fiji or any part thereof.

(3) Any person whose application for a certificate under this section is refused may, at any time within the period of 28 days beginning with the date on which he is notified of the decision, appeal against it to the Minister; and on any such appeal, the Minister—

- (a) if he is satisfied of the existence of the grounds referred to in subsection (2), shall confirm the decision;
- (b) in any other case, shall direct the issue of a certificate.

(4) The decision of the Minister on any appeal under subsection (3) shall be final and shall not be called in question in any court.

(5) The institutions of higher education to which this section applies are as follows:

- (a) the Fiji Institute of Technology;
- (b) any other institution of higher education which the Minister may designate for the purposes of this section by a notification in the Gazette.

Powers in relation to pupils (within or outside Fiji) entering or travelling within Fiji

43.—(1) The Minister may from time to time by order in writing forbid, except in accordance with the written permission of the Commissioner of Police or any police officer not below the rank of superintendent of police authorised in writing in that behalf by the Commissioner of Police first obtained—

- (a) the pupils, students, teachers or members;
- (b) any class of pupils, students, teachers or members; or
- (c) any named pupil, student, teacher or member.

of any school, college, educational institution or students' union or association, as the case may be, specified in the order and situated in Fiji or established outside Fiji to travel or enter into or travel within Fiji as a group, or as one of a group of 5 or more such pupils, students, teachers or members, or, for the purpose of effecting as one of a group of such persons some common object within Fiji otherwise to enter into or travel therein.

(2) The Commissioner of Police or any police officer authorised in writing by him in accordance with subsection (1) may grant permission under subsection (1) subject to such conditions (if any) as he may think fit to impose, and he may further require as a condition precedent thereto that a pupil, student, teacher or member to whom he proposes to grant such permission or the parent of a pupil, student or member or such other person as he, the Commissioner of Police, or such authorised police officer thinks satisfactory, shall furnish such security by bond or otherwise as the Commissioner of Police or such authorised police officer may think sufficient to secure the due observance and fulfilment of the conditions imposed.

(3) Where the Commissioner of Police has reason to believe—

(a) that any person—

- (i) is a pupil, student, teacher or member affected by an order made under subsection (1);
- (ii) has entered Fiji from a place outside and has not since the date of such entry continuously remained in Fiji for a period exceeding 3 months;
- (iii) is not the holder of a valid identity card issued to him in Fiji in accordance with the provisions of any written law for the time being in force relating to identity cards and which bears an address within Fiji; and
- (iv) has contravened or intends to contravene the provisions of any such order; or

(b) that any person having obtained written permission under subsection (1) has failed to observe any conditions imposed upon him under subsection (2) in respect of such permission, the Commissioner of Police may by order in writing—

- (i) direct that such person be required to leave Fiji within such time as may be specified in the order and thereafter remain out of Fiji for a period of 6 months from the date of the service of the order upon him, or for such lesser period as the Commissioner of Police may specify; or
- (ii) direct that such person be taken into custody and, as speedily as may be, removed from Fiji, and that person may lawfully be detained for so long as may be necessary for his removal to take effect; and

such person so removed shall remain out of Fiji for a period of 6 months from the date of his removal.

(4) Any person who contravenes or fails to obey any order made under this section or who commits a breach of any conditions imposed under subsection (2) shall be guilty of an offence.

(5) This section shall not operate to authorise the removal from Fiji of any person who is a citizen of Fiji ordinarily resident in Fiji.

CHAPTER VI—MISCELLANEOUS

Attempts to commit offences and assisting offenders

44.—(1) Without prejudice to the operation of Chapters V and XLI of the Penal Code any person who attempts to commit, or does any act preparatory to the commission of an offence under this Part shall be deemed to be guilty of that offence under this Part.

(2) No person knowing or having reasonable cause to believe that another person is guilty of an offence under this Part shall give that other person any assistance with intent thereby to prevent, hinder or interfere with the apprehension, trial or punishment of that person for that offence.

Abetment and general penalty

45. Any person who contravenes or fails to comply with any provision of this Part or any order made or any direction or instruction given or requirement imposed thereunder or abets such contravention or failure for which no special penalty is provided shall be guilty of an offence under this Part and shall be liable on conviction to a fine of not less than \$5,000 or to imprisonment for a term of not less than one year or to both.

Arrest

46. Any police officer may without warrant arrest any person suspected of the commission of an offence under this Part or of being a person ordered in pursuance of this Part to be detained.

Enforcement of bonds

47.—(1) Where any person is required to enter into a bond under section 8(1), 10 or 31(3), such bond may be enforced by any Magistrate on the application of any police officer not below the rank of sergeant, in the same manner as under the provisions of the Criminal Procedure Code the court of such Magistrate may enforce a bond required by that court to be executed under the provisions of that Code.

(2) Nothing in this section shall be deemed to prevent the penalty or any part thereof of any such bond from being recovered by suit or action in any civil court of competent jurisdiction, from the person entering into such bond or from his sureties, in accordance with any law for the time being in force relating to Government proceedings.

PART III

SPECIAL PROVISIONS RELATING TO SECURITY AREAS

CHAPTER I—PROCLAMATION OF SECURITY AREAS

Proclamation of security areas

48.—(1) If in the opinion of the Minister public security in any area in Fiji is seriously disturbed or threatened by reason of any action taken or threatened by any substantial body of persons, whether inside or outside Fiji to cause or to cause a substantial number of citizens to fear organised violence against persons or property, he may, if he considers it to be necessary for the purpose of suppressing such organised violence, proclaim such area as a security area for the purposes of this Part.

(2) Every proclamation made under subsection (1) shall apply only to such area as is therein specified and shall remain in force until it is revoked by the President on the advice of the Cabinet.

Provided that such revocation shall be without prejudice to anything previously done by virtue of the proclamation.

(3) A proclamation made under subsection (1) shall be published in such manner as the Minister thinks necessary for bringing it to the notice of all persons who in his opinion ought to have notice thereof and shall have effect as soon as such notice has been given.

(4) A copy of every proclamation made under subsection (1) shall be published in the Gazette.

CHAPTER II—POWERS RELATING TO PRESERVATION OF PUBLIC SECURITY

Danger area

49.—(1) The Minister, if he considers it necessary or expedient in the public security to do so, may, by order to be published in the Gazette, declare any area within a security area to be a danger area.

(2) The limits and extent of every danger area shall be demarcated at the site of such means as will, in the opinion of the Minister, make apparent to persons in or about the area concerned that such area has been declared a danger area.

(3) No person shall enter or remain in a danger area, and any person who fails to comply with this subsection shall be guilty of an offence under this Part:

Provided that this subsection shall not apply to members of the security forces in the performance of their duty, or to any person accompanied by any such member.

(4) Any member of the security forces may within a danger area take such measures, including means dangerous or fatal to human life, as he considers necessary to ensure that no person prohibited from entering or remaining in a danger area shall enter or remain in such area.

(5) No claim of any kind shall accrue to, or in respect of any injury sustained by, any person as a result of his having entered or remained in a danger area in contravention of subsection (3):

Provided that this subsection shall not preclude the award of compensation under any regulations made under section 72 if, in the particular circumstances under which the person sustaining the injury entered or remained in a danger area, the authority empowered to award compensation thereunder considers it equitable to award such compensation.

(6) Where any land, building or other immovable property is within a danger area, a claim for compensation in respect of such land, building or other immovable property may be made in the manner prescribed by regulations made under section 72.

Controlled area

50.—(1) The Minister may, if he considers it expedient in the public security to do so, make an order, which shall be published in the Gazette, declaring any area within a security area to be a controlled area, and in the same or any subsequent order may declare any specified part of such controlled area to be a residential part.

(2) Every such order shall declare—

(a) that after the expiration of a period to be specified in the order (which shall not be less than 7 days from the date thereof) and subject to any exemption for which provision may be made by the same or by a subsequent order and to any conditions upon which such exemption may be granted, no person shall reside or continue to reside in any part of a controlled area other than a residential part;

(b) that between such hours or at such times as may be specified in the order and subject to any exemption for which provision may be made by the same or by a subsequent order and to any conditions upon which such exemption may be granted, no person shall enter or remain in any part of the controlled area other than a residential part.

(3) Any person who contravenes the provisions of an order made under this section shall be guilty of an offence under this Part.

(4) No order under this section shall apply to—

(a) the Minister;

(b) any member of the security forces when acting in the course of his duty;

(c) any person or class of persons exempted from the provisions of such order by the Commissioner of Police or the Police officer in charge of a division.

Protected place

51.—(1) If, as respects any place or premises in any security area, it appears to the Commissioner of Police to be necessary or expedient in the interests of public security or order, or for the maintenance of supplies or services essential to the life of the community, that special precautions should be taken to prevent the entry of unauthorised persons, he may by order declare such place or premises to be a protected place for the purposes of this Part; and so long as the order is in force, no person shall, subject to any exemptions for which provision may be made in the order, enter or remain in that place or those premises without the permission of such authority or person as may be specified in the order.

(2) Where, in pursuance of this section, any person is granted permission to be in a protected place, that person shall, while acting under such permission, comply with such directions for regulating his conduct as may be given by the Commissioner of Police or by the authority or person granting the permission.

(3) Any police officer, or any person authorised in that behalf by the officer in charge of the division may search any person entering or seeking to enter, or being in, a protected place, and may detain any such person for the purpose of searching him.

(4) If any person is in a protected place in contravention of this section, or, while in such a place, fails to comply with any directions given under this section, then without prejudice to any proceedings which may be taken against him, he may be removed from the place by any police officer or any person authorised in that behalf by the occupier of the premises.

(5) Any person who is in a protected place in contravention of this section or who on being challenged by a police officer wilfully fails to stop or who unlawfully refuses to submit to search shall be guilty of an offence under this part.

(6) It shall be lawful for the Commissioner of Police to take or cause to be taken such steps as he may consider necessary for the protection of any protected place, and such steps may extend to the taking of defensive measures which involve or may involve danger to the life of any person entering or attempting to enter the protected place.

(7) Where any measures involving such danger as aforesaid are adopted, the Commissioner of Police shall cause such precautions to be taken, including the prominent display of warning notices, as he considers reasonably necessary to prevent inadvertent or accidental entry into any protected place, and where such precautions have been duly taken, no person shall be entitled to compensation or damages in respect of injury received or death caused as a result of any unauthorised entry into any such protected place.

(8) For the purposes of this section, "police officer" shall include—

- (a) any member of the security forces;
- (b) any prison officer;
- (c) any other person performing the duties of a guard or watchman in a protected place, the appointment of whom has been either specially or generally authorised by the Commissioner of Police.

(9) No woman shall be searched under this section except by a woman provided that in any situation where it is impracticable to satisfy this requirement, a man may search a woman.

Exclusion of persons

52. The officer in charge of a division may by order in writing exclude any person or persons from the division under this charge or from any part thereof, such division or part being part of a security area.

Curfew

53.—(1) Every person within any division or part thereof within a security area which may be designated by order by the officer in charge of the division shall remain within doors, or within such area as may be defined in the order, between such hours as may be specified in the order, unless in possession of a written permit in that behalf issued by a police officer of or above the rank of sergeant.

(2) No order under this section shall apply to—

- (a) the Minister;
- (b) any member of the security forces when acting in the course of his duty;
- (c) any person or class of persons exempted from the provisions of such order by the Commissioner of Police or the officer in charge of the division.

Powers to take possession of land or buildings

54.—(1) The Minister may if it appears to him to be necessary or expedient to do so in the interests of public security, or for the accommodation of any security forces, take possession of any land or any building or part of a building in any security area and may give such directions as appear to him necessary or expedient in connection with the taking of possession of that land or building.

(2) Any police officer may take such steps and use such force as appears to him to be reasonably necessary for securing compliance with directions given to any person under subsection (1).

(3) While any land or building is in the possession of the Minister by virtue of this section, the land or building may, notwithstanding any restriction imposed on the use thereof (whether by any written law or other instrument or otherwise), be used by, or under the authority of, the Minister for such purpose, and in such manner, as the Minister thinks expedient in the interests of public security or for the accommodation of any security forces; and the Minister, so far as appears to him to be necessary or expedient in connection with the taking of possession or use of the land or building in pursuance of this subsection—

- (a) may do, or authorise persons using the land or building as aforesaid to do, in relation to the land or building, anything any person having an interest in the land or building would be entitled to do by virtue of that interest; and
- (b) may by order provide for prohibiting or restricting the exercise of rights of way over the land or building, and of other rights relating thereto which are enjoyed by any person, whether by virtue of an interest in land or otherwise.

(4) The owner or occupier of any land or building shall, if requested by or on behalf of the Minister to do so, furnish to such authority or person as may be specified in the request such information in his possession relating to the land or building (being information which may reasonably be demanded of him in connection with the execution of this section) as may be so specified.

(5) For the purposes of this section, there shall be one or more advisory committees consisting of persons appointed by the Minister; and any such committee may make rules for the conduct of its proceedings.

(6) Any person aggrieved by reason of the taking possession of any land or building under this section may within 14 days after such possession has been taken give notice of his objection thereto to an advisory committee appointed under subsection (5).

(7) The chairman of an advisory committee to which such notice has been given by an aggrieved person shall inform any person on whose behalf possession of such land or building has been taken, and the advisory committee shall thereupon consider the objection made by the aggrieved person and any grounds which may be put forward against such objections by the person on whose behalf such possession has been taken, and shall forward its recommendations to the Minister.

(8) The Minister after considering the recommendations of the advisory committee shall give such directions thereon as he may think fit.

Power to order destruction of certain unoccupied buildings.

55.—(1) Where in any security area any building or structure is left unoccupied by reason of the operation of any order made under this Chapter, the officer in charge of the division in which such building or structure is situated may if it appears to him—

- (a) to be likely that such building or structure will if left standing be used by any person or persons who intend, or are about, to act or have recently acted in a manner prejudicial to public security or by any other person who is likely to harbour any such persons; and
- (b) to be impracticable in any other way to prevent such use,

destroy or authorise the destruction of that building or structure.

(2) Compensation shall be payable in respect of the destruction of any building or structure under this section if the claimant satisfies the Minister—

- (a) that such building or structure was erected by or with the consent of the person lawfully entitled to the land on which the same was erected; and
- (b) that such building or structure was not liable to forfeiture under any regulations made under section 72:

Provided that compensation may be paid to the owner or occupier of any building or structure erected by or with the consent of the person lawfully entitled to the land on which it was erected, notwithstanding that such building or structure is liable to forfeiture under any regulations made under section 72, if such owner or occupier satisfies the Minister that the building or structure was used by persons who intend, or are about, to act or have recently acted, in a manner prejudicial to public security or that such persons were being or had been harboured by his employee or agent, as the case may be, without his knowledge or consent, and that he exercised all due diligence to prevent such buildings or structure being so used or the harbouring of such persons, as the case may be.

(3) Any compensation payable under this section shall be assessed in accordance with regulations made under section 72.

Power to control roads, etc.

56.—(1) Any officer in charge of a division or any person duly authorised by any such officer may by order, or by giving directions, or in any other manner, regulate, restrict, control or prohibit the use of any road or waterway in any area by any person or class of persons or any vehicle or vessel or type or description of vehicle or vessel or close any road or waterway in such area.

(2) Any officer in charge of a division may, by the issue of permits to which conditions may be attached or in any other manner, regulate, restrict, control or prohibit the travelling by any person or class of persons in any train, motor car, motor bus or vehicle or any description in any area and may similarly regulate, restrict, control or prohibit the travelling by any person in any vessel in such area.

Power to seize any article of food

57.—(1) When on duty, any police officer or any member of the security forces of or above the rating or rank of sergeant or non-commissioned officer (as the case may be) or any person authorised in writing to do so by the officer in charge of the division may seize any article of food in any security area which by reason of its quantity or its situation is or is likely to or may become available to any persons who intend or are about to act or have recently acted in a manner prejudicial to public security or to the maintenance of public order.

(2) Any such police officer or member of such forces as aforesaid may without warrant enter and search any premises if he suspects that any article or any food liable to seizure under this section is likely to be found on such premises.

(3) When on duty any police officer or any member of the security forces or any person who is authorised in writing to do so by the officer in charge of the division may stop and search any vessel, vehicle or individual in any area, whether in a public place or not, if he suspects that any articles or any food liable to seizure under this section is likely to be found on such vessel, vehicle or individual.

(4) No woman shall be searched under this section except by a woman provided that in any situation where it is impracticable to satisfy this requirement, a man may search a woman.

CHAPTER III—OFFENCES RELATING TO SECURITY AREAS

Offences relating to firearms, ammunition and explosives

58.—(1) Any person who without lawful excuse, the onus of proving which shall be on such person, in any security area carries or has in his possession or under his control—

- (a) any firearm without lawful authority therefore; and
- (b) any ammunition or explosive without lawful authority therefor,

shall be guilty of an offence under this part and shall be liable on conviction to be sentenced to life imprisonment with a non-parole period of twenty five years.

(2) A person shall be deemed to have lawful authority for the purposes of this section only if he—

- (a) is a police officer or a member of the security forces, or any person employed in the Prisons Department, and in every such case is carrying or is in possession of or has under his control such firearm, ammunition or explosive in or in connection with the performance of his duty;
- (b) is a person duly licensed, or authorised without a licence, under the provisions of any written law for the time being in force to carry, possess or have under his control such firearm, ammunition or explosive; or
- (c) is a person exempted from this section by an officer in charge of a division, or is a member of any class of persons so exempted by the Commissioner of Police by notification in the Gazette:

Provided that no person shall be deemed to have lawful authority for the purposes of this section or to be exempt from this section if he carries or has in his possession or under his control any such firearm, ammunition or explosive for the purpose of using the same in a manner prejudicial to public security or the maintenance of public order.

(3) A person shall be deemed to have lawful excuse for the purposes of this section only if he proves—

- (a) that he acquired such firearms, ammunition or explosive in a lawful manner and for a lawful purpose; and
- (b) that he has not at any time while carrying or having in his possession or under his control such firearm, ammunition or explosive acted in a manner prejudicial to public security or the maintenance of public order.

(4) A person charged with an offence under this section shall not be granted bail.

Consorting with person carrying or having possession of arms or explosives

59.—(1) Any person who in any security area consorts with or is found in the company of another person who is carrying or has in his possession or under his control any firearm, ammunition or explosive in contravention of section 58, in circumstances which raise a reasonable presumption that he intends, or is about, to act, or has recently acted, with such other person in a manner prejudicial to public security or the maintenance of public order shall be guilty of an offence under this part and shall be liable on conviction to be sentenced to life imprisonment with a non parole period of twenty years.

(2) Any person who in any security area consorts with, or is found in the company of, another person who is carrying or has in his possession, or under his control any firearm, ammunition or explosive in contravention of section 58, in circumstances which raise a reasonable presumption that he knew that such other person was carrying or had in his possession or under his control any such firearm, ammunition or explosive shall be guilty of an offence under this Part and shall be liable on conviction to imprisonment for a term of not less than 10 years.

(3) Where, in any prosecution for an offence under this section, it is established to the satisfaction of the court that the accused person was consorting with or in the company of any person who was carrying or had in his possession or under his control any firearm, ammunition or explosive, it shall be presumed, until the contrary is proved, that such last-mentioned person was carrying or had in his possession or under his control such firearm, ammunition or explosive in contravention of section 58.

Supplies

60.—(1) Any person who whether within or outside a security area demands, collects or receives any supplies from any other person in circumstances which raise a reasonable presumption that he intends, or is about, to act, or has recently acted, in a manner prejudicial to public security or the maintenance of public order, or that the supplies so demanded, collected or received are intended for the use of any person who intends or is about, so to act, or has recently so acted, or for the use of any terrorist, shall be guilty of an offence under this Part and shall be liable on conviction to imprisonment for life.

(2) Any person who whether within or outside a security area is found in possession of any supplies for which he cannot satisfactorily account in circumstances which raise a reasonable presumption that such supplies are intended for the use of any person who intends, or is about, to act, or has recently acted, in a manner prejudicial to public security or the maintenance of public order, or that such supplies are intended for the use of any terrorist shall be guilty of an offence under this Part and shall be liable on conviction to imprisonment for life.

(3) Any person who whether within or outside a security area provides, whether directly or indirectly, any supplies to any other person in circumstances which raise a reasonable presumption that such other person intends, or is about, to act, or has recently acted in a manner prejudicial to public security or the maintenance of public order, or that the supplies so provided are intended for the use of any person who intends or is about, so to act, or has recently so acted, or that such supplies are intended for the use of any terrorist shall be guilty of an offence under this part and shall be liable on conviction to imprisonment for life:

Provided that no person shall be convicted of any offence under this subsection if he proves that prior to being charged with or accused of such offence by a police officer or a person in authority he voluntarily gave full information of the offence to a police officer.

(4) In any charge for an offence under this section it shall not be necessary to specify the person or persons from whom any supplies were demanded, collected or received or to whom any supplies were provided or intended to be provided.

Failure to report offences or to give information

61. Any person who, whether within or outside a security area, while any proclamation under section 48 is in force—

- (a) knowing or having reasonable cause to believe that another person has committed an offence under this part fails to report that offence to a police officer; or
- (b) having in his possession any information as to the present or intended movements or whereabouts of any person whom he knows or has reasonable cause to believe to be a terrorist fails to report the same to a police officer.

shall be guilty of an offence under this Part and shall be liable on conviction to imprisonment for a term of not less than 10 years:

Provided that no person shall be convicted of any offence under this section if he proves that prior to being charged with or accused of such offence by a police officer or a person in authority, he voluntarily gave full information of such other offence or of such movements or whereabouts to a police officer.

Attempts to commit offences

62. Without prejudice to the operation of Chapters V and XLI of the Penal Code, any person who whether within or outside a security area, while any proclamation under section 48 is in force, attempts to commit, or does any act preparatory to the commission of an offence under this Part shall be deemed to be guilty of that offence under this Part.

Assisting offenders

63. No person, knowing or having reasonable cause to believe that another person has committed an offence under this part, shall, whether within or outside a security area, give that other person any assistance with intent thereby to prevent, hinder or interfere with the apprehension, trial or punishment of that person for the offence.

Abetment and general penalty

64. If any person contravenes or fails to comply with any provision of this Part, or any order made under or direction given or requirement imposed under any such section of this Part or, whether within or outside a security area, abets such contravention or failure, he shall be guilty of an offence under this part; and subject to any special provisions contained in this Part or in any regulations made under section 72, a person guilty of any such offence shall be liable on conviction to a fine of not less than \$5,000 or to imprisonment for a term of not less than 3 years or to both.

CHAPTER IV—POWERS OF POLICE AND OTHERS

Arrest

65.—(1) Any police officer may without warrant arrest any person suspected of the commission of an offence under this Part.

(2) The powers conferred upon a police officer by subsection (1) may be exercised by any member of the security forces, by any person performing the duties of a guard or watchman in a protected place, and by any other person generally authorised in that behalf by the Commissioner of Police.

Powers of search

66.—(1) When on duty any police officer or any member of the security forces or any person who is authorised in writing to do so by the officer in charge of a division, may without warrant and with or without assistance stop and search any vehicle, vessel, train, aircraft or individual, whether in a public place or not, if he suspects that any article or material being evidence of the commission of an offence under this Part is likely to be found in such vehicle, vessel, train, aircraft or on such individual, and may seize any article or material so found.

(2) When on duty police officer of or above the rank of corporal or any member of the security forces of or above the rating or rank of sergeant or non-commissioned officer (as the case may be) or any person authorised in writing to do so by the officer in charge of a division may without warrant and with or without assistance enter and search any premises or place if he suspects that any article or material being evidence of the commission of any offence under this part is likely to be found on such premises or place and may seize any article or material so found.

(3) No woman shall be searched under this section except by a woman provided that in any situation where it is impracticable to satisfy this requirement, a man may search a woman.

Power to dispense with death inquiries

67. Notwithstanding anything to the contrary in any written law, in any security area—

- (a) the holding of a death inquiry on the dead body of any member of the security forces may be dispensed with;
- (b) where the officer responsible for holding a death inquiry upon the body of any person is satisfied that such person has been killed in a security area as a result of operations by the police or by the security forces for the purpose of suppressing organised violence, the officer may dispense with the holding of a death inquiry on the body of such person.

Medical officers of armed forces to be regarded as medical officers for purpose of inquiries

68. The provisions of the Inquest Act shall, in respect of any inquiries into any death in any security area, have effect as if reference therein to a Government medical officer and to a medical officer included reference in each case to a medical officer of the Fiji Military Forces when acting in the course of his duty:

Provided that no such medical officer of the Fiji Military Forces shall, without his consent, be required by any order or otherwise to perform a post-mortem examination of any body.

CHAPTER V—GENERAL

Compensation

69.—(1) Where in the exercise of the powers conferred by section 54 or by regulations made under section 72, possession is taken of any land, building or other structure or of any movable property or of any space or accommodation in any vessel, aircraft, train or vehicle, compensation in respect of such possession shall be assessed in accordance with regulations made under section 72.

(2) For the avoidance of doubt it is hereby declared that no compensation shall be payable to any person in respect of any damage or injury to his person or property caused by or consequent upon any act authorised by this Part or any regulations made under section 72, unless provision for such compensation is made by this part or any regulations made under section 72.

Application of Section 16 of the Penal Code

70. Section 16 of the Penal Code (which relates to an act to which a person is compelled by threats) shall have effect as if offences punishable with life imprisonment under this Part were offences included in the Chapter or part of the Penal Code punishable with life imprisonment.

Extension of right of private defence

71. The right of private defence of property conferred by section 17 of the Penal Code shall be deemed to extend to any mischief by fire or explosive committed on a railway engine, railway rolling stock or a motor vehicle in any security area, as it applies to mischief by fire committed on a building used as a human dwelling or as a place for the custody of property.

CHAPTER VI—POWER TO MAKE REGULATIONS

Power to make regulations

72.—(1) When a proclamation has been made under section 48 it shall be lawful for the Minister to make in respect of any security area any regulations whatsoever which he considers desirable for the public security.

(2) Without prejudice to the generality or scope of the powers conferred by subsection (1), regulations may be made under subsection (1) in respect of any matters coming within the classes of subjects hereinafter specified:

- (a) the assessment and payment of remuneration, compensation and allowances in respect of all matters done under this Decree or any regulations made thereunder or in respect of injuries occasioned by or resulting from any proclamation under section 48;
- (b) the restriction of the movement of persons in any security area;
- (c) processions and meetings in any security area;
- (d) the supply and distribution of food, water, fuel, light and other necessities in any security area;
- (e) the declaration of fences or barriers surrounding any area in a security area as perimeter fences, and the regulation of traffic and supplies from within and outside any such areas;
- (f) the eviction of persons unlawfully in occupation of land within any security area;
- (g) the seizure, occupation and forfeiture of land, buildings and other structures and movable property within any security area belonging to or used by persons who intend or are about to act or have acted in a manner prejudicial to the public security of Fiji, or belonging to or used by persons who are harbouring or have harboured or who by their employees or agents are harbouring or have harboured any such persons;
- (h) the appropriation, control, forfeiture, disposition and use of property in any security area;
- (i) the requisition of space or accommodation in any vessel, aircraft, train or vehicle within any security area;
- (j) the destruction of buildings and other structures within any security area;
- (k) the clearance of buildings and other structures within any security area;
- (l) the payment of gratuities to workmen injured or to the dependants of workmen killed by acts of terrorism in any security area;
- (m) the restriction and prohibition in any security area of foodstuffs and other supplies;
- (n) the registration of persons or any class of persons and the control of occupations and industries within any security area;
- (o) the control of the movement of sugar cane and the protection of sugar fields and plants and machinery in any security area;
- (p) modification, amendment, supersession or suspension of the provisions of any written law for the time being in force in any security area;
- (q) entry into and search of premises or other places and the arrest, search and interrogation of persons within any security area;
- (r) the formation of tribunals and other bodies for the purpose of deciding any matters specified in such regulations, but having no powers to inflict fines or imprisonment;
- (s) the prescription of fees and other payments;
- (t) Any other matter in respect of which it is in the opinion of the Minister desirable in the interests of public security that regulations should be made.

(3) Any regulations made under this section may provide for the infliction in the event of a contravention thereof of a fine of not less than \$2,000 or to imprisonment for a term of not less than 3 years or to both.

(4) Any regulations made under this section shall—

- (a) unless the Minister otherwise directs, come into force on the day on which they are made, and shall then continue in force so long as the proclamation under section 48 is in force, unless sooner revoked;
- (b) have effect only within the security area or areas to which the proclamation applies.

(5) All subsidiary legislation made under this Decree in force in any security area immediately before the revocation or annulment of any proclamation made under section 48 shall cease to have effect in such area upon such revocation or annulment, but without prejudice to the taking or continuance of any proceedings in respect of anything previously done or omitted to be done, or to the payment of any compensation or allowance thereunder.

PART IV—MISCELLANEOUS PROVISIONS

Cognisability and bailability of offences

73.—(1) Every offence under this Decree shall be cognisable for the purposes of the Criminal Procedure Code.

(2) Every offence under this Decree punishable with imprisonment for a term of not less than 3 years shall be non-bailable for the purposes of the Criminal Procedure Code.

Power to detain suspected persons

74.—(1) Any police officer may without warrant arrest and detain pending enquiries any person in respect of whom he has reason to believe—

- (a) that there are grounds which would justify his detention under section 8; and
- (b) that he has acted or is about to act or is likely to act in any manner prejudicial to the security of Fiji or any part thereof.

(2) Any police officer may without warrant arrest and detain pending enquiries any person, who upon being questioned by the officer fails to satisfy the officer as to his identity or as to the purposes for which he is in the place where he is found, and who such officer suspects has acted or is about to act in any manner prejudicial to the security of Fiji or any part thereof.

(3) No person shall be detained under this section for a period exceeding 24 hours except with the authority of a police officer of or above the rank of assistant superintendent of police or, subject as hereinafter provided, for a period of 48 hours in all.

(4) If an officer of or above the rank of superintendent of police is satisfied that the necessary enquiries cannot be completed within the period of 48 hours prescribed by subsection (3) he may authorise the further detention of any person detained under this section for an additional period not less than 28 days.

(5) Any officer giving any authorisation under sub-section (4) shall forthwith report the circumstances thereof to the Commissioner of Police; and where such authorisation authorises detention for any period exceeding 14 days the Commissioner of Police shall forthwith report the circumstances thereof to the Minister.

(6) The powers conferred upon a police officer by sub-sections (1) and (2) may be exercised by any member of the security forces, by any person performing the duties of a guard or watchman in a protected place.

(7) Any person detained under the powers conferred by this section shall be deemed to be in lawful custody, and may be detained in any prison, or in any police station, or in any other similar place authorised generally or specially by the Minister.

Use of lethal weapons in effecting arrests

75.—(1) Notwithstanding anything to the contrary in any other written law, it shall be lawful for any police officer in order—

- (a) to effect the arrest of any person liable to detention under any order made under section 8;
- (b) to effect the arrest of any person liable to arrest and detention under section 74(1) or (2);

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- (c) to effect the arrest of any person whom he has, in all the circumstances of the case, reasonable grounds for suspecting to have committed an offence under this Decree or under any provision of any written law for the time being specified in the First Schedule;
 - (d) to overcome forcible resistance offered by any person to such arrest; or
 - (e) to prevent the escape from arrest or the rescue of any person arrested as aforesaid.

to use such force as, in the circumstances of the case, may be reasonably necessary, which force may extend to the use of lethal weapons.

(2) Every person arrested for any of the offences referred to in subsection (1) shall as soon as possible after his arrest be clearly warned of his liability to be shot at if he endeavours to escape from custody.

(3) The powers conferred upon a police officer by sub-section (1) may be exercised by any member of the security forces, and by any person performing the duties of a guard or watchman in a protected place, and by any other person generally authorised in that behalf by the Commissioner of Police.

(4) Nothing in this section shall derogate from the right of private defence contained in section 17 of the Penal Code.

Admission of statements in evidence

76.—(1) Where any person is charged with any offence under this Decree or under any written law for the time being specified in the Second Schedule any statement, whether the statement amounts to a confession or not or is oral or in writing, made at any time, whether before or after that person is charged and whether in the course of a police investigation or not and whether or not wholly or partly in answer to questions, by that person to or in the hearing of any police officer of or above the rank of sergeant and whether or not interpreted to him by any other police officer or any other person concerned, or not, in the arrest, shall notwithstanding anything to the contrary in any written law, be admissible at his trial in evidence and, if that person tenders himself as a witness, any such statement may be used in cross-examination and for the purpose of impeaching his credit:

Provided that no such statement shall be admissible or used as aforesaid—

- (a) if the making of the statement appears to the court to have been caused by any inducement, threat or promise having reference to the charge against that person, proceeding from a person in authority and sufficient in the opinion of the court to give that person grounds which would appear to him reasonable for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him; or
- (b) in the case of a statement made by such person after his arrest, unless the court is satisfied that a caution was administered to him in the following words or words to the like effect:

"It is my duty to warn you that you are not obliged to say anything or to answer any question, but anything you say, whether in answer to a question or not may be given in evidence":

Provided that a statement made by any person before there is time to caution him shall not be rendered inadmissible in evidence merely by reason of no such caution having been given if it has been given as soon as possible.

(2) Notwithstanding anything to the contrary in any written law, a person accused of an offence to which subsection (1) applies shall not be bound to answer any questions relating to such case after any such caution has been administered to him.

(3) This section shall apply in relation to any person tried after the date of commencement of this Decree, whether or not the proceedings against such person were instituted and whether or not the relevant statement was made before that date.

Inspection of bankers' books

77. The Minister may, if he is satisfied that any evidence of the commission of an offence under this Decree or under any written law for the time being specified in the Second Schedule is likely to be found in any banker's book, by order authorise any police officer to inspect any such book, and a police officer so authorised may, at all reasonable times, enter the bank specified in the order and inspect the banker's books kept therein, and may take copies of any entry in any such book.

Disposal of property

78.—(1) Subject to subsection (2), the provisions of the Criminal Procedure Code relating to the disposal of property the subject of an offence shall apply to any article coming into the possession of a police officer or any other person having any functions in connection with the operation of this Decree which such officer or person has reasonable ground for believing to be evidence of the commission of an offence under this Decree; and in relation to any such article any reference therein to a police officer shall have effect as if it included a reference to any such person.

(2) Any article or material coming into the possession of a police officer under section 66 may be disposed of in such manner as the Minister may order.

(3) Nothing in this section shall be taken to prejudice any right to retain or dispose of property which may exist in law apart from this section.

Taking of fingerprints, other impressions and photographs of persons arrested or detained

79. The provisions of Section 18 of the Police Act relating to the taking of finger and other impressions and photographs of persons under arrest and accused of any crime shall apply to persons arrested and detained under the provisions of this Decree as if they were persons accused of any crime within the meaning of that Act.

Restriction on prosecution

80. A prosecution for any offence under this Decree punishable with imprisonment for a term of 7 years or more shall not be instituted except with the consent of the Director of Public Prosecution:

Provided that, subject to the provisions of the law for the time being in force relating to criminal procedure—

- (a) a person charged with such an offence may be arrested, or a warrant for his arrest may be issued and executed, and any such person may be remanded in custody or on bail, notwithstanding that the consent of the Director of Public Prosecution to the institution of a prosecution for the offence has not been obtained, but the case shall not be further prosecuted until that consent has been obtained; and
- (b) when a person is brought before a court under this section before the Director of Public Prosecution has consented to the prosecution the charge shall be explained to him but he shall not be called upon to plead, and the provisions of such law shall be modified accordingly.

Order of exclusion of persons from Fiji

81.—(1) Notwithstanding the provisions of any law if the Minister is satisfied that it would be dangerous to peace and good order in Fiji for any person to enter Fiji, he may by order require such person to be excluded from Fiji.

(2) If any person, excluded from Fiji under the provisions of this Decree, enters Fiji without the permission in writing of the Minister, he shall be guilty of an offence and shall be liable on conviction to imprisonment for a term of not less than 7 years and shall also be liable forthwith or at the completion of any term of imprisonment, to be deported from Fiji.

Notification of effect of order, regulations, etc.

82.—(1) When any order or regulation is made or direction or instruction is given under this Decree, the Minister or other authority making such order or regulation or giving such direction or instruction shall cause notice of its effect to be given as soon as possible in such manner as he thinks necessary for bringing it to the notice of all persons who in his opinion ought to have notice of it, and such order, regulation, direction or instruction shall have effect as soon as notice as aforesaid has been given, without publication in the Gazette.

(2) Without prejudice to any special provisions in this Decree or in any rules or regulations made thereunder, a notice to be served on any person for the purposes of any section may be served by leaving it at, or by sending it by post in a letter addressed to that person at, his last or usual place of abode or place of business.

(3) Any order or regulation made or any direction or instruction given under this Decree may at any time during its continuance be cancelled by the person empowered to make such order or regulation or to give such direction or instruction, but without prejudice to the previous validity thereof or to anything done thereunder or to the power of that person to make a fresh order or regulation or give a fresh direction or instruction under such provisions.

Saving

83. Except as herein expressly provided nothing in this Decree shall affect any other law relating to criminal offences:

Provided that no person shall be punished twice for the same offence.

Amendment to Schedules

84. The Schedules to this Decree may be added to, varied or amended by resolution of the Cabinet.

Paramountcy of the provisions of the Decree

85. Where there is any conflict or inconsistency between any of the provisions of this Decree and the provisions of any law, the provisions of this Decree shall prevail.

Coming into force and application

86. The provisions of this Decree shall be deemed to have come into force on the first day of March 1988 and all Courts shall take judicial notice of and apply the provisions of this Decree as if they were made on the above date.

Dated this 16th day of June 1988.

PENAIA K. GANILAU
President and Commander-in-Chief

INTERNAL SECURITY DECREE

FIRST SCHEDULE—SECTION 75(1)

LAWS AGAINST WHICH SUSPECTED OFFENDERS MAY BE FORCIBLY ARRESTED

1. Penal Code—Cap. 17
2. Explosives Act—Cap. 189

SECOND SCHEDULE—SECTIONS 76(1) AND 77

1. Immigration Act—Cap. 88
2. Arms and Ammunition Act—Cap. 188
3. Explosives Act—Cap. 189
4. Customs Act—Cap. 196

THIRD SCHEDULE—SECTION 8(3)

1. Water Services
2. Electricity Services
3. Health Services
4. Hospital Services
5. Sanitary Services
6. Air Traffic Control Services
7. Civil Aviation Telecommunication Services
8. Meteorological Services
9. Fire Services
10. Telecommunications and Télégraphs
11. Air/Sea Rescue Services in times of national disaster
12. Lighthouse Services
13. Mine Pumping Ventilation and Winding
14. Air Transport
15. Port and docks services including stevedoring and lightering, loading and unloading of cargo from or on to any ship and despatch of any cargo to destination
16. The Sugar Industry and all ancillary services
17. Supply and distribution of fuel, petrol, oil, power and light essential to the maintenance of the above services
18. Ministry of Home Affairs Staff and Immigration Services
19. Transport Services necessary to the operation of aforementioned services or any of them.

CORRIGENDA

Extraordinary Fiji Republic Gazette No. 39 dated Friday 17th June 1988 under "Government of the Republic of Fiji Decree No. 32":

Page 487 Part IV "Miscellaneous Provisions"

73. "Congnisability" should read "Cognisability".

Page 488 definition of "firearm" the word "short" should read "shot".

Page 491—section 8 (4) last line reference to subsection (5) should read subsection (6).