

[GRIFFITH WILLIAMS AND MELISSAS, JJ.]

(March 23, 1948)

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MICHAEL
AND OTHERS
v.
THE POLICE.PAVLOS MICHAEL AND OTHERS, *Appellants*,

v.

THE POLICE, *Respondents*.

(Case Stated No. 44.)

“ Meeting ”—Private and public premises—Assemblies, Meetings and Processions Law, 1932, sections 2, 3 and 12.

Section 2 of the Assemblies, Meetings and Processions Law, 1932, provides (*inter alia*) that a “ meeting ” is “ a meeting of five or more persons assembled for the purpose of hearing a speech or a discussion upon any topic of political interest . . . ”. It was contended for the appellant that the word “ meeting ” should be interpreted to include meetings in public premises only.

It was further argued by counsel for the appellant that section 3 does not create an offence and that consequently the penalties laid down under section 12 of the Law are not applicable in cases of contravention of section 3.

Held: (i) that there was no ambiguity in the definition of the word “ meeting ” in section 2. It was apparent from section 6 that the law contemplated the prohibition to extend not only to public buildings but to gatherings of the kind wherever they might be held.

(ii) it would be impossible to attach any meaning whatever to the prohibition contained in section 3, if a breach of it did not entail the consequences which were provided by section 12.

Decision of the District Court affirmed.

Case stated by the District Judge of Paphos on the application of the accused.

L. Clerides for the appellant.

P. N. Paschalis, Crown Counsel, for the respondent.

The judgment of the Court was delivered by :

GRIFFITH WILLIAMS, J.: We are asked in this Case Stated to decide two questions of law arising under the Assemblies, Meetings and Processions Law, 1932.

The first question is the meaning to be given to the word “ meeting ” in section 2 of the law, it being contended by counsel for the appellant that the word “ meeting ” should be interpreted to exclude a gathering of 5 or more persons for the purpose of hearing a speech or discussion upon any topic of political interest, if such gathering takes

place in a private house or club. It was argued by counsel that the definition of "meeting" in section 2 (a) of the law was wide enough to cover both private and public premises, but that the Court should by interpretation limit its meaning to public premises only.

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We note that in section 6 of the law the owner or occupier of any building who allows a meeting of the kind in question without a permit to be held on his premises is guilty of an offence. In this section the word "building" clearly includes a private building. There is no ambiguity in the definition in section 2, and it is apparent from section 6 that the law contemplated the prohibition extending not only to public buildings but to gatherings of the kind wherever they might be held.

The other point raised refers to the applicability of the penalties laid down under section 12 of the law to the contravention of section 3 which does not make use of the words "shall be guilty of an offence." This point has already been decided by this Court in Case Stated No. 30, where the judgment contains the following: "We feel that it would be impossible to attach any meaning whatever to the prohibition contained in section 3, if a breach of it did not entail the consequences which are provided by section 12." With this opinion we are in entire agreement.

For these reasons we affirm the decision of the Court below.

Conviction affirmed.
