

**LAWS OF DOMINICA**

**NATIONALITY AND RACIAL OFFENCES ACT**

**CHAPTER 10:05**

**Act  
31 of 1973**

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**Note**  
**on**  
**Subsidiary Legislation**

This Chapter contains no Subsidiary Legislation.

**CHAPTER 10:05**

**NATIONALITY AND RACIAL OFFENCES ACT**

**ARRANGEMENT OF SECTIONS**

**SECTION**

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## CHAPTER 10:05

## NATIONALITY AND RACIAL OFFENCES

31 of 1973. **AN ACT to impose penalties in cases of discrimination on racial or national grounds in places of public resort, and in cases of incitement to racial or national hatred; and to prevent discrimination on racial or national grounds in the transfer of tenancies.**

Commencement. [18th October 1973]

Short title. **1. This Act may be cited as the –  
NATIONALITY AND RACIAL OFFENCES ACT.**

Interpretation. **2. In this Act –**  
 “hotel” means any establishment held out by the proprietor as offering food, drink and, if required, sleeping accommodation without special contract to any person presenting himself thereat who is willing and able to pay a reasonable sum for the services and facilities provided; and who is in a fit state to be received;

“national emblem” includes the national flag or the national insignia or devices of a country;

“place of public resort” means –

- (a) any hotel, restaurant, cafe, public house or other place where food or drink is supplied for consumption by the public therein;
- (b) any theatre, cinema, dance hall, sports ground, any swimming pool or any bathing place in a river or elsewhere or any other place of public entertainment or recreation;
- (c) any premises, vehicle, vessel or aircraft used for the purposes of a regular service of public transport; or
- (d) any place of public resort maintained by a local or other public authority;

“public meeting” includes any meeting in any public place and any meeting which the public or any section thereof are permitted

“public place” means any highway, public park or garden, any sea beach, and any public bridge, road, land, footway, square, court, alley or passage, whether a thoroughfare or not, and includes any open space to which for the time being the public have or are permitted to have access, whether on payment or otherwise;

“publish or distribute” means publish or distribute to the public at large or to any section of the public not consisting exclusively of members of an association of which the person publishing or distributing is a member.

3. (1) Any person being the proprietor of or manager employed for the purposes of any place of public resort who practises discrimination on the ground of colour, race, ethnic or national origins against persons seeking access to or facilities or services at that place is guilty of an offence.

Discrimination in places of public resort.

(2) For the purposes of this section a person discriminates against another person if he refuses or neglects to afford him access to a place of public resort, or any facilities or services available there, in the like manner and on the like terms on which such facilities, access or services are available to other members of the public resorting thereto.

4. (1) Where the licence or consent of the landlord or of any other person is required for the disposal to any person of premises comprised in a tenancy, that licence or consent shall be deemed to be unreasonably withheld if and so far as it is withheld on the ground of colour, race or ethnic or national origins.

Discrimination on the disposal of tenancies.

(2) Any covenant, agreement or stipulation which purports to prohibit the disposal of premises comprised in a tenancy to persons by reference to colour, race or ethnic or national origins shall be null and void.

(3) In this section “tenancy” means a tenancy created by a lease or sub-lease, by an agreement for a lease or sub-lease or by a tenancy agreement or in pursuance of any enactment; and “disposal” in relation to premises comprised in a tenancy includes assignment or assignation of the tenancy and subletting or parting with possession of the premises or any part of the premises.

(4) This section applies to tenancies created before as well as

forming part of the dwelling house of which the remainder or part of the remainder is occupied by the person whose licence or consent is required, as his own residence.

Preventing  
access to or use  
of places of  
public resort.

5. Any person who on the grounds of colour, race or ethnic or national origins prevents, hinders or causes any other person to prevent or hinder any persons from having access to, remaining on, or making use of the facilities of any place of public resort is guilty of an offence.

Incitement to  
hatred.

6. A person is guilty of an offence if, with intent to stir up hatred against any person or any section of the public in Dominica distinguished by colour, race or ethnic or national origins –

- (a) he assaults or beats any such person or members of any such section of the public in Dominica;
- (b) he publishes or distributes written matter which is threatening, abusive or insulting;
- (c) he uses in any public place or at any public meeting words which are threatening, abusive or insulting, being matter or words likely to stir up hatred against that person or section of the public on grounds of colour, race or ethnic or national origins;
- (d) he burns, tears, defaces or destroys the national emblems of any country in a public place or elsewhere.

Breachers of the  
peace  
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7. Notwithstanding the provisions of the Public Order Act or of any other enactment any person who on grounds of colour, race or ethnic or national origins in any public place or at any public meeting–

- (a) uses threatening, abusive or insulting words or behavior; or
- (b) distributes or displays any writing, sign or visible representation which is threatening, abusive or insulting,

with intent to provoke a breach of the peace, or whereby a breach of the peace is likely to be occasioned, is guilty of an offence.

Penalties.

8. A person guilty of an offence under this Act is liable –

- (a) on summary conviction to a fine of two thousand dollars and to imprisonment for six months;
- (b) on conviction on indictment to a fine of three thousand