

CHAPTER 337

THE SOCIETIES ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

Section	Title
1.	Short title.
2.	Interpretation.
3.	Determination of whether a society is a sports association.
4.	Sports associations to cease to be registered societies.
5.	Appointment of Registrars.
6.	Protection of public officers.
7.	Societies deemed to be established in Tanzania.
8.	President may declare society unlawful.
9.	Minister may require organisations to register as societies.
10.	Provisions to apply when organisation dissolved.

11. Companies and co-operatives formed for the purposes of a club.
12. Duty of local societies to register.
13. Grounds for refusing registration.
14. Registrar shall refuse to register or exempt in certain circumstances.
15. Method of effecting registration.
16. Rescission of exemption.
17. Cancellation of registration.
18. Prohibition of specified acts by or on behalf of certain societies.
19. Appeals.
20. Cessation of existence of a society.
21. Information to be furnished by registered societies.
22. Registrar may call for audited accounts.
23. Persons responsible for supplying information.
24. Discretion to publish information for the benefit of members.
25. Offences by office-bearers, etc., of unlawful society.
26. Offences by member of unlawful society.

27. Offence of allowing unlawful society on premises.
28. Presumptions.
29. Presumption of membership, etc., of society.
30. Orders for winding up affairs of unlawful society and distribution of surplus assets.
31. Power to enter and search meeting places or business places.
32. Power to enter and search meeting places, etc., and make arrests and seizures.
33. Power of Registrar to summon witnesses.
34. Consent to prosecute.
35. Forfeiture.
36. Registered office.
37. Service of summons, etc.
38. Rules.
39. [Amendment of Cap. 16.]
40. [Temporary and transitional provisions.]

THE SOCIETIES ACT

An Act to provide for the registration of societies and for other related matters.

[1st June, 1954]

Ords. Nos.

11 of 1954

[R.L. Cap. 337]

22 of 1957

Acts Nos.

76 of 1962

54 of 1963

51 of 1964

45 of 1965

16 of 1969

6 of 1971

13 of 1991

5 of 1992

G.Ns Nos.

236 of 1961

478 of 1962

[PCh337s1]1. Short title

This Act may be cited as the Societies Act.

[PCh337s2]2. Interpretation Ord. No. 22 of 1957 s. 2; Acts Nos. 76 of 1962 s. 2; 51 of 1964; 45 of 1965; 6 of 1971 s. 6; 5 of 1992 s. 19

(1) In this Act, unless the context otherwise requires—

"declared objects" in relation to any society means the objects declared by such society at the time in the application for registration or subsequent variation of its objects made pursuant to rules made under this Act;

"exempted society" means any society exempted from registration under this Act;

"local society" means any society formed or established in Tanzania or having its headquarters or chief place of business in Tanzania and includes any society deemed to be established in Tanzania by virtue of section 7;

"member" in relation to a society includes an office-bearer of such society;

"Minister" means the Minister responsible for matters relating to societies;

"office-bearer", in relation to a society, means any person who is the president or vice-president or chairman or deputy chairman or secretary or treasurer of such society, or who is a member of the governing committee or the governing or executive body thereof, or who holds in such society any office or position analogous to any of those mentioned above;

"place" includes a vessel and a vehicle;

"Registrar" means the officer appointed as Registrar of Societies and includes any officer appointed as Deputy Registrar of Societies or Assistant Registrar of Societies under section 5;

"registered society" means any society for the time being registered under this Act;

"society" includes any club, company, partnership or association of ten or more persons whatever its nature or object but does not include—

(a) a company registered under the Companies Act, or any company which has complied with the requirements of section 321 of that Act *;

(b) any company, council, authority, association, board or committee lawfully constituted or established under Royal Charter, or Royal Letters Patent, or any Applied Act, or any law for the time being in force in Tanzania;

(c) any Lodge of Freemasons regularly constituted under any of the registered governing bodies of Freemasons in the United Kingdom of Great Britain and Northern Ireland;

(d) any trade union registered under the Trade Unions Act *;

(e) any company, association or partnership consisting of not more than twenty persons, formed and maintained for the sole purpose of carrying on any lawful business;

(f) any co-operative society registered under the Co-operative Societies Act * or any ranching association registered under the Range Development and Management Act *, or any agricultural association registered under the Agricultural Associations Act;

(g) any society which the President may, by order published in the Gazette, declare not to be a society for the purposes of this Act;

(h) a political party registrable under the Political Parties Act *;

(i) any society which has been registered as a sports association under the provisions of the National Sports Council of Tanzania Act *, or in respect of which a certificate of exemption from registration under that Act has been issued;

(j) any society which, in the opinion of the Registrar, is or in respect of which the Minister for the time being responsible for legal affairs has, under section 3, given a decision that it is a sports association within the meaning assigned to that term by the National Sports Council of Tanzania Act;

"unlawful society" means—

(a) any society declared or deemed to have been declared to be unlawful under section 8; and

(b) any local society other than—

(i) a registered society; or

(ii) an exempted society; or

(iii) a local society in respect of which an application for registration has been lawfully made under section 12 or section 16 and remains undetermined or in respect of which an appeal has been lawfully made to the Minister under section 19 and remains undetermined.

(2) Every branch of a society shall be deemed to be a society if such branch consists of ten or more members.

(3) Where any body of persons, whether corporate or unincorporate, is a member of a society every member of such body shall be deemed to be a member of such society.

[PCh337s3]3. Determination of whether a society is a sports association Act No. 6 of 1971 s. 6

Where any question arises as to whether any society is a sports association within the meaning assigned to that term by the National Sports Council of Tanzania Act, the matter shall be referred to the Minister for the time being responsible for legal affairs, who shall decide the question in consultation with the Attorney-General, and such decision shall be final and shall not be subject to review by any court.

[s. 2A]

[PCh337s4]4. Sports associations to cease to be registered societies Act No. 6 of 1971 s. 6

Every sports association registered as a society under this Act shall cease to be so registered with effect from—

(a) the date on which the Registrar, by a notice in writing, notifies the association that its registration under the Societies Act has been cancelled by reason of its being a sports association; or

(b) the first day of October, 1971,

whichever date first occurs.

[s. 2B]

[PCh337s5]5. Appointment of Registrars Ord. No. 22 of 1957 s. 3

(1) The President may appoint a Registrar of Societies and such number of Deputy Registrars of Societies and Assistant Registrars of Societies as he may consider necessary for the purposes of this Act.

(2) The President may from time to time give general or special directions to the Registrar as to the performance of his duties and the exercise of his powers and the Registrar shall comply with any general or special directions so given.

[s. 3]

[PCh337s6]6. Protection of public officers

No suit shall lie against any public officer for anything done or omitted to be done by him in good faith without negligence and in the intended exercise of any power or performance of any duty conferred or imposed on him by this Act.

[s. 4]

[PCh337s7]7. Societies deemed to be established in Tanzania

A society shall be deemed to be established in Tanzania although it is organised and has its headquarters or chief place of business outside Tanzania if any of its office-bearers or members reside in Tanzania or is present therein, or if any person in Tanzania manages or assists in the management of such society or solicits or collects money or subscriptions on its behalf:

Provided that no society shall be deemed to be so established, if and so long as—

- (a) it is organised and is operating wholly outside Tanzania; and
- (b) no office, place of business or place of meeting is maintained or used in Tanzania by such society or by any person on its behalf; and
- (c) no register of all or any of the members of such society is kept in Tanzania; and
- (d) no subscriptions are collected or solicited in Tanzania by the society or by any person on its behalf.

[s. 5]

[PCh337s8]8. President may declare society unlawful

(1) It shall be lawful for the President, in his absolute discretion, where he considers it to be essential in the public interest, by order to declare to be unlawful any society which in his opinion—

- (a) is being used for any purpose prejudicial to, or incompatible with, the maintenance of peace, order and good government; or

(b) is being used for any purpose at variance with its declared objects.

(2) Any society declared by order of the President to be a society dangerous to the good government of Tanzania under subsection (2) of section 67 of the Penal Code *, shall be deemed to have been declared to be unlawful under the provisions of this section and every such order shall be deemed to have been made under the provisions of this section and shall continue in force until revoked under this Act.

(3) The President may at any time revoke or vary an order made or deemed to be made under this section.

(4) Every society against which an order under this section is made or deemed to be made shall be an unlawful society.

(5) Where an order is made under this section in respect of a registered society or exempted society, such order shall operate immediately to cancel such registration or rescind such exemption, as the case may be.

(6) No society against which an order under this section is made or deemed to be made shall be registered under this Act or be exempted from such registration or be entitled to make application for registration.

[s. 6]

[PCh337s9]9. Minister may require organisations to register as societies Act No. 76 of 1962 s. 3

(1) Subject to the provisions of subsection (5), where the Minister is satisfied that any company, partnership, association of other organisation formed for the purpose of conducting any

lawful trade or business is carrying on its activities predominantly for a purpose other than the conduct of lawful trade or business he may, notwithstanding that such company, partnership, association or other organisation is not a society within the meaning of this Act by reason of the provisions of paragraphs (a), (b), (c), (e) or (f) of the definition "society" in subsection (1) of section 2 and notwithstanding the provisions of any other law, by order in writing addressed to the registered office or to the principal place of business of such company, partnership, association or other organisation require such company, partnership, association or other organisation, to apply to the Registrar, within such period, being not less than twenty-one days, as may be specified in the order, for registration under this Act.

(2) Notification shall be given in the Gazette of any order made under subsection (1).

(3) Where any company, partnership, association or other organisation in respect of which an order has been made under subsection (1) applies for registration under this Act in compliance with such order and is registered under this Act then, with effect from the date of such registration, all the provisions of this Act shall, notwithstanding the provisions of any other law, apply to such company, partnership, association or other organisation.

(4) Where any company, partnership, association or other organisation in respect of which an order has been made under subsection (1) fails to apply for registration under this Act in compliance with such order or having so applied is refused such registration, or where such company, partnership, association or other organisation having been registered under this Act, its registration is subsequently cancelled under any provision of this Act, the Minister may publish

notice of such failure, refusal or cancellation in the Gazette and on the date of the publication of such notice the company, partnership, association or other organisation shall be dissolved.

(5) No order shall be made under subsection (1) in respect of any organisation to which the provisions of paragraph (d) or (g) of the definition "society" in subsection (1) of section 2 apply.

[s. 6A]

[PCh337s10]10. Provisions to apply when organisation dissolved

(1) The following provisions of this section shall apply to and in respect of any company, partnership, association or other organisation dissolved under the provisions of section 9.

(2) The liabilities incurred by any director, officer or member of the company, association or other organisation or by any partner in the partnership shall continue and may be enforced as if the company, partnership, association or other organisation had not been dissolved.

(3) All assets vested in or held on trust for and all liabilities incurred by any organisation which is a body corporate shall vest in the Official Receiver who shall take all steps necessary to discharge such liabilities and to liquidate such assets and distribute the same to the members of the organisation in accordance with the law relating to the winding up of companies, and for such purposes the Official Receiver shall have all such powers as are had by a liquidator appointed by the Court.

(4) The Minister may by order in writing provide for such incidental, supplementary or consequential matters as he may consider necessary or expedient for the more effectual carrying out of the provisions of subsections (2) and (3).

[s. 6B]

[PCh337s11]11. Companies and co-operatives formed for the purposes of a club Act No. 54 of 1963 s. 18

Subject to the provisions of subsection (5) of section 9, the Minister may also exercise the powers, conferred upon him by subsection (1) of that section to require a company or co-operative society to apply for registration under this Act, in respect of any company or co-operative society formed or maintained for the purpose of carrying on a club or other association of persons for social, recreational, cultural, political, educational or philanthropic purposes and, where the Minister so exercises such powers, the provisions of subsections (2) to (5) of section 9, and of section 10, shall apply in relation to any such company or co-operative society.

[s. 6C]

[PCh337s12]12. Duty of local societies to register Ord. No. 22 of 1957 s. 4

(1) Every local society, other than a local society in respect of which an order made or deemed to be made under section 8 is in force, shall, in the manner prescribed, make application to the Registrar for registration under this Act.

(2) Upon application being made in that behalf the Registrar shall, subject to the provisions of sections 19 and 20, register the local society in respect of which such application is made:

Provided that, subject to the provisions of section 14, the Registrar may, in his discretion, exempt any such local society from registration under this Act.

(3) Subject to the provisions of section 14, the Registrar may, in his discretion, by notice under his hand direct that the registration of any registered society shall cease to have effect and that such society shall be exempt from registration under this Act.

(4) On registering, or exempting from registration, a local society the Registrar shall issue to the local society a certificate in the prescribed form which shall be prima facie evidence of registration or exemption, as the case may be.

[s. 7]

[PCh337s13]13. Grounds for refusing registration

The Registrar may refuse to register a local society where he is satisfied that such local society is a branch of, or it affiliated to or connected with, any organisation or group of a political nature established outside Tanzania.

[s. 8]

[PCh337s14]14. Registrar shall refuse to register or exempt in certain circumstances

The Registrar shall refuse to register and shall not exempt a local society where—

(a) it appears to him that such local society is being or is likely to be used for any purpose prejudicial to, or incompatible with the maintenance of peace, order and good government; or

(b) he is satisfied that the application does not comply with the provisions of this Act or of any rules made thereunder; or

(c) he is satisfied that the local society does not exist; or

(d) the name under which the local society is to be registered—

(i) is identical to that of any other existing local society; or

(ii) so nearly resembles the name of such other local society as, in the opinion of the Registrar, to be likely to deceive the public or the members of either society; or

(iii) is, in the opinion of the Registrar, undesirable.

[s. 9]

[PCh337s15]15. Method of effecting registration

(1) The Registrar shall effect registration of a local society by entering in a register kept for the purpose the particulars given in the application form and the date of such entry.

(2) Subject to the payment of the prescribed fee the register may be searched and examined by any person during the usual office hours on application being made to the Registrar.

[s. 10]

[PCh337s16]16. Rescission of exemption Ord. No. 22 of 1957 s. 5

(1) The Registrar may, in his discretion, rescind at any time any exemption granted by him under section 12.

(2) A local society, other than a local society in respect of which an order made or deemed to be made under section 8 is in force may within twenty-one days from the date of the receipt of notification of rescission of exemption under the provisions of subsection (1), apply for registration under this Act.

[s. 11]

[PCh337s17]17. Cancellation of registration

The Registrar may, in his discretion, cancel at any time the registration of any local society effected under section 12 if he is satisfied that it is expedient so to do on the ground that the society concerned—

(a) is a branch of or is affiliated to or connected with any organisation or group of a political nature established outside Tanzania; or

(b) is being used or is likely to be used for unlawful purposes or for any purpose prejudicial to or incompatible with the maintenance of peace, order and good government; or

(c) has altered its objects or pursues objects other than its declared objects; or

(d) has failed to comply with an order made under section 22 within the time stated in such order:

Provided that, prior to cancelling any registration, the Registrar shall notify his intention to the society concerned and shall give it an opportunity to submit reasons why the registration should not be cancelled.

[s. 12]

[PCh337s18]18. Prohibition of specified acts by or on behalf of certain societies Ord. No. 22 of 1957 s. 6

(1) Where any local society has become unlawful under section 8 or has been refused registration under section 13 or section 14 or has had its registration cancelled under section 17, the President may, where it appears to him to be in the public interest to do so, by order prohibit any act specified therein—

(a) by any person on behalf of or in relating to any society associated with such local society; or

(b) by any person on behalf of or in relation to any society which, in the opinion of the President, has objects similar to the objects of such local society, in the area of Tanzania specified therein, being the area in which it appears to him that such local society carried on or, as the case may be, proposed to carry on its activities, or in any part of such area.

(2) Any person who contravenes the provisions of an order made under subsection (1) of this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

(3) A police officer of or above the rank of Inspector may arrest without warrant any person whom he suspects upon reasonable grounds of having committed an offence against this section.

(4) For the purpose of this section a society shall be deemed to be in association with a local society which has become unlawful or has been refused registration or has had its registration cancelled if such society is the parent society of which such local society is a branch or is derived from the same parent society or is the successor of such local society.

(5) An order made under this section shall continue in force for such period (not exceeding six months) as may be specified therein:

Provided that nothing herein shall preclude the President from making a further order or further orders, with or without variations, where it appears to him to be in the public interest to do so.

[s. 12A]

[PCh337s19]19. Appeals Ord. No. 22 of 1957 s. 7; G.N. No. 478 of 1962

(1) Any local society, other than a local society in respect of which an order made or deemed to be made under section 8 is in force, which is aggrieved by the Registrar's refusal to register such local society or his decision to cancel the registration thereof may, within twenty-one days or such extended period as the Minister may allow, from the date of such refusal or cancellation, appeal against such refusal or decision to the Minister.

(2) On any such appeal the decision of the Minister shall be final.

[s. 13]

[PCh337s20]20. Cessation of existence of a society

(1) If the Registrar has reason to believe that any registered society or exempted society has ceased to exist as a local society, he may publish in the Gazette a notification calling upon such society to furnish him with proof of its existence as a local society within three months from the date of such notification.

(2) If at the expiration of such three months the Registrar is satisfied that the society has ceased to exist as a local society, a notification to that effect shall be published in the Gazette, and the society concerned shall thereupon cease to be a registered or exempted society, as the case may be.

[s. 14]

[PCh337s21]21. Information to be furnished by registered societies

(1) The Registrar may at any time, by notice under his hand, order any registered society to furnish him in writing with—

(a) a true and complete copy of the constitution and rules of such society in force at the date of such order;

(b) a true and complete list of office-bearers and members of such society residing in Tanzania or present therein at the date of such order;

(c) a true and complete return of the number of meetings held by such society in Tanzania within the period of six months immediately preceding such order, stating the place or places at which such meetings were held;

(d) such accounts, returns and other information as may be prescribed.

(2) An order given under subsection (1) of this section shall specify the time (not being less than twenty-one days) within which the information shall be supplied:

Provided that the Registrar may, on application made to him and on good cause being shown, grant an extension of time at his discretion.

[s. 15]

[PCh337s22]22. Registrar may call for audited accounts Ord. No. 22 of 1957 s. 8

(1) The Registrar may, at any time, by notice under his hand, order any registered society to furnish him, within a time to be stated in such order (not being less than one month), with duly audited accounts of such society.

(2) For the purposes of this section "duly audited" means audited by an auditor approved by the Registrar and such approval may be given either generally or for any particular audit.

(3) Without prejudice to the provisions of subsections (1) and (2) of this section the Registrar may at any time by notice under his hand order any registered society, within a time to be stated in such order, to permit its accounts to be inspected by himself or by a person authorised by him in writing.

(4) Every office-bearer and every person managing or assisting in the management of a society in respect of which a notice under subsection (3) of this section has been served shall supply to the Registrar or the person authorised by him such information relating to the accounts of the society and other matters incidental thereto as the Registrar or such authorised person may require and, when the inspection is undertaken by a person authorised by the Registrar, such person shall make a report of his inspection and shall at the earliest practicable opportunity submit such report to the Registrar with such recommendations as he may deem fit to include.

(5) Where the accounts of a society are inspected by a person authorised by the Registrar there shall be paid to such person (if he is not in the employment of the Government) out of funds allocated for that purpose from the general revenue of Tanzania in respect of the inspection such reasonable fee as the Registrar may allow.

(6) A registered society which, on the ground of its failure to comply with an order under this section, has had its registration cancelled under section 17 shall not be entitled to apply for registration until such order has been complied with.

[s. 16]

[PCh337s23]23. Persons responsible for supplying information Ord. No. 22 of 1957 s. 9

(1) Any order made by the Registrar in relation to any registered society under section 21 or section 22 shall be binding upon every office-bearer and upon every person managing or assisting in the management of any such society in Tanzania who has been served with such order.

(2) If any registered society fails to comply with the whole or part of any order given under section 21 or section 22, each of the persons mentioned in subsection (1) who has been served as aforementioned shall be liable on conviction to a fine not exceeding two thousand shillings unless he establishes to the satisfaction of the court that he has exercised due diligence and has failed to comply with the order for reasons beyond his control.

(3) If any information supplied to the Registrar in compliance with an order given under section 21, or any information supplied to the Registrar or the person authorised by him in compliance with an order given under section 22, is incorrect or incomplete in any material particular, the person who has supplied such information shall be liable on conviction, to a fine not exceeding two thousand shillings unless he establishes to the satisfaction of the court that he believed and had good reason to believe that the information was correct and complete.

[s. 17]

[PCh337s24]24. Discretion to publish information for the benefit of members Ord. No. 22 of 1957 s. 10

The Registrar, where it appears to him to be in the interest of the members of the society so to do, may, with the approval of the President, take such steps as may be necessary to publish to such members, by advertisement in the Gazette, or in any newspaper or in such other manner as he may think fit, any information furnished by or on behalf of such society or reported to the Registrar under section 21 or section 22.

[s. 18]

[PCh337s25]25. Offences by office-bearers, etc., of unlawful society

(1) Any office-bearer and any person managing or assisting in the management of any unlawful society shall be guilty of an offence and liable, on conviction, to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding seven years or to both such fine and imprisonment.

(2) Subject to the provisions of the Criminal Procedure Act *, an offence under this section may be tried by a subordinate court presided over by a District magistrate of a Resident Magistrate.

[s. 19]

[PCh337s26]26. Offences by member of unlawful society

Any person who is or acts as a member of an unlawful society or attends a meeting of an unlawful society shall be guilty of and liable, on conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

[s. 20]

[PCh337s27]27. Offence of allowing unlawful society on premises

Any person who knowingly allows a meeting of an unlawful society or of members of an unlawful society, to be held in any place belonging to or occupied by him, or over which he has control, shall be guilty of an offence and liable, on conviction, to a fine not exceeding five

thousand shillings or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

[s. 21]

[PCh337s28]28. Presumptions

In any proceedings under this Act—

(a) where it is proved that a club, company, partnership, or association is in existence it shall be presumed that such club company, partnership or association is a society within the meaning of this Act unless the contrary is proved;

(b) it shall not be necessary for the prosecution to prove that a society possesses a name, or that it has been constituted or is usually known under a particular name;

(c) where it is alleged that a society is an unlawful society the burden of proving that it is a registered society, or an exempted society, or that an application for registration under section 12 or section 16 has been lawfully made to the Registrar and has not been refused, or that it is not a local society, shall lie on the person charged.

[s. 22]

[PCh337s29]29. Presumption of membership, etc., of society

(1) Where any books, accounts, writings, lists of members, seals, banners or insignia of, or relating to, or purporting to relate to, any society are found in the possession of any person, it shall be presumed, until the contrary is proved, that such person is a member of such society, and

such society shall be presumed, until the contrary is proved, to be in existence at the time such books, accounts, writings, lists of members, seals, banners or insignia are so found.

(2) Where any books, accounts, writings, lists of members, seals, banners, or insignia of, or relating to, any society are found in the possession of any person, it shall be further presumed, until the contrary is proved, that such person assists in the management of such society.

[s. 23]

[PCh337s30]30. Orders for winding up affairs of unlawful society and distribution of surplus assets Act No. 16 of 1969 s. 2

(1) The President may order that the property, movable and immovable, of an unlawful society shall vest in an officer specified in such order and thereupon such property shall vest in such officer and such officer shall proceed to wind up the affairs of the society and, after satisfying and providing for all debts and liabilities of the society and the cost of winding up, if there shall then be any surplus assets, shall prepare and submit to the President a scheme for the application of such surplus assets.

(2) An order made under subsection (1) of this section shall be registered by the officer concerned with the registration of the title to any immovable property affected by the order, without payment of any registration fee, and no stamp duty shall be payable on any such order.

(3) A scheme submitted to the President under subsection (1) may be amended by the President in such way as he shall think proper in the circumstances of the case and the approval of the President to such scheme shall be denoted by the endorsement thereon of a memorandum

of such approval and, upon this being done, the surplus assets, the subject of the scheme, shall be held by such officer upon the terms and to the purposes thereby prescribed.

(4) For the purpose of the winding up of the affairs of a society under this section the officer specified in the order shall have all the powers vested in the Official Receiver for the purpose discovering the property of a debtor and the realisation thereof.

(5) Notwithstanding the provisions of the foregoing subsections, the President may—

(a) prior to the completion of the winding-up of an unlawful society by the officer in whom the property of such society is vested by an order under subsection (1); or

(b) after the completion of such winding-up by such officer, by order, vest any asset or liability of the unlawful society, or any of the surplus assets thereof, in any other society or body of persons, whether corporate or unincorporate, if, in the opinion of the President, it is desirable to do so.

(6) Where an order is made under subsection (5) vesting any asset, liability or surplus asset in any society or body of persons, the asset, liability or surplus asset shall vest in such society or body of persons, as the case may be, by virtue of such order and without further assurance with effect from such date and subject to such terms and conditions as may be specified in the order.

[ss. (5A)]

(7) Where, an order under subsection (5) is made prior to completion of the winding-up of the unlawful society the asset or liability in respect of which the order is made shall not be taken into account for the purposes of the winding-up of the unlawful society.

[ss. (5B)]

(8) Where, by an order made under subsection (5) any asset of an unlawful society is vested in any society or body of persons, the President may, by order, transfer any person who immediately prior to the commencement of the order made under subsection (1) was an employee of the unlawful society and whose employment has not been terminated by the officer in whom the property of the unlawful society has been vested, to the service of the society or body of persons in whom the asset is vested by order made under subsection (5).

[ss. (5C)]

(9) Where any employee is transferred under subsection (8)–

(a) he shall, as from the date of his transfer, be deemed to be the employee of the society or body of persons to which he is transferred;

(b) the terms and conditions of service applicable to him after such transfer shall not be less favourable than those which were applicable to him immediately before the transfer, and, for the purposes of determining any right to gratuity or other superannuation benefit, his service with the society or body of persons to which he is transferred shall be regarded as continuous with his service immediately preceding such transfer;

(c) his employment immediately prior to his transfer and his employment by the society or body of persons to which he is transferred shall be deemed to be continuous employment by one employer within the meaning of section 9 of the Severance Allowance Act *, and that Act shall apply to the parties in the same manner as it applies to cases set out in subsection (1) of that section.

[ss. (5D)]

(10) For the avoidance of doubt it is hereby declared that nothing in this section or in this Act shall be construed as conferring upon any member or past member any right to a refund of any fee, dues, subscription or other contribution paid or made by such member or past member to the unlawful society or as conferring upon any person any right to a refund or return of any gift made by him to the unlawful society.

[ss. (5E)]

(11) The President may, for the purpose of enabling a society to wind up its own affairs, suspend the operation of any order made under subsection (1) for such period as to him shall seem expedient:

Provided that where the operation of any order made under subsection (1) is suspended such suspension shall not affect the operation of any order made under subsection (5) or subsection (8).

[ss. (5F)]

(12) The provisions of this section shall not apply to any property forfeited under section 35.

[ss. (6)]

[s. 24]

[PCh337s31]31. Power to enter and search meeting places or business places

(1) Where, it is represented on oath or affidavit to a judge or magistrate that in fact or according to reasonable suspicion any society whether a registered society or an exempted society or not, is being used or has been used or is about to be used for purposes prejudicial to or incompatible with the maintenance of peace, order and good government or that any registered society or exempted society is being used or has been used or is about to be used for purposes at variance with its declared objects, the judge or magistrate may by warrant (called a search warrant) authorise the Registrar, an administrative officer or police officer, not below the rank of Sub-Inspector to enter, with or without assistance and using force for that purpose if necessary, into any place which is so represented to be or to have been used or to be about to be used as a place of meeting or place of business of such society and search such place and any person found there or escaping therefrom for evidence that such society is being used for such purposes aforesaid.

(2) The President may by order declare that the provisions of this subsection shall apply to any area of Tanzania and in any area to which this subsection has been so applied it shall be lawful for the Registrar or an administrative officer or a police officer not below the rank of assistant Superintendent who has reason to believe that any society, whether a registered society

or an exempted society or not, is being used or has been used or is about to be used for purposes prejudicial to, or incompatible with the maintenance, of peace, order and good government or that any registered society or exempted society is being used or has been used or is about to be used for purposes at variance with its declared objects, to enter, with or without assistance and using force for that purpose if necessary, into any place which he has reason to believe is used or has been used or is about to be used as the place of meeting or place of business of such society and to search such place and any person found therein or escaping therefrom for evidence that such society is being used for such purposes aforesaid.

[s. 25]

[PCh337s32]32. Power to enter and search meeting places, etc., and make arrests and seizures

(1) Where it is represented on oath or affidavit to a judge or magistrate that in fact or according to reasonable suspicion any place is or is about to be used as a place of meeting of an unlawful society or of persons who are members of an unlawful society or for the concealment, custody or deposit of any books, accounts, writings, lists of members, banners, seals, insignia, arms or other articles belonging to an unlawful society, such Judge or Magistrate may by warrant (called a search warrant) authorise the Registrar, an administrative officer or any police officer, not below the rank of Sub-Inspector, to enter with or without assistance and using force for that purpose if necessary, into and search such place and seize or cause to be seized all books, accounts, writings, lists of members, banners, seals, insignia, arms or other articles which he has reasonable cause to believe belong to any unlawful society or to be in any way connected

therewith and to arrest or cause to be arrested any person found in such place or escaping therefrom.

(2) The President may by order declare that the provisions of this subsection shall apply to any area of Tanzania and in any area to which this subsection has been so applied it shall be lawful for the Registrar or an administrative officer or a police officer not below the rank of Sub-Inspector to enter, with or without assistance and using force if necessary, into any place in which he may have reasonable grounds to believe that a meeting of an unlawful society or of persons who are members of an unlawful society is being held or that books, accounts, writings, lists of members, banners, seals, insignia, arms or other articles belonging to an unlawful society are concealed, kept or deposited and to arrest or cause to be arrested all persons found in or escaping from such place and seize or cause to be seized all books, accounts, writings, lists of members, banners, seals, insignia, arms or other articles which he may have reasonable cause to believe belong to any unlawful society or to be in any way connected therewith.

[s. 26]

[PCh337s33]33. Power of Registrar to summon witnesses Act No. 13 of 1991 sch.

(1) The Registrar may, in writing, summon before him any person who he believes is able to give any information as to the existence or operations of any unlawful society, or suspected unlawful society, or as to the operations of any registered society or exempted society.

(2) The person so summoned shall attend at the hour and the place in the summons so specified, and produce all documents in his custody, possession, or power relating to such society or suspected society, and answer truthfully all questions which the Registrar may put to him.

(3) Any person who fails to comply with the provisions of this subsection shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand shillings.

(4) If any person summoned by the Registrar under this section shall, without lawful excuse, fail to comply with any obligations imposed upon him by subsection (2) or shall give information which the Registrar believes to be false, the Registrar may, if he considers it advisable to provide for the future identification of such person, order that a photograph and impressions of fingerprints of such person be taken at such time and in such place and manner as the officer may think fit.

(5) Any person who refuses to comply with an order under subsection (4) or who obstructs compliance with such order may be arrested and detained in custody and shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty thousand shillings.

(6) No statement made by a person summoned before the Registrar under the provisions of this section shall subject him to any arrest or criminal prosecution, or be proved against him in any criminal proceedings, except in a prosecution for failing to answer truthfully under this section.

[s. 27]

[PCh337s34]34. Consent to prosecute G.N. No. 236 of 1961

Except in the case of persons arrested under the provisions of section 32 or subsection (5) of section 33, no person shall be charged with an offence under this Act or any rule made thereunder unless the prior consent in writing of the Director of Public Prosecutions has been obtained.

[s. 28]

[PCh337s35]35. Forfeiture

Any books, accounts, writings, banners, insignia, or other property belonging to any unlawful society shall be forfeited and given to the Registrar for disposal in such manner as he may see fit.

[s. 29]

[PCh337s36]36. Registered office Act No. 13 of 1991 sch.

(1) Every registered society and exempted society shall have a registered office and postal address to which all communications and notices may be addressed.

(2) Notice of the situation of such registered office and of any change thereof or of such postal address shall be given to the Registrar and shall be registered by him.

(3) If any registered society or exempted society—

(a) operates without having a registered office, or without giving notice of the situation of its registered office as hereinbefore required; or

(b) operates at any place to which its registered office may have been removed without having given notice of the change in the situation thereof to the Registrar; or

(c) fails to give notice of any change of its postal address,

such registered society or exempted society and every office-bearer thereof shall be liable to a fine not exceeding one hundred thousand shillings and four thousand shillings for every day during which such society so operates.

[s. 30]

[PCh337s37]37. Service of summons, etc.

(1) Every order, notice, summons or other document issued under this Act or under any rule hereunder, shall be deemed to have been validly and effectually served on the person to whom it is addressed if it is personally served on him, or is left with him, or is sent to him by prepaid registered post addressed to him at the registered office of the society with which he is concerned.

(2) Every order, notice or other document issued under this Act or under any rule made hereunder shall be deemed to have been validly served on a society if it is sent by prepaid registered post addressed to the society at its registered office.

(3) Any document served by being sent by registered post shall be deemed to have reached the person or society to whom or to which it is addressed within ninety-six hours of posting.

[s. 31]

[PCh337s38]38. Rules Ord. No. 22 of 1957 s. 11

(1) The President may make rules generally for the better carrying into effect of the provisions of this Act, and, in particular, but without prejudice to the generality of the foregoing, may make rules for the purposes following or any of them—

- (a) prescribing the manner of exemption and registration of societies under this Act;
- (b) regulating or restricting changes of the name or objects of exempted societies or of registered societies;
- (c) prescribing the forms which may be used for carrying out the provisions of this Act;
- (d) for securing the submission to the Registrar of accounts relating to the assets and liabilities, income and expenditure, of registered societies, in such form and at such time or times and in respect of such period or periods as may be prescribed;
- (e) prescribing the fees in respect of anything to be done under this Act;
- (f) securing the submission to the Registrar of annual or other periodical returns relating to the constitution, objects, membership and management of exempted or registered societies in such form as may be prescribed;
- (g) prescribing the books and accounts to be kept by a registered society and any other matter which may or is to be prescribed under this Act.

(2) The President may, in rules made under this section, prescribe for a breach thereof a fine not exceeding five thousand shillings or imprisonment not exceeding six months or both such fine and imprisonment and for a continuing breach thereof a fine not exceeding one hundred shillings in respect of each day on which such breach continues.

(3) The President may, in rules made in respect of any of the matters set out in paragraphs (d), (f) and (g) of subsection (1) of this section—

(a) provide that such rules shall be applicable only to such class or classes of societies as may be specified in such rules; and

(b) make different rules in relation to different classes of societies.

[s. 32]

[PCh337s39]39. Amendment of Cap. 16

[Repeals sections 67 to 73 of the Penal Code.]

[s. 33]

[PCh337s40]40. Temporary and transitional provisions

[Temporary and transitional provisions relating to local societies in existence on the date of coming into force of the Act.]

[s. 34]