



THE SOCIETIES ACT, 1995

ARRANGEMENT OF SECTIONS.

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ACT NO. 6 OF 1995

I ASSENT

Salim Amour

SALMIN AMOUR
PRESIDENT OF ZANZIBAR
AND
CHAIRMAN OF THE REVOLUTIONARY
COUNCIL.

4th July.....1995.

AN ACT TO MAKE PROVISIONS FOR
REGISTRATION AND CONTROL OF SOCIETIES.

ENACTED by the House of Representatives of
Zanzibar.

PART I
PRELIMINARY PROVISIONS

Short title
and
commencement.

1. This Act may be cited as the Societies
Act, 1995 and shall come into operation on such
a date as the Minister shall appoint.

Exemption.

2.(1) This Act shall not apply to a:

- (a) political Party registered under the
Political Parties Act, No. 5 of 1992;
- (b) company to which Companies Decree,
Cap. 153 applies;
- (c) public enterprise constituted under the
Public Enterprises Decree No. 4 of 1978;
- (d) registered trade union to which trade
unions legislation for the time being in
force applies;
- (e) firm or partnership formed and maintained
for the sole purpose of carrying on any
lawful business;



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- (f) cooperative society to which Cooperative Society Act, No. 4, of 1986 applies;
- (g) school registered under the Education Act No. 6 of 1982;
- (h) cultural, athletic, sports or similar group registered under the National Arts Council Act, No. 6 of 1983;
- (i) international organisation of which the United Republic of Tanzania or where appropriate, the Government of Zanzibar is a member or has allowed the conduct of its activities in Zanzibar and any branch, section or organ of such organisation;
- (j) any combination or association which the Minister may declare not to be a society for the purpose of this Act.

Interpretation.

3. In this Act, except where the context otherwise requires:-

"constitution" means constitution of a society as required to be made under this Act;

"minister" means the minister for the time being responsible for the societies;

"officer of a society" means the chairman, deputy chairman, secretary or treasurer thereof, any member of the committee, council or governing body thereof, and any person who holds in the society any office or position analogous to the foregoing, but does not include a patron who takes no part in the management of such society;

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"registered society" means any society for the time being registered under this Act, but does not include a society the registration of which is for the time being suspended;

"the Registrar" means the Registrar of Societies appointed under section 9 of this Act, and includes a person appointed under that section to be a Deputy or Assistant Registrar;

"society" means any society for the time being registered under this Act, but does not include a society the registration of which is for the time being suspended, cancelled or revoked but may, where appropriate, include unregistered society applying for registration;

"unlawful society" means

- (a) any society declared by the Minister to be unlawful;
- (b) any unregistered society which -
 - (i) has been in existence and no application has been made for more than six months from its inception;
 - (ii) is organised for performing any unlawful activity;
 - (iii) any former registered society whose registration has been revoked or cancelled under this Act;
 - (iv) has applied for registration and registration is refused and the time for appeal has expired without any appeal against refusal of registration being lodged;



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- (v) has been organised for the purpose of whether directly or indirectly promoting, prosecuting or instigating any religions, tribal, racial or customary norms, feelings, socialization or activity which is likely to cause, whether immediately or in the near future, religions, racial, tribal or customary disharmony between members of the same or different religion, race, tribe or custom or to members of public in general which may lead to breach of peace, law and order.

"unregistered society" unless exempted under section 2 of this Act, means a body of five or more persons organised, whether a specified name is ascribed thereto or not, for the purpose of undertaking any activity and shall include any organisation formed with intent to apply for registration under this Act.

For avoidance of doubt in the construction of this Act where any body of persons, whether corporate or unincorporated, is a member of an association, all members of that body shall be deemed to be members of that association.

Societies deemed to be established in Zanzibar.

4.(1) A Society shall for the purposes of this Act, be deemed to be established in Zanzibar, although it may be organised and have its headquarters or chief place of business outside Zanzibar, if any of its officers or members resides in Zanzibar or is present therein, or if any person in Zanzibar manages or assists in the management of the society or societies or collects money or subscriptions on its behalf.



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

- (i) it is organised and is operating wholly outside Zanzibar;
 - (ii) no office, place of business or place or place of meeting is maintained or used in the Zanzibar by the society or by any person on its behalf; and
 - (iii) no register of all or any of the members of the society is kept in Zanzibar; and
 - (iv) no subscription is collected or solicited in Zanzibar by the society or by any person on its behalf.
- (2) no society registered, organised or established outside Zanzibar shall operate or undertake its activities in Zanzibar unless -
- (a) if a society intends to establish permanent office whether by itself through agent or where it intends to open a branch, it obtains certificate of operation issued by the Registrar on such conditions as may be prescribed by the rules made under this Act or where no such Rules have been made under the conditions prescribed by the Registrar;
 - (b) if a society intends to undertake any temporary activities under its direct and physical supervision, a permit is issued by the Registrar on such conditions as he may prescribe.



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PART II UNLAWFUL SOCIETIES

Minister may
declare
society
unlawful.

5.(1) The Minister may, when he considers it to be essential in the public interest, by order 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 governance; and
- (b) is being used for purposes of tribalism;
- (c) is being used for any purpose at variance with its declared objects.

(2) The Minister may in his discretion at any time revoke or vary an order made or deemed to be made under this section.

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

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

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

Managing
unlawful
society.

6. Any person who manages or assists in the management of an unlawful society shall be guilty of an offence and shall be liable to a fine of two hundred thousand shillings or to imprisonment for a term of six months or both such fine and imprisonment.



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Being members
of unlawful
society.

7. Any person who, knowing or having reasonable cause to believe a society to be an unlawful society.-

- (a) is a member, or attends any meeting of that society; or
- (b) allows a meeting, which he knows or has reasonable cause to believe to be a meeting, of that society, or of any members thereof, to be held in any house, building or place belonging to or occupied by him, or over which he has control, shall be guilty of an offence, and shall be liable to a fine of two hundred thousand shillings or to imprisonment for a term of six months or both such fine and imprisonment.

Prohibition of
specified acts
by or on
behalf of
certain
societies.

8.(1) Where any society has been refused registration under section 11 or has had its registration cancelled under section 12 of this Act the Minister may, where it appears to him to be in the public interest, by order published in the Gazette, prohibit any act specified therein -

- (a) by any person on behalf of or in relation to any society associated with such society; or
- (b) by any person on behalf of or in relation to any society which in the opinion of the Minister has objects similar to the objects of such society,

in the area of Zanzibar specified therein, being the area in which it appears to him that such society carried on or, as the case may be, proposed to carry on its activities, or in any part of such area.



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

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

(4) 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 Minister from making a further order or orders, with or without variations, where it appears to him to be in the public interest so to do.

PART III REGISTRATION

Appointment
of a
Registrar.

9. The Minister shall, by notice in the Gazette, appoint a Registrar of Societies to perform the duties and exercise the powers imposed and conferred on the Registrar by this Act, and may appoint any number of Assistant Registrars, who shall be subject to the directions of the Registrar.

Application
for
registration.

10. Every society shall, in the prescribed manner and within twenty eight days after the formation thereof, make application to the Registrar for registration under this Act.



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Application
requirements.

11.(1) Every application for registration under this Act shall be in writing and shall be accompanied with the following:-

- (a) constitution of a society;
- (b) rules of a society so far made;
- (c) statement signed by the existing members of a society that they are such members of the society;
- (d) any other relevant particulars as the Registrar may direct to be furnished.

(2) Upon application being made in the prescribed manner for registration of a society, the Registrar shall, subject to the provisions of this Act, register the society by entering in the register of societies kept for the purpose the prescribed particulars and the date of the entry.

(3) Upon registering a society the Registrar shall issue to the society a certificate in the prescribed form which shall be conclusive evidence of registration.

Refusal of
registration.

12.(1) The Registrar may refuse to register a society where -

- (a) he is satisfied that such society is a branch of, or is affiliated to or connected with, any organisation or group of a political nature established within or outside Tanzania;
- (b) he is satisfied that the objects or purposes of the society are substantially the same as those of any other society which, within the year preceding the application for registration, has been refused registration under paragraph (a) of subsection (2) of this section cancelled under paragraph (a) or (b) of subsection (1) of section 13 of this Act.



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(2) The Registrar shall refuse to register a society where -

- (a) it appears to him that the society is being used for any purpose prejudicial to, or incompatible with the maintenance of peace, order and good governance; or
- (b) the terms of the constitution or the rules of the society are in any respect repugnant to or inconsistent with the provisions of any law for the time being in force in Zanzibar; or
- (c) he is satisfied that the application does not comply with the provisions of this Act or of any rules made thereunder; or
- (d) he is satisfied that the society does not exist; or
- (e) the name under which the society is to be registered:-
 - (i) is identical to that of any other society which either is existing or of any society whose application for registration has been refused under this section;
 - (ii) so nearly resembles the name of any other society as, in the opinion of the Registrar, to be likely to mislead the public or the members of either society as to its nature or identity; or
 - (iii) is, in the opinion of the Registrar, repugnant to or inconsistent with the provisions of any law of the time being in force in Zanzibar, or is otherwise undesirable.



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Cancellation
of
Registration.

13.(1) Where, in respect of any registered society, the Registrar is satisfied that it is expedient so to do on the ground that -

- (a) the society has in his opinion among its objects, or is, in his opinion, likely to pursue, or to be used for, any unlawful purpose or any purpose prejudicial to or incompatible with peace, welfare or good order in the Zanzibar, or any purpose which, in his opinion, is likely to engender racial hatred in the Zanzibar, or
- (b) the society is being used for any purpose prejudicial to, or incompatible with, the maintenance of peace, order and good government; or
- (c) the terms of the constitution or of the rules of the society are, in his opinion, in any respect repugnant to or inconsistent with the provisions of any law for the time being in force in the Zanzibar, or
- (d) the society has wilfully, and after notice from the Registrar, contravened any of the provisions of its constitution or of its rules, or has, in contravention of any of the provisions of section 19 of this Act, done or purported to do any of the things specified in subsection (1) thereof and has been convicted therefor; or
- (e) the society has failed to comply with an order made under section 28 of this Act within the time referred to in subsection (2) of that section and has been convicted therefor; or



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- (f) the society has dissolved itself; or
- (g) the executive of the society is constituted otherwise than in conformity with its constitution and rules; or
- (h) the society has failed to furnish one of the documents required by section 27 of this Act and has been convicted therefor; or
- (i) the society concerned is or has become, a branch of or affiliated to or connected with, any organisation or group of a political nature established inside or outside Zanzibar the Registrar shall give written notice in the prescribed form to the society calling upon the society to show cause, within such period as is specified in the notice, why its registration should not be cancelled; and, if the society fails to show cause to the satisfaction of the Registrar within the time specified, the Registrar may cancel the registration of the society.

(2) The Registrar shall cancel the registration of any registered society which has ceased to be a society within the meaning of this Act.

Revocation of
registration
by the Minister.

14.(1) The Minister may, when he considers it to be essential in the public interest, by order revoke registration of any society. Provided that in exercising this powers the Minister shall -

- (a) give twenty one days notice to the society against which revocation order is to be issued to show cause why registration of such society should not be revoked;
- (b) have taken sufficient effort to cause the reason for which revocation order is to be issued, rectified or remedied by the society.



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(2) The Minister shall not revoke registration of any society where the ground of revocation falls under section 12 and 13 of this Act.

(3) Except where the Minister has misdirected himself in law in issuing revocation order, the revocation order shall be final and not capable of being removed by any court of law.

(4) Where the Minister has misdirected himself in issuing revocation order the society may, within fourteen days, appeal against the order to the High Court.

Cessation of
existence of
a society.

15.(1) If the Registrar has reason to believe that any registered society has ceased to exist, he may publish in any news paper of regular circulation in Zanzibar a notification calling upon such society to furnish him, within a period of three months from the date of the notification, with proof of its continued existence.

(2) If at the expiration of such period the Registrar is satisfied that the society has ceased to exist, he shall cancel the registration or rescind the exemption, as the case may be, of the society, and shall thereupon publish in the Gazette a notification of such cancellation or rescission.

Appeal from
order of
refusal or
cancellation.

16. Any society which is aggrieved by the Registrar's refusal to register it, or by his decision under section 13 of this Act to cancel its registration, may, within a period of twenty-one days, or such extended period as the High Court in any particular case may allow, from the date of such refusal, or cancellation, appeal against such decision to the High Court and, where the society does so and is not a society of one of the kinds specified in section 3 of this Act, it shall not, pending the decision on the appeal, be deemed to be an unlawful society.



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PART IV
CONDUCT AND ADMINISTRATION OF SOCIETIES

Office and
postal
address.

17.(1) Every society shall have an office and a postal address, and notice of the situation of such office and of the details of such address shall be given to the Registrar in the prescribed form on application for registration.

(2) All communications and notices required or authorised to be sent under or for the purposes of this Act may be sent by post addressed to the postal address of a society.

(3) Notice of every change of the situation of the office, or of the postal address, of a society shall be given to the Registrar in the prescribed form not later than fourteen days after such change has occurred.

(4) Every society which -

(a) operates without having an office, or without having a postal address, or without giving notice of the situation of its office or the details of its postal address as hereinbefore required; or

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

(c) fails to give notice of any change of its postal address as hereinbefore required, shall be guilty of an offence.

Notification
of change of
officers or
title of
office.

18.(1) Notice in the prescribed form of any change of officers, or of the title of any office, of any society shall be given to the Registrar within fourteen days of such change, and the notice shall be signed by three of the officers of the society.



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(2) If any society fails to give notice as hereinbefore required of any change of officers or of the title of any office of the society, it shall be guilty of an offence.

Contents of
constitution
or rules of
every
society.

19.(1) The constitution of every society shall provide, to the satisfaction of the Registrar, for all the matters specified in the Schedule to this Act, and shall not be amended so that it ceases to contain such provision.

(2) Notwithstanding the provisions of subsection (1) of this section, the Registrar may, if he thinks fit, by order, require any society which, is registered under this Act to amend its constitution or rules within three months after the date of the order to provide for all or any of the matters specified in the said Schedule, and, notwithstanding any of the provisions of the constitution or rules of such society, the society, for the purpose of complying with such order, shall convene a meeting of the same kind as is required by its constitution or rules or if the constitution or rules make no provision for such amendment then the society concerned shall convene a **general** meeting of members for the purpose.

(3) Where there has been a failure to comply with the whole or any part of an order given under subsection (2) of this section, the society concerned and every officer thereof shall



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each be guilty of an offence, and the society shall be liable to a fine not exceeding fifty thousand shillings, and every officer shall be liable to the like fine or to imprisonment for a term not exceeding one year or to both such fine and imprisonment;

Provided that an officer shall not be convicted of the offence if he establishes to the satisfaction of the court that he exercised due diligence to prevent its commission and that the offence occurred by reason of matters beyond his control.

Registered societies to obtain consent of Registrar before amending name, constitution etc.

20.(1) No registered society shall -

- (a) amend its name, or its constitution or rules; or
- (b) become a branch of, or affiliated to or connected with, any organisation or group of a political nature established inside or outside Zanzibar; or
- (c) dissolve itself, except with the prior consent in writing of the Registrar obtained upon written application to him signed by three of the officers of the society;



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(2) An application by a society to do any of the things specified in subsection (1) of this section shall be accompanied by a copy of the minutes of the meeting at which the resolution to do that thing was passed, certified as a true copy by three of the officers of the society, and the application shall be delivered to the Registrar within fourteen days after the day on which the resolution was passed.

(3) A registered society which contravenes any of the provisions of this section shall be guilty of an offence.

Branches.

21.(1) Any registered society may establish such number of branches as it may deem appropriate.

(2) No branch shall be established without approval of the Registrar.

(3) Application to establish a branch shall be submitted to the Registrar.

(4) Application to establish a branch shall be submitted to the Registrar with the following particulars;

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- (a) place where the registered office of a branch is situated;
- (b) respective posts of the officers of the branch;
- (c) internal rules governing the branch if so provided.

(5) Particulars of office bearers of a branch shall be submitted to the Registrar within twenty one days of their election.

(6) A Society shall keep registry of members of the society in every branch and shall submit the same to the Registrar.

(7) Upon compliance with the provisions of this section and upon payment of the prescribed fees the Registrar shall issue a certificate of approval to establish a branch.

(8) The Registrar may cancel approval to establish a branch if he is satisfied that a branch or its holding society has ceased to comply with the provisions of this section.

22.(1) Any registered branch may apply to be registered as a society upon complying to the satisfaction of the Registrar, with the following conditions;

- (a) production to the Registrar of a certificate signed by the Chairman and Secretary of a society of which it was a branch, that the branch has wholly seceded or has been expelled from the society;
- (b) the conditions as are applicable for registration of any new society as provided under this Act.

Branch may
become
society.



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(2) A branch which has seceded or expelled from the society shall not thereafter use the name of that society or any name implying that it is a branch thereof.

Amalgamation
and transfer
of engagements.

23.(1) Any two or more societies may, by special resolution of both or all such societies, become amalgamated together as one society, with or without any dissolution or division of funds of these societies or either of them.

(2) A society may, by special resolution, transfer its engagements to any other society which may undertake to fulfil the engagements of that society.

(3) A special resolution for the purpose of this section shall not be valid without the assent thereto of five sixths in value of the members, given either at the meeting in which the resolution is proposed or, for members not present at such meeting, in writing.

(4) A society shall submit an application for amalgamation or transfer of engagements to the Registrar within thirty days after the resolution is duly passed and such application shall be accompanied with;

- (a) a statement as to the number of members voted for and against the resolution;
- (b) any objection tendered by any member against amalgamation or transfer of engagement;
- (c) the resolution;
- (d) a statement as to which constitution shall be adopted or if a new version of the said constitution is made, a copy of such new version;
- (e) any other information as the Registrar may direct to be submitted.



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(5) The Registrar upon being satisfied that the conditions for amalgamation or of transfer of engagement as the case may be have been complied with shall issue a certificate of amalgamation which shall be deemed as certificate of registration of the amalgamated society and in the case of transfer of engagements shall issue certificate of transfer of engagements which, in respect of all rights, liability and assets transferred, shall be deemed to be a title deed and no further conveyance shall be required.

Society to
keep register
of members.

24.(1) Every registered society shall keep a register of its member in such form as the Registrar may specify or as may be prescribed in which shall be entered the name and address of each member, the date of his admission to membership, and the date on which each member ceases to be a member.

(2) Where there has been a failure to comply with the provisions of subsection (1) of this section, the society concerned and every officer thereof shall each be guilty of an offence, and the society shall be liable to a fine not exceeding fifty thousand shillings, and every officer shall be liable to the like fine or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment. Provided that an officer shall not be convicted of the offence if he establishes to the satisfaction of the court that he exercised due diligence to prevent its commission and that the offence occurred by reason of matters beyond his control.

PART V FINANCIAL, PROPERTY AND INVESTMENTS PROVISIONS

Societies to
keep books
of account.

25.(1) Every society shall keep one or more books of account in which shall be entered details of all moneys received and payments made by the



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(2) A society which fails to comply with the provisions of this section shall be guilty of an offence.

Treasurer to
render
accounts.

26.(1) Subject to the constitution or rules of a registered society every treasurer and every officer thereof who is responsible for the accounts of the society or for the collection, disbursement, custody or control of the funds or money thereof shall, upon resigning or vacating his office and at least once in every year at such time as may be specified in the constitution or rules of the society and at any other times at which he may be required to do by a resolution of the members of the society or by the rule thereof, render to the society and its members a just and true account of all moneys received and paid by him during the period which has elapsed since the date of his assuming office or, if has previously rendered an account, since the last date to which such previous account related, and of the balance remaining in his hands at the time of closing such account and of all bonds, securities or other property of the society entrusted to his control.

(2) After the account has been rendered the treasure or other officer or if required by him to do so, forthwith hand over to the succeeding treasure or officer, as the case may be, such balance as appears to be due from effects, books, paper and property of the society in his hands or otherwise under his control.

(3) Any treasure or officer referred to in subsection (1) who contravenes the provisions of this section shall be guilty of an offence and shall be liable to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding six months, or both such fine and imprisonment.



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Inspection of
account and
documents.

27.(1) The books of accounts and any documents in relation thereto of every society, and a list of members thereof, shall be available for inspection by any officer or member of such society at such times as may be provided for in the constitution or rules of such society, and by the registrar, or any person authorised in that behalf in writing by the Registrar, at any reasonable time.

(2) Any person who opposes, obstructs or impedes any person authorised by or under this section, in the carrying out of an inspection as aforesaid, shall be guilty of an offence and liable to a fine not exceeding fifty thousand shillings, or to imprisonment for a term not exceeding two months, or both such fine and imprisonment.

Obligation to
hold periodic
general
meetings of
societies.

28.(1) Every registered society shall, at least once in every year hold a general meeting to which all its members shall be invited, and shall at such meeting;

- (a) render a full and true account of the moneys of the society received and paid during the last account period preceding the meeting; and
- (b) cause to be elected or appointed all such officers and, where applicable, such committees, as are required in accordance with the constitution and rules of the society.

(2) Every society which fails to comply with the provisions of this section shall be guilty of an offence.



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Annual
returns.

29.(1) Every registered society shall furnish annually to the Registrar on or before the prescribed date such returns, account and other documents as may be prescribed.

(2) A registered society which contravenes the provision of subsection (1) of this section shall be guilty of offence.

(3) If any prescribed return, account or other document furnished under this section is incomplete in any material particular there shall be deemed to have been a contravention of the provisions of subsection (1) of this section.

(4) Any person who wilfully makes or orders or cause or procures to be made any false entry in or omission from any return, account or other document furnished under this section shall be guilty of an offence and shall be liable to a fine not exceeding fifty thousand shillings, or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

Registrar may
require
information
and
accounts.

30.(1) Where the Registrar has reasonable cause to believe that circumstances have arisen which render it expedient for the proper performance of his functions under this Act so to do, he may, by notice under his hand, order any society to furnish him with -

- (a) a true and complete copy of its constitution and rules;
- (b) a true and complete list of its officers and members;



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- (c) a true and complete return of the member of meetings held by the society in the Zanzibar within the period of six months immediately preceding the date of the order, stating the place or places at which such meetings were held;
- (d) duly audited accounts of the society covering such period as he deems necessary for the purposes for which the order is made;
- (e) such other accounts, returns and other information as may be prescribed.

(2) An order given under subsection (1) of this section shall specify the period (not being less than twenty one days in respect of the matters contained in paragraphs (a), (b), (c) and (e) and not less than sixty days in respect of the account referred to in paragraphs (d) of that subsection) within which the documents or information referred to in the order shall be furnished; Provided that the Registrar may, on application made to him, grant an extension of any such period as aforesaid.

(3) Where the Registrar has made an order for duly audited accounts under paragraph (d) of subsection (1) of this section the cost of the audit shall be paid out of the funds of the society in respect of which the order is made, unless the Registrar otherwise directs.



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(4) A society which, on the ground of its failure to comply with an order to furnish duly audited account under this section has had its registration cancelled under section 13 of this Act, shall not again be registered, and no society which, in the opinion of the Registrar, is the successor of such a society, shall be registered unless in any such case the application for registration is accompanied by the duly audited account required by the said order.

(5) Where there has been a failure to comply with the whole or any part of any order given under this section, the society concerned shall be guilty of an offence.

(6) If any information or document furnished to the Registrar in pursuance of an order given under this section is false, incorrect or incomplete in any material particular there shall be deemed to have been a failure to comply with such order.

(7) For the purposes of this section, the expression "duly audited" means audited by a person approved by the Registrar.

Subscription and
contributions
not recoverable.

31.(1) The subscription of any person being or having been a member of the society shall not be recoverable.

(2) Save as may be otherwise agreed in writing between a contributor and a society, contribution made to a society shall not be recoverable whether the said contribution has or has not been applied for the purpose on which it was made.



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Vesting of
property.

32.(1) Every society shall appoint not less than three trustees who shall collectively form a Board of trustees.

(2) All property belonging to a society whether acquired before or after a society is registered, shall vest in the trustees of the society, for the use and benefit of a society and the members thereof and subject to all rights and obligations of trust property according to the constitution and rules of the society.

Devolution
on death.

33. Upon death, resignation or removal of a trustee of registered society the property vested in that trustee shall, without conveyance or assignment, and whether the property is real personal, vest, as personal estate subject to the same trusts, in succeeding trustee of that society either solely or together with any surviving or continuing trustees, and, until the appointment of succeeding trustees, shall so vest in the surviving or continuing trustees only, or in the executors or administrators of the last surviving or continuing trustee.

Investment
of funds.

34. The trustees of a society may, if the constitution or the rules of the society so allows, or, in the absence of such provision in the constitution or rules of the society, with the consent of two third of the members, invest the funds of the society in any of the following ways:

- (a) in the saving or fixed account in any licensed banker operating in Tanzania;
- (b) in purchasing Government or other public securities;
- (c) in purchasing or developing real property;
- (d) in any other investment which the constitution or rules of the society may expressly provide or which two third of the members may approve.



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Credit
scheme.

35.(1) A society may, out of any separate loan fund to be formed by contributions from any source made for that specific purpose or by deposits of its members, extend loans to members on such terms and conditions as may be determined by the society.

(2) A society may extend or establish credit scheme to non-members on such terms as may be prescribed by the society.

(3) A society may, upon approval of the Minister undertake credit scheme on behalf of any institution for the purpose of promoting any activity which is within or is part of the activity of the society.

PART VI

SPECIAL PROVISIONS FOR RELIGIOUS SOCIETIES

Religious
Society.

36.(1) Any ten or more persons may form and apply for registration of a religious society hereinafter referred to as constituent society.

(2) No constituent religious society shall be registered unless -

- (a) where there is a corresponding apex religious society, approval for registration is obtained from such apex religious society;
- (b) where there is no apex religious society, approval of registration is obtained from the Minister; and
- (c) where approval for registration is refused by apex religious society, approval is obtained from the Minister.



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(3) Three or more constituent religious societies or not less than twenty persons may form and apply for registration of apex religious society. Save that no such society shall be registered without prior approval of the Minister.

(4) Apex society shall supervise and coordinate the activities of its corresponding constituent societies and where there are no such constituent societies shall encourage the formation of such societies.

(5) Religious societies shall, unless exempted from any of the provisions of this Act, be subject to all the provisions of this Act.

(6) No more than one apex religious society in respect of a particular religious activity shall be registered, except with the consent of the Minister.

(7) Upon approval of an application by the Minister or by the apex society, as the case may be, the application shall be submitted to the Registrar.

(8) The Minister may, for the purpose of registration of religious societies or specified religious societies, appoint any person or designate any public officer a Registrar of such societies and shall enjoy and exercise all powers of the Registrar.

(9) The Minister may by order designate or categorise each apex religious society with its corresponding constituent societies.



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PART VII
WINDING-UP AND DISPUTE SETTLEMENT

Voluntary
winding up.

37.(1) Three fourths of the members of a society may pass a resolution to wind up a society and submit a copy of such resolution together with all relevant particulars to the Registrar.

(2) Without prejudice to the member of particulars the Registrar may direct to be submitted, there shall be specified a scheme of disposal of assets of a society.

Winding up
by order of
the court.

38.(1) Any such number of members of a society as the court may deem appropriate may on any ground the court may deem just and equitable apply for winding up of a society.

(2) The court shall upon issuing winding up order appoint official receiver to deal with disposal of the assets of a society.

Dispute
settlement.

39.(1) Any dispute between members of a society qua members arising out of the affairs of a society including, but not limited to, interpretation of constitution or rules or any instrument pertaining to the activities of a society, excluding this Act and Rules made under it, shall, where a society fails to amicably settle it, be referred to the Registrar.

(2) The Registrar shall, in respect of such dispute, act as arbitrator or where he deems it appropriate, appoint any person or such number of persons to act as arbitrators and anybody acting as such arbitrator and arbitration proceedings shall, save as is herein otherwise provided, be subject to Arbitration Decree Chapter 25 of the Laws of Zanzibar.



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(3) The cost of arbitration shall be paid by the Registrar and such cost shall be recoverable from a society in respect of which arbitration is conducted and the Registrar may exercise any of his powers to recover such cost notwithstanding any procedure or conditions of exercising such power.

PART VIII

INVESTIGATION OF OFFENCES AND PUNISHMENT

Power to investigate

40.(1) The Registrar may, in writing, require the attendance before himself of any person who he has reason to believe is able to give any information of any unlawful society, or suspected unlawful society, or as to the operations of any registered or exempted society.

(2) Any person who has been required to attend as provided in subsection (1) of this section and who fails to do so, or who, having attended, refuses to give his correct name and address and to answer truly all questions that may be lawfully put to him, and to produce all documents in his custody, possession or power relating to such society or suspected society which he has been required to produce, shall be guilty of an offence and shall be liable to a fine exceeding fifty thousand shillings, or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment; Provided that no person shall be required to say anything which, or to answer any question the answer to which, may tend to expose him to any criminal charge, penalty or forfeiture.

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(3) The Registrar may record any statement made to him by any such person, whether such person is suspected of having committed an offence against any law in force in Zanzibar or not, but before recording any statement from a person whom it has been decided to charge, or who has been charged, with committing any such offence, the Registrar shall warn such person that he is not required to say anything which, or to answer any question the answer to which, may tend to expose him to any criminal charge, penalty or forfeiture, but that anything he may say may be recorded and may be used in evidence. Provided that any such statement which is recorded shall, whenever possible, be recorded in writing and be signed by the person making it after it has been read to him in a language which he understands, and after he has been invited to make any correction he may wish.

(4) If any person who has been required to attend as provided in subsection (1) of this section, without lawful excuse fails to comply with any obligations imposed upon him by subsection (2), or gives 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 the fingerprints of such person be taken at such time and in such place and manner as the Registrar or such officer may think fit.

(5) Any person who fails to comply with an order given under subsection (4) of this section, or who obstructs compliance with such order, shall be guilty of an offence and shall be liable to a fine of fifty thousand shillings, or to imprisonment for a term not exceeding four months, or to both such fine and imprisonment.



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Powers of
entry,
arrest and
search.

41. Any magistrate, any police officer of the rank of assistant superintendent or higher rank, or any police officer authorised in writing by magistrate or by such officer, may without warrant enter with or without assistance any house or building or any place in which he has reason to believe that a meeting of an unlawful society, or of persons who are members of an unlawful society, is being held, and may similarly arrest or cause to be arrested all persons found therein, and search such house, building or place, and seize or cause to be seized all insignia, banners, arms, books, papers, documents and other property which he has reasonable cause to believe belong to an unlawful society or are in any way connected with the purpose of the meeting.

Provided that -

- (i) the power of any such officer to act under this section shall only be exercised without a warrant if he has reasonable cause to believe that the delay occasioned in obtaining a warrant would seriously hinder him in the performance of his duties;
- (ii) any such officer making an arrest without warrant shall, without unnecessary delay and subject to the provisions of the Criminal Procedure Decree as to bail, take or send the person arrested before the magistrate within whose jurisdiction the arrest is effected, or before the officer in charge of a police station and the provisions of section 28 of that Decree shall apply accordingly;



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- (iii) if anything is seized by such officer he shall forthwith carry it before the court of any magistrate within whose jurisdiction the thing is found, in order that it may be dealt with according to law.

Cognisable
offences.

42. Every offence against any of the provisions of section 6, 7, and 8 or subsection (5) of section 40, of this Act, shall be a cognisable offence for which a police officer may arrest without warrant.

Sanction to
prosecute.

43. A prosecution for an offence against this Act, other than an offence against any of the provisions of section 17, 18 and 27, shall not be instituted except by or with the written consent of the Attorney General.

Provided that -

- (i) 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 Attorney General to the institution of a prosecution for the offence has not been obtained, but no further or other proceedings shall be taken until that consent has been obtained;
- (ii) the consent of the Attorney General shall not be required to any prosecution for an offence under section 6 or section 7 of this Act in respect of a society declared, in accordance with the provisions of subsection (1) of section 5 of this Act to be unlawful society.



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Criminal
proceedings
against
societies.

44.(1) Where a society is charged with any offence under this Act or any rules made thereunder, the society may enter in writing by its representative a plea of guilty or not guilty and if either the society does not appear by a representative or, though it does so appear, fails to enter as aforesaid any plea, the court shall order a plea of not guilty to be entered and the trial shall proceed as though the society had duly entered a plea of not guilty.

(2) In this section the expression "representative" in relation to a society means a person whom the court is satisfied has been duly appointed in writing by the society to represent it, but a person so appointed shall not by virtue of such appointment be qualified to act on behalf of the society before any court for any purposes other than those specified in this section.

(3) A representative may on behalf of a society make a statement before the court in answer to the charge.

(4) Where a representative appears, any requirement of law that anything shall be done in the presence of the accused or shall be read or said to the accused shall be construed as a requirement that the thing shall be done in the presence of the representative or read or said to the representative.

(5) Where a representative does not appear, any such requirement shall not apply.



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General
penalties
and
criminal
liability of
officers, for
offences by
societies.

45. Where a society is guilty of an offence under any provision of this Act, then unless it is not otherwise provided, the society shall be liable to a fine of an amount not exceeding fifty thousand shillings, and in addition every Chairman and or Secretary thereof shall be guilty of the offence and shall be liable to the like fine or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment;

Provided that a chairman or secretary shall not be convicted of the offence if he establishes to the satisfaction of the court that he exercised due diligence to prevent its commission and that the offence occurred by reason of matters beyond his control.

Forfeiture.

46. A judge or magistrate may at any time order any books, accounts, writings, banners, insignia or other property belonging to any unlawful society shall be forfeited and delivered to the Registrar for disposal in such manner as he may see fit.

PART IX EVIDENCE

Admissibility
of copies and
extracts
certified by
Registrar.

47.(1) In any legal proceedings a document purporting to be a copy of, or extra from, any register or document kept by the Registrar, and purporting to be certified by him as a true copy or extract aforesaid, shall be admissible in evidence without further proof:

Provided that the court may, for special reason, to be recorded in such proceedings, summon and examine the person who gave such certificate.



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(2) In the absence of evidence to the contrary, it shall be presumed that the signature on any such document is genuine and that the person signing it held the office and qualifications which he professed to hold at the time when he signed it.

Evidence of membership of unlawful society.

48. In any prosecution under this Act, it shall be no objection to the admissibility of evidence as to the constitution or rules, objects or activities of any society that the witness tendering such evidence is not or has not been a member of any unlawful society.

General presumptions.

49. 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) where it is alleged that a society is an unlawful society the burden of proving or that it is a registered society or that it is not a society, shall lie on the person charged;
- (c) 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.



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Presumption of membership, etc. of society.

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

PART X GENERAL PROVISIONS

Inspection of documents by the public.

51. On payment of the prescribed fees any person may inspect at the office of the Registrar the register and documents relating to any society and required to be lodged with the Registrar in accordance with the provisions of this Act, and may obtain from the Registrar a copy or extract of or from such register or any such document.

Discretion to publish certain information.

52. The Registrar, where it appears to him to be in the interest of the members of any society so to do, may, with the approval of the Minister, take such steps as may be necessary to publish to such members, by notice in the Gazette or by advertisement in any newspaper or in such manner as he may think fit the registration of any matter specified in section 20, any matter of which the Registrar has been given notice in accordance with any provision of this Act, and any matter furnished by or on behalf of such society to the Registrar under this Act.



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Persons who are bound by the order.

53. Any order given by the Registrar to any society under section 19 or section 30 of this Act shall be binding -

- (a) upon the society if served in accordance with subsection (2) or section 54 of this Act; and
- (b) upon every officer thereof served with such order.

Service of summons.

54.(1) Every order, notice, summons or other document issued under this Act or under any rule made thereunder 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 registered post addressed to him at the registered postal address of the society with which he is concerned.

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

(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.

Order for winding up affairs of certain societies and distribution of surplus assets.

55.(1) The Minister may order that the property, movable and immovable, or an unlawful society or of a society which has had its registration cancelled this Act or of an exempted society which has had its exemption rescinded under this Act shall vest in an officer specified in the order,



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and thereupon that 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 Minister a scheme for the disposal of the 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 Minister under subsection (1) of this section may be amended by the Minister in such away as he shall think proper in the circumstances of the case and the approval of the Minister to such scheme shall be denoted by the endorsement thereof of a memorandum of approval signed by the Minister, and, upon this being done, the surplus assets, the subject of the scheme, shall be held by the officer specified as aforesaid upon the terms and for the purposes thereby prescribed.

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

(5) The Minister may, for the purpose of enabling a society to wind up its own affairs, suspend the operation of any order made under this section for such period as to him shall deem expedient.



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(6) The provisions of this section shall not apply to any property ordered to be forfeited under section 46 of this Act.

Exemptions.

56. Subject to the special provisions as to exemption from registration, the Minister may, by writing under his hand, exempt any specified society from any of the provisions of this Act or of any rules or conditions, if any, as he may think fit, and may at any time cancel such exemption or amend any such condition.

Rules.

57.(1) The Minister may make rules for prescribing anything which by this Act is required to be prescribed and generally for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of the powers conferred by subsection (1) of this section, rules thereunder may provide for all or any of the following matters:—

- (a) prescribing fees and forms;
- (b) prescribing the form of accounts to be used by such societies as shall be named from time to time by the Minister by notice in the Gazette;
- (c) Securing the submission to the Registrar of periodical returns relating to the constitution, rules, membership and management of societies;
- (d) prescribing penalties for the breach of any rules, not exceeding in any case a fine of one hundred thousand shillings and imprisonment for a term of one year.



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Transitory
provision.

58.(1) Any society which, before commencement of this Act is registered under the Land Perpetual Succession Decree Chapter 101 of the Laws of Zanzibar shall apply for change of registration.

(2) Application of change of registration shall be submitted to the Registrar and shall be accompanied with the following particulars.

- (a) amended version of the constitution so as to comply with the provisions of this Act;
- (b) rules of the society;
- (c) list of members of the society;
- (d) certificate of registration under the previous legislation.

(3) Registrar shall upon compliance of the above conditions issue a certificate of change of registration to the society which shall be deemed to be certificate of registration under this Act.

(4) Save as may otherwise be appropriate any society which obtains certificate of change of registration shall be deemed to have been registered as a society from the date of its registration under the Land Perpetual Succession Decree.

SCHEDULE

MATTERS TO BE PROVIDED FOR IN THE CONSTITUTION OR RULES OF EVERY SOCIETY

1. The name of the society.
2. The whole or the objects for which the society is to be established.



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3. The persons to whom membership is open.
4. Board of Trustees.
5. The rates of entrance and subscription fees (if any) for membership.
6. The method of suspension or expulsion of members.
7. The titles of officers, their office and method of election, appointment, dismissal or suspension.
8. The composition of committees (if any) of the society, the terms of office of members of such committees and the method of their election, appointment, dismissal or suspension.
9. The authority for and the method of filling vacancies on committees.
10. The custody and investment of the funds and property of the society, and the designation of the officers responsible therefor.
11. The purposes for which the funds may be used.
12. The inspection of the books and names of members by any member or officer, pursuant to subsection (1) of section 25 of this Act.

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13. Meeting procedures.

Passed in the House of Representatives
on the 31st day of March, 1995.

KJ Chande
KHAMIS JUMA CHANDE

CLERK TO THE HOUSE OF REPRESENTATIVES.