

CHAPTER 337

THE SOCIETIES ACT

[SUBSIDIARY LEGISLATION]

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OMITTED NOTICES AND ORDERS

(Section 9)

The following Notices and Orders have been omitted:

G.N. No. 59 of 1972 The Societies (Dissolution) (Africa Industrial Consultants (Tanzania) (Limited))
Notice.

G.N. No. 203 of 1972 Societies (Application for Registration of the Company) (Gopal Singh and Sons
Limited) Notice.

G.N. No. 204 of 1972 The Societies (Application for Registration of the Company) (Mvule Saw Mills (T) Limited) Notice.

G.N. No. 225 of 1972 The Societies (Application for Registration of the Company) (Tanganyika Clearing and Forwarding House Ltd.) Notice.

G.N. No. 207 of 1975 The Societies (Declaration of Unlawful Society) (Jumuiya ya Waislamu Madhahebu ya Shaffi (R.A.) Ijumaa na Adhuhuri - Bukoba) Order, 1975.

G.N. No. 254 of 1969 The Societies (Declaration of Unlawful Society) (The Ruvuma Development Association) Order.

G.N. No. 88 of 1973 The Societies (Declaration of Unlawful Society) (Tanganyika Clearing and Forwarding House Limited) Order.

G.N. No. 121 of 1973 The Societies (Declaration of Unlawful Society) Order.

G.N. No. 154 of 1974 The Societies (Declaration of an Unlawful Society) (Dini ya Imani ya Mitume) Order.

G.N. No. 38 of 1975 The Societies (Declaration of Unlawful Society) (Dini ya Imani ya Mitume) Order.

G.N. No. 415 of 1991 The Societies (Declaration of Unlawful Society) (Dini ya Mashahidi wa Jehova) Order.

G.N. No. 287 of 1965 The Societies (Declaration of Unlawful Society) Order.

G.N. No. 434 of 1968 Societies (Declaration of Unlawful Societies) Order:

- (1) The East African Muslim Welfare Society;
- (2) The Tanzania Council of East African Muslim Welfare Society.

G.N. No. 97 of 1970 The Societies (Declaration of Unlawful Society) (Al Jummiyatul Islamiyya Bi Tanganyika) Order.

G.N. No. 203 of 1975 The Societies (Declaration of Unlawful Society) (United Cutch Sunni Muslim Jamaat) Order.

G.N. No. 205 of 1975 The Societies (Declaration of Unlawful Society) (Sunni Muslim Jamaat) Order.

G.N. No. 148 of 1977 The Societies (Declaration of Unlawful Society) (Kristo Mwanga wa Ulimwengu) Order.

G.N. No. 162 of 1977 The Societies (Revoking and Handing over of Interest) (Jumuiya ya Waislamu Madhehebu ya Shaffi (R.A.) Ijumaa na Adhuhuri, Bukoba) Order.

- G.N. No. 166 of 1980 The Societies (Revoking and Handing over of Interest) (United Cutch Sunni Muslim Jamaat, Dar es Salaam) Order.
- G.N. No. 167 of 1980 The Societies (Revoking and Handing over of Interest) (Sunni Muslim Jamaat, Dar es Salaam) Order.
- G.N. No. 255 of 1969 The Ruvuma Development Association (Vesting of Interest) Order.
- G.N. No. 89 of 1973 The Societies (Winding Up and Vesting of Interest) Order.
- G.N. No. 169 of 1969 The Bakwata (Vesting) Order.
- G.N. No. 312 of 1970 The Bakwata (Vesting) Order.
- G.N. No. 435 of 1968 The Societies (Winding-Up) Order.
- G.N. No. 98 of 1970 The Societies (Winding-Up) (Al Jummiyatul Islamiyya Bi Tanganyika) Order.
- G.N. No. 204 of 1975 The Societies (Winding-Up) (United Cutch Sunni Muslim Jamaat) Order.
- G.N. No. 206 of 1975 The Societies (Winding-Up) (Sunni Muslim Jamaat) Order.
- G.N. No. 208 of 1975 The Societies (Winding-Up) (Jumuiya ya Waislamu Madhehebu ya Shaffi (R.R) Ijumaa na Adhuhuri - Bukoba West Lake Region) Order.
- G.N. No. 149 of 1977 The Societies (Winding Up) Order.

ORDERS

THE SOCIETIES ACT (APPLICATION) ORDER

(Section 2(g))

G.Ns. Nos.

208 of 1954

256 of 1954

3 of 1965

1. This Order may be cited as the Societies Act (Application) Order.

2. The societies described in the Schedule hereto are hereby declared not to be societies for the purposes of this Act.

SCHEDULE

1. All schools intended to provide or further a general, technical or religious education.
2. All educational authorities, boards, committees and training institutions approved by the Commissioner for Education.
3. All societies within any registered school or training institution or any school intended to provide or further a general, technical or religious education which have been approved by the Principal of such a school or institution.
4. Congregations which assemble exclusively for the purpose of religious teaching and worship other than congregations affiliated to, or under the auspices of, a society which is an unlawful society.
5. Building Societies registered under the Building Societies Act *.

RULES

THE SOCIETIES RULES

(Section 32)

G.Ns. Nos.

165 of 1954

455 of 1958

258 of 1961

478 of 1962

409 of 1998

410 of 1998

278 of 2001

1. These Rules may be cited as the Societies Rules.
2. In these Rules, unless the context otherwise requires—
 - "Act" means the Societies Act;
 - "Assistant Registrar" means an Assistant Registrar appointed under section 5 of the Act;
 - "register" means the register of societies to be kept by the Registrar under section 15 of the Act;
 - "Registrar" has the same meaning as in section 5 of the Act.

3. (1) Every registered society which receives money from any source, whether by way of subscription, donation or otherwise, shall keep one or more books of accounts in which shall be entered details of all moneys received and payments made by the society.

(2) Every office-bearer and every person managing or assisting in the management in Tanzania of a registered society in respect of which the provisions of this rule are not complied with shall be guilty of an offence against these Rules and shall be liable on conviction to a fine not exceeding four thousand shillings or imprisonment not exceeding six months or both such fine and such imprisonment unless he establishes to the satisfaction of the court that he exercised due diligence and that the failure by the society to comply with this rule was due to reasons beyond his control.

4. (1) Where any office-bearer of a registered society ceases to hold office or any person is appointed to be an office-bearer of a registered society, such registered society shall within fourteen days send notice thereof to the Assistant Registrar stationed in the district in which its office is situated.

(2) Every notice sent under the provisions of paragraph (1) of this rule shall be in the form set out as Form S.A. 6 in the First Schedule hereto and shall be in duplicate.

(3) Every office-bearer and every person managing or assisting in the management in Tanzania of a registered society in respect of which the provisions of this rule are not complied with, shall be guilty of an offence against these Rules and shall be liable on conviction to a fine not exceeding two hundred shillings and for a continuing breach thereof to a fine not exceeding ten shillings in respect of each day on which such breach continues unless he establishes to the satisfaction of the court that he exercised due diligence and that the failure to comply with this rule was due to reasons beyond his control.

5. (1) Where any registered or exempted society changes the situation of its registered office or changes its postal address it shall, within fourteen days, send notice thereof to the Assistant Registrar stationed in the district in which its office is situated.

(2) Every notice sent under the provisions of paragraph (1) of this rule shall be in one of the forms set out as Forms S.A. 7 and S.A. 8 in the First Schedule hereto, whichever may be appropriate, and shall be in duplicate.

(3) Every office-bearer and every person managing or assisting in the management in Tanzania of a registered society or exempted society in respect of which the provisions of this rule are not complied with, shall be guilty of an offence against these Rules and shall be liable on conviction to a fine not exceeding two hundred shillings and for a continuing breach thereof to a fine not exceeding ten shillings in respect of each day on which such breach continues unless he establishes to the satisfaction of the court that he exercised due diligence and that the failure by the society to comply with this rule was due to reasons beyond his control.

6. (1) The Registrar may require any registered society to produce within a time to be specified by the Registrar for his inspection—

(a) all or any of the books of accounts of the society; and

(b) any minutes or written records of the proceedings of the society or of any committee or governing or executive body thereof,

and where the Registrar so requires the production of any such books of accounts or minutes or written records and these are not produced within the time specified in such requirement, such registered society shall be deemed to be in breach of the provisions of this rule.

(2) Every office-bearer and every person managing or assisting in the management in Tanzania of a registered society which is in breach of the provisions of this rule shall be guilty of an offence against these Rules and shall be liable on conviction to a fine not exceeding two thousand shillings unless he establishes to the satisfaction of the court that he exercised due diligence and that the failure by the society to comply with this rule was due to reasons beyond his control.

7. (1) No registered society shall, without the prior permission in writing of the Registrar—

(a) change—

(i) its name; or

(ii) any provision of its constitution or any of its rules; or

(iii) any of its objects; or

(b) become a branch of or affiliated to or connected with any organisation or group of a political nature established outside Tanzania.

(2) Any registered society desiring to obtain permission under paragraph (1) of this rule shall apply in duplicate therefor to the Assistant Registrar stationed in the district in which its office is situated using one of the forms set out as Forms S.A. 9 and S.A. 10 in the First Schedule hereto, whichever may be appropriate. The Assistant Registrar shall transmit the application to the Registrar who shall give notice in writing to the society of his decision.

(3) The Registrar may refuse any application by a registered society to change its name where the proposed name—

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

(b) 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

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

(4) The Registrar may refuse any application by a registered society to change any provision of its constitution or any of its rules where it appears to him that as a result of such change the society is

likely to be used for any purpose prejudicial to or incompatible with the maintenance of peace, order and good government.

(5) The Registrar may in his discretion refuse any application by a registered society to become a branch of or affiliated to or connected with any association or group of a political nature established outside Tanzania.

(6) The Registrar shall, prior to refusing any application, notify his intention to the society concerned and shall give it the opportunity to submit reasons, if any, why the application should not be refused.

(7) Any society which is aggrieved by the Registrar's refusal to grant any permission under subrule (1) of this rule, may, within twenty-one days or such extended period as the Minister responsible for societies may allow from the date of such refusal, appeal against such refusal to the Minister.

8. Every registered or exempted society which—

(a) changes its name or any of its objects; or

(b) becomes a branch of or affiliated to or connected with any organisation or group established outside Tanzania,

shall, within fourteen days from the date of such change or of becoming a branch or affiliated or connected as aforesaid, send to the Assistant Registrar of the district in which its office is situated notice thereof in duplicate in one of the forms set out as Forms S.A. 11 and S.A. 12 in the First Schedule hereto, whichever may be appropriate.

9. (1) The Registrar may amend the register to record any information furnished to him in compliance with these Rules.

(2) Where the name of a registered or exempted society is changed, the Registrar shall issue a fresh certificate of registration or exemption, as the case may be, on the original certificate being surrendered to him, unless its absence is accounted for to his satisfaction.

10. Where under section 11(1) of the Act, the Registrar rescinds any exemption from registration granted to any society, he shall give notice to the society of such rescission in the form set out as Form S.A. 13 in the First Schedule hereto.

11. Where under section 12 of the Act the Registrar cancels the registration of any society he shall give notice to the society of such cancellation in the form set out as Form S.A. 14 in the First Schedule hereto.

12. Every notice, application, statement or other document required under the Act of these Rules to be furnished or sent to the Registrar or to an Assistant Registrar shall be signed by two office-bearers of the society.

13. Any notice which the Registrar is required under these Rules to give to any society shall be deemed to have been given to such society if sent by registered post addressed to the society at its postal address.

14. Any appeal to the Minister under section 13 of the Act or under rule 7 of these Rules and any application for an extension of time within which to lodge such an appeal shall—

- (a) be in writing signed by two office-bearers of the society;
- (b) set out the grounds upon which the appeal or application is based; and
- (c) be sent to the Permanent Secretary to the Ministry of Home Affairs.

15. If any registered or exempted society being required to comply with rules 7 or 8 of these Rules, fails to do so, every office-bearer and every person managing or assisting in the management in Tanzania of such society shall be guilty of an offence against these Rules and shall be liable on conviction to 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.

16. The fees set out in the third column of the Second Schedule to these rules shall be charged for the several matters set out opposite thereto in the second column of that Schedule.

FIRST SCHEDULE

FORMS

THE SOCIETIES RULES

FORM S.A. 6

NOTICE OF CHANGE OF OFFICE-BEARERS

(Rule 4)

Name of Society

1. The following persons have ceased to be office-bearers of the above society:

| Full names | Designations | Date of vacating office |
|------------|--------------|-------------------------|
| | | |
| | | |

2. The following are the present office-bearers of the above society:

| Full names | Designations | Date of appointment |
|------------|--------------|---------------------|
| | | |
| | | |

Signatures and Designations of two office-bearers:

.....

.....

.....

.....

Note - The definition of "office-bearer" contained in the Societies Act is as follows—

"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.

FORM S.A. 7

NOTICE OF CHANGE OF REGISTERED OFFICE

THE SOCIETIES RULES

(Rule 5)

Notice is hereby given that the situation of the registered office of the society known as was on the day of changed from to

Dated this day of 20.....

Signatures and Designations of two office-bearers:

.....

.....

.....

.....

FORM S.A. 8

NOTICE OF CHANGE OF POSTAL ADDRESS

THE SOCIETIES RULES

(Rule 5)

Notice is hereby given that the postal address of the society known as
..... was on the day of changed from
..... to

Dated this day of 20.....

Signatures and designations of two office-bearers:

.....

.....

.....

FORM S.A. 9

APPLICATION FOR PERMISSION TO CHANGE THE NAME OF A SOCIETY

THE SOCIETIES RULES

(Rules 7(2))

Application is hereby made for permission to change the name of the society known as
..... to

The reason why this change is desired is

Dated this day of 20.....

Signatures and Designations of two office-bearers:

.....
.....
.....
.....

FORM S.A. 10

APPLICATION FOR PERMISSION TO CHANGE THE CONSTITUTION OF A REGISTERED SOCIETY

THE SOCIETIES RULES

(Rule 7(2))

Application is hereby made for permission to change the constitution of the society known as
..... in the following respects, that is to say:

.....

The reason why these changes are desired is

.....

.....

Dated this day of 20.....

Signatures and Designations of two office-bearers:

.....

.....

.....

NOTICE OF CHANGE OF NAME

THE SOCIETIES RULES

(Rule 8)

Notice is hereby given that the society formerly known as

has changed its name to

Dated this day of 20.....

Signatures and Designations of two office-bearers:

Signature

Designation

.....

.....

.....

.....

.....

.....

.....

.....

Note: The permission of the Registrar of Societies is required before a registered society changes its name. Application for such permission should be made on Form S.A. 9.

FORM S.A. 12

NOTICE OF CHANGE OF CONSTITUTION

THE SOCIETIES RULES

(Rule 8)

Notice is hereby given that the society known as has changed its constitution in the following respects, that is to say:

.....

.....

Dated this day of 20.....

Signatures and Designations of two office-bearers:

.....

.....

.....

.....

Note: The permission of the Registrar of Societies is required before a registered society makes any change in its constitution. Application for such permission should be made on Form S.A. 10.

FORM S.A. 13

NOTIFICATION OF RESCISSION OF EXEMPTION

THE SOCIETIES RULES

(Rule 10)

To

I hereby give you notice that in exercise of the power conferred on me by section 11 of the Societies Act, I hereby rescind the exemption from registration granted to you under that Act.

The certificate of exemption dated the day of issued to you is hereby cancelled.

Dated this day of 20.....

.....

Registrar of Societies

FORM S.A. 14

NOTIFICATION OF CANCELLATION OF THE REGISTRATION OF A SOCIETY

THE SOCIETIES RULES

(Rule 11)

To

I hereby give you notice that in exercise of the power conferred on me by section 12 of the Societies Act, I have this day cancelled the registration of the society known as

..... on the ground that

.....

Any appeal against this cancellation must, under rule 14 of the above Rules, be delivered to the Permanent Secretary to the Ministry of Home Affairs within twenty-one days.

Dated this day of 20.....

.....

Registrar of Societies

SECOND SCHEDULE

FEES G.N. No. 278 of 2001

(Rule 16)

Item

| Number | Matter Fees |
|--------|---|
| 1. | Annual payable fees (local) 40,000/= |
| 2. | Annual payable fees (foreign) USD 30 |
| 3. | Annual payable fees (Religious Institutions) 20,000/= |
| 4. | On application under rule 7 50,000/= |
| 5. | On application to inspect the register and any filed document in respect of any one society 50,000/= |
| 6. | On application for a copy of any certificate or for filed document or for a certified extract from register 50,000/= |
| 7. | On application for uncertified copy from the register 20,000/= |
| | where an uncertified copy is required for every 100 words or part thereof 2,50/= |

THE SOCIETIES (APPLICATION FOR REGISTRATION) RULES

(Section 32)

G.Ns. Nos.

119 of 1954

454 of 1958

259 of 1961

410 of 1998

277 of 2001

1. These Rules may be cited as the Societies (Application for Registration) Rules.

2. In these Rules unless the context otherwise requires—

"Act" means the Societies Act;

"Assistant Registrar" means an Assistant Registrar appointed under section 5 of the Act;

"register" means the register of societies to be kept by the Registrar under section 15 of the Act;

"Registrar" has the same meaning as in section 5 of the Act.

3. (1) Any local society other than a local society to which the provisions of paragraph (2) apply shall make application for registration in the manner prescribed by rule 4 to the Assistant Registrar stationed in the district in which its office is situated.

(2) Any society, which although it has its headquarters or chief place of business outside Tanzania is by virtue of the provisions of section 5 of the Act a local society for the purposes thereof, shall make application for registration in the manner prescribed by rule 4 to the Registrar.

4. Every application for registration of a local society shall—

(a) be made in duplicate in the forms set out as Forms S.A. 1 and S.A. 2 in the Schedule to these Rules;

(b) be signed by two of the office-bearers where there are two or more and by the sole office-bearer in other cases;

(c) be accompanied by two copies of the constitution and rules of the society.

5. On the registration of any local society the Registrar shall issue to the society a certificate of registration in the form set out as Form S.A. 3 in the Schedule to these Rules.

6. On granting any local society exemption from registration the Registrar shall issue to the society a certificate of exemption in the form set out as Form S.A. 4 in the Schedule to these Rules.

7. Where the Registrar refuses to register a local society he shall send to the society notification of his refusal in the form set out as Form S.A. 5 in the Schedule to these Rules.

8. Any appeal to the Minister under section 13 of the Act against the Registrar's refusal to register a local society and any application for an extension of time within which to lodge such an appeal shall—

- (a) be in writing signed by two of the office-bearers of the society where there are two or more and by the sole office-bearer in other cases;
- (b) set out the grounds upon which the appeal or application is based; and
- (c) be sent to the Permanent Secretary to the Ministry of Home Affairs.

9. The Registrar shall publish in the Gazette notice of the registration, exemption from registration or refusal of registration of any society.

* 10. The fee payable on making an application for registration shall be one hundred thousand shillings and five hundred US dollars for foreign societies as Registration Fee. An application fee of ten thousand shillings, non-refundable, must accompany the same.

SCHEDULE

FORMS

FORM S.A. 1

APPLICATION FOR REGISTRATION

THE SOCIETIES (APPLICATION FOR REGISTRATION) RULES

(Rule 4(1))

Application is hereby made for the registration under the Societies Act of

.....

(hereinafter called "the society")

State Name of society 1. The office of the society is situate at

.....

2. The postal address of the society is

.....

3. The objects of the society are

.....

4. We annex hereto marked "A" two true copies of the constitution and rules of the society.

5. We annex hereto marked "B" a form of statement of particulars which we have completed to the best of our knowledge, information and belief.

.....

.....

.....

(Signature(s) and Designation(s) of office-bearer(s))

FORM S.A. 2

STATEMENT OF PARTICULARS TO SUPPORT AN APPLICATION FOR REGISTRATION

THE SOCIETIES (APPLICATION FOR REGISTRATION) RULES

(Rule 4(1))

All the following questions must be answered before an application is considered.

Name of Society

1. Is the society a branch of or affiliated to or connected with any other organisation or group either within or outside Tanzania?

If so, give full particulars of such other bodies.

2. Is membership of the society restricted to any? And if so, to what class or classes of persons?

3. What is the present number of members of the society?

4. When was the society formed?
5. In what district or districts of Tanganyika does the society carry on its activities?
6. Has the society any interest in land? If so, give details, where possible by reference to registration.
7. What are the titles of the office-bearers (if any) of the society and who are the present holders? For what term do they hold office?

.....

(Signature(s) and Designation(s) of office-bearer(s))

FORM S.A. 3

CERTIFICATE OF REGISTRATION

THE SOCIETIES (APPLICATION FOR REGISTRATION) RULES

(Rule 5)

I hereby certify that has this day been registered under the Societies Act.

Dated this day of 20.....

.....

Registrar of Societies

FORM S.A. 4

CERTIFICATE OF EXEMPTION

THE SOCIETIES (APPLICATION FOR REGISTRATION) RULES

(Rule 6)

I hereby certify that has this day been exempted by me from registration under the Societies Act. This exemption is liable to rescission at any time.

Dated this day of 20.....

.....

Registrar of Societies

FORM S.A. 5

NOTIFICATION OF REFUSAL TO REGISTER A SOCIETY

THE SOCIETIES (APPLICATION FOR REGISTRATION) RULES

(Rules 7)

To

I hereby give you notice that in exercise of the powers conferred on me by sections 8 and 9 of the Societies Act, I refuse to register the society known as

on the grounds that

.....

.....

Any appeal to the Minister against this refusal must be delivered to the Permanent Secretary to the Ministry of Home Affairs within twenty-one days.

Dated this day of 20.....

.....

Registrar of Societies