

Summary of the Boy Scouts Act, [Cap 68 R.E 2023]

One of Tanzania's oldest statutes: the 1935 ordinance protecting the identity, insignia, and reputation of the Boy Scouts movement.



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Introduction

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The Boy Scouts Act, Chapter 68 is one of Tanzania's oldest statutes, originally enacted during the colonial period to provide legal protection for the activities, identity, and property of the Boy Scouts movement. The Act regulates the lawful use of the Scout uniform, badges, and the name "Boy Scouts," while preventing impersonation and unauthorized organizations from claiming affiliation with the recognized Scout Association. Although enacted in 1935, the Act remains in force as part of the Revised Edition of the Laws of Tanzania, 2023.

Long Title

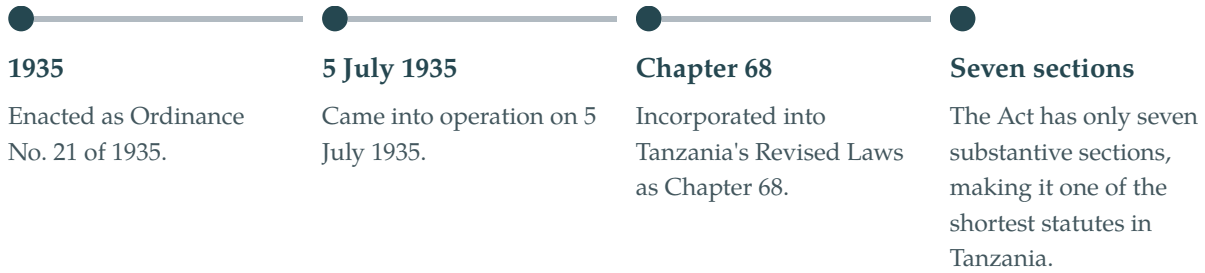
The long title of the Act is:

"An Act to further and protect the activities and interests of the Boy Scouts Association."

The objective of the Act is not to regulate scouting activities generally, but to legally safeguard the recognized Boy Scouts Association against misuse of its identity, insignia, and reputation.

Historical Background

Key facts in the life of the statute



Main Provisions of the Act

The Act contains the following provisions; section 1 contains the short title of the Act, section 2 deals with interpretation of the Act

Section 3 of the Act Restriction on use of Scout uniform whereas section deals with 4 restrictions on sale of Scout badges

- 5 Boy Scout not to pass as a police officer
- 6 Unauthorized claim of connection with the Association
- 7 Penalties

Amendments

The Boy Scouts Act has experienced very few substantive amendments since its enactment.

The most significant legislative development has been its incorporation into successive Revised Editions of the Laws of Tanzania, culminating in the Revised Edition, 2023 (Cap. 68). The revisions modernized formatting, numbering, and statutory references without materially changing the substance of the Act. Available legislative records do not indicate any recent miscellaneous amendment Acts altering the operative provisions of the Boy Scouts Act.

Consolidations

The Act has been consolidated through several revised editions of Tanzanian legislation, including:

- Revised Edition, 2002
- Revised Edition 2019
- Revised Edition 2023 (Cap. 68)

The consolidations mainly reorganized and republished the law while preserving its original provisions.

Repeals

The Boy Scouts Act has not been repealed.

Instead, it continues to operate as principal legislation under Chapter 68 of the Laws of Tanzania. There is no legislation replacing or abolishing the Act.

Offences and Sanctions under the Act

The specific offences the Act creates, and the penalties that follow



The Scout uniform (Section 3)

The Act creates several specific offences.

(a) Unauthorized Wearing of Scout Uniform (Section 3)

It is an offence for a person who is not authorized by the Association to wear or use the Scout uniform or any closely resembling uniform with intent to deceive.

(b) Unauthorized Sale of Scout Badges (Section 4)

No person may manufacture, sell, distribute, or possess official Scout badges or insignia without lawful authority.



Badges and insignia (Section 4)

(c) Impersonating a Police Officer (Section 5)

A Boy Scout must not present himself in a manner likely to make members of the public believe he is a police officer.

(d) False Representation (Section 6)

It is unlawful to:

- establish an unauthorized Scout organization;
- falsely claim affiliation with the recognized Boy Scouts Association; or
- hold oneself out as a Boy Scout without authorization.

These provisions protect the Association's identity and prevent public deception.



Offences and penalties (Sections 5-7)

General Penalty (Section 7)

Any person who contravenes the Act commits an offence and is liable upon conviction to:

- a) imprisonment for one month; or
- b) a fine of two hundred shillings; or
- c) both imprisonment and a fine.

These penalties reflect the values and currency of 1935 and have not been modernized.

Contemporary Application of the Act

Where a 1935 ordinance still matters today



Although rarely litigated today, the Act remains legally relevant in several respects.

Protection of Organizational Identity

The Act continues to protect the official Tanzania Scouts Association from unauthorized persons or organizations using Scout uniforms, badges, or the Scout name.

Intellectual Property Function

In practice, the Act performs a role similar to trademark protection by preventing misuse of Scout symbols and insignia.

Public Order

The prohibition against impersonation reduces the risk of public deception and protects public confidence in recognized youth organizations.

Complementary Legal Framework

Modern issues involving fraud, impersonation, or misuse of Scout property may also be addressed under broader legislation such as the Penal Code, while the Boy Scouts Act provides specialized protection for the Scout movement.

Criticisms

Legal scholars and practitioners have noted several limitations:

1. The penalties (fine of 200 shillings or one month's imprisonment) are outdated and no longer provide an effective deterrent.
2. The Act reflects colonial-era terminology and organizational structures.
3. It contains no provisions addressing electronic misuse of Scout names, logos, or social media impersonation.

4. It does not address modern issues such as data protection, child safeguarding, or governance standards for youth organizations.

These gaps suggest that legislative modernization could improve its effectiveness.

Conclusion

The statute's continuing purpose, and the case for reform

The Boy Scouts Act, Chapter 68, remains an important protective statute despite its age. Its principal purpose is to safeguard the identity, activities, and reputation of the officially recognized Boy Scouts Association by prohibiting unauthorized use of Scout uniforms, badges, and organizational affiliation. Although the Act has been consolidated into the Revised Edition 2023 and remains in force, its penalties and several provisions are outdated. Contemporary enforcement increasingly relies on complementary laws, and there is a strong case for reform to address modern forms of impersonation, intellectual property protection, and child protection while preserving the Act's original objective of protecting the Scouting movement in Tanzania.

REFERENCES

The Boy Scouts Act, [Cap 68 R.E 2023]

The Penal Code, [Cap 16 R.E. 2023]

