

CHAPTER 337

THE SOCIETIES ACT

[PRINCIPAL LEGISLATION]

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CHAPTER 337

THE SOCIETIES ACT

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

[1st June, 1954]

Ords. Nos.	Acts Nos.	16 of 1969	GNs. Nos.
11 of 1954	76 of 1962	6 of 1971	236 of 1961
[R.L. Cap. 337]	54 of 1963	13 of 1991	478 of 1962
22 of 1957	51 of 1964	5 of 1992	
	45 of 1965	9 of 2019	

Short title

1. This Act may be cited as the Societies Act.

Interpretation
Ord. No.
22 of 1957 s. 2
Acts Nos.
76 of 1962 s. 2
51 of 1964 Sch.
45 of 1965 Sch.
6 of 1971 s. 6
5 of 1992 s. 19
9 of 2019 s. 38
and s. 39

2.-(1) In this Act, unless the context otherwise requires-

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

“member” in relation to a society includes an office-bearer of the society;

“Minister” means the Minister responsible for matters relating to societies;

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

“place” includes a vessel and a vehicle;

“Registrar” means the officer appointed as Registrar of Societies and includes any officer appointed as Deputy Registrar of Societies or Assistant Registrar of Societies under section 6;

“registered society” means a society registered under this Act;

“society” means a non-partisan and non-political association of ten or more persons established for professional, social, cultural, religion or economic benefits or welfare of its members, formed and registered under this Act, but does not include-

- Cap. 212 (a) a company formed and registered under the Companies Act;
- Cap. 318 (b) a trust formed and registered under the Trustees’ Incorporation Act;
- Cap. 366 (c) a trade union formed and registered under the Employment and Labour Relations Act;
- Cap. 211 (d) a cooperative society formed and registered under the Cooperative Societies Act;
- (e) an agricultural association formed and registered under any written law other than this Act;
- Cap. 258 (f) a political party formed and registered under the Political Parties Act;
- Cap. 56 (g) a non-governmental organization formed and registered under the Non-Governmental Organisations Act;
- Cap. 407 (h) a community microfinance group (VICOBA) registered under the Microfinance Act;
- Cap. 49 (i) a sports association formed and registered under the National Sports Council of Tanzania Act; and
- (j) any society which the Minister may, by order published in the *Gazette*, declare not to be a society for purposes of this Act;

“unlawful society” means a society declared unlawful pursuant to section 9;

(2) A branch of a society shall be deemed to be a society where the branch consists of ten or more members.

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

Registration of
association
Acts Nos.
6 of 1971 s. 6
9 of 2019 s. 40

3. An association shall not operate as a society within the meaning of this Act unless it is registered with the Registrar in accordance with the provisions of this Act.

Cessation of
registered society
Acts Nos.
6 of 1971 s. 6
9 of 2019 s.40

4. An association registered under this Act which does not fit to be a society by virtue of section 2 shall, after expiration of two months from the date of coming into operation of this section, be deemed to have been de-registered.

Power of Minister
to extend time
Act No.
9 of 2019 s. 40

5.—(1) Notwithstanding the provisions of this Act, the Minister may, upon application extend the time within which the association has to shift to its appropriate registry.

(2) The Minister shall, when extending time applied under subsection (1), transmit the information for extension to the Minister under whom the registry in which the organisation required to be registered, belongs.

Appointment of
Registrars
Ord. No.
22 of 1957 s. 3

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

(2) The President may give general or specific directives to the Registrar as to the performance of his duties and the exercise of his powers and the Registrar shall comply with any general or specific directives given.

[s. 5]

Protection of
public officers

7. A suit shall not lie against any public officer for anything done or omitted to be done in good faith without negligence and in the intended exercise of any power or performance of any duty conferred or imposed on him by this Act.

[s. 6]

Registration of
societies
Act No.
9 of 2019 s. 41

8.—(1) A foreign society intending to operate in Mainland Tanzania shall comply with registration requirements under this Act.

(2) It shall be an offence for a society which is not registered in accordance with the provisions of this Act to carry out its business as a society in Mainland Tanzania.

(3) For the purpose of this section, “foreign society” means a society registered outside Mainland Tanzania and operates in the country.

[s. 7]

President may
declare society
unlawful
Act No.
9 of 2019 s. 38, 42

9.—(1) It shall be lawful for the President, in his absolute discretion, where he considers it to be essential in the public interest, by order to declare to be unlawful a society which in his opinion is being used for a purpose—

- (a) prejudicial to, or incompatible with the maintenance of peace, order, morality and good governance; or
- (b) at variance with its declared objects.

(2) A society declared by order of the President to be a society dangerous to the good governance of Mainland Tanzania shall be declared to be unlawful under the provisions of this section and the order made shall continue in force until revoked under this Act.

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

(4) A society against which an order under this section is made shall be an unlawful society.

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

(6) A society against which an order under this section is made, shall be de-registered.

[s. 8]

Repealed

10. [Repealed by Act No. 9 of 2019 s. 43.]

[s. 9]

Provisions on de-
registration
Acts Nos.
76 of 1962 s. 3
9 of 2019 s. 44

11.—(1) The provisions of this section shall apply to a society whose registration has been cancelled under this Act.

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

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

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

[s. 10]

Repealed

12. [Repealed by Act No. 9 of 2019 s. 45.]

[s. 11]

Repealed

13. [Repealed by Act No. 9 of 2019 s. 45.]

[s. 12]

Grounds
for refusing
registration
Act No.
9 of 2019 s. 38

14. The Registrar shall not register a society where he is satisfied that, the society is a branch of, or it is affiliated to or connected with any organisation or group of a political nature established outside Mainland Tanzania.

[s. 13]

Registrar shall refuse to register or exempt in certain circumstances
Act No. 9 of 2019 s. 38 and 46

15. The Registrar shall not register a society where he is satisfied that-

- (a) the society is being or is likely to be used for any purpose prejudicial to, or incompatible with the maintenance of peace, order, morality and good governance;
- (b) the application does not comply with the provisions of this Act or of any rules made thereunder;
- (c) the society does not exist; or
- (d) the name under which the society is to be registered-
 - (i) is identical to that of any other existing society;
 - (ii) nearly resembles the name of other society as, in the opinion of the Registrar, is likely to deceive the public or the members of either society; or
 - (iii) is undesirable in the opinion of the Registrar.

[s. 14]

Method of effecting registration
Act No. 9 of 2019 s. 38

16.-(1) The Registrar shall effect registration of a society by entering in a register the particulars given in the application form and the date of entry.

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

[s. 15]

Repealed

17. [Repealed by Act No. 9 of 2019 s. 47.]

[s. 16]

Cancellation of registration
Act No. 9 of 2019 s. 38 and 48

18. The Registrar may, in his discretion, cancel at any time the registration of a society registered under the provisions of this Act where he is satisfied that, it is expedient so to do on the ground that, the society concerned-

- (a) is a branch of or is affiliated to or connected with an organisation or group of a political nature established outside Mainland Tanzania;
- (b) is being used or is likely to be used for unlawful purposes or any purpose prejudicial to or incompatible

with the maintenance of peace, order, morality and good governance;

- (c) has altered its objects or pursues objects other than its declared objects; or
- (d) has failed to comply with an order made under section 23 within the time stated in that order:

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

[s. 17]

Prohibition of specified acts by or on behalf of certain society
Ord. No. 22 of 1957 s. 6
Act No. 9 of 2019 s. 38

19.—(1) Where a society has become unlawful under section 9 or been refused to be registered under section 14 or section 15 or its registration has been cancelled under section 18, the Registrar may, where it appears to be in the public interest to do so, by order prohibit any act of any person—

- (a) on behalf of or in relation to any society associated with the society; or
- (b) on behalf of or in relation to any society,

which in the opinion of the Registrar, has objects similar to the objects of the society in the area of Mainland Tanzania being the area in which the society carried on or, as the case may be, proposed to carry on its activities, or in any part of the area.

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

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

(4) For purposes of this section, a society shall be deemed to be in association with a society which has become unlawful

or has been refused registration or its registration has been cancelled where the society is the parent society of which the society is a branch or derived from the same parent society or the successor of the society.

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

Provided that, this section shall not preclude the Registrar from making a further order or further orders, with or without variations, where it appears to be in the public interest to do so.

[s. 18]

Appeals
Ord. No.
22 of 1957 s. 7
GN. No.
478 of 1962
Act No.
9 of 2019 s. 38
and 49

20.—(1) A society other than a society in respect of which an order made or deemed to be made under sections 9,15 and 18, is aggrieved by the Registrar's refusal to register the society or the decision to cancel the registration may appeal to the Minister against the refusal or decision within twenty-one days or extended period as the Minister may allow, from the date of the refusal or cancellation.

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

[s. 19]

Cessation of
existence of
society
Act No.
9 of 2019 s. 38
and 50

21.—(1) Where the Registrar has reasons to believe that, a registered society has ceased to exist as a society, may publish in the *Gazette* a notification calling upon the society to furnish proof of its existence as a society within three months from the date of notification.

(2) Where at the expiration of three months, the Registrar is satisfied that, the society has ceased to exist, a notification to that effect shall be published in the *Gazette*, and the society concerned shall thereupon cease to be registered.

[s. 20]

Information to
be furnished by
registered society

22.—(1) The Registrar may at any time, by notice under his hand, order a registered society to furnish in writing-

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

- (b) a true and complete list of office-bearers and members of the society residing in Mainland Tanzania or present at the date of the order;
- (c) a true and complete return of the number of meetings held by the society in Mainland Tanzania within the period of six months immediately preceding the order, stating the place or places at which the meetings were held; and
- (d) accounts, returns and other information as may be prescribed.

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

Provided that, the Registrar may, on application showing good cause, grant an extension of time at his discretion.

[s. 21]

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

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

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

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

(4) An office-bearer and a person managing or assisting in the management of a society in respect of which a notice under subsection (3) has been served shall supply to the Registrar or the person authorised by him, the information relating to the accounts of the society and other matters incidental thereto as the Registrar or the authorised person may require.

(5) When the inspection is undertaken by a person authorised by the Registrar, the person shall make a report of the inspection and submit to the Registrar with recommendations as he may deem fit to include.

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

(7) A registered society which, on the ground of its failure to comply with an order under this section, has had its registration cancelled under section 18 shall not be entitled to apply for registration until the order has been complied with.

[s. 22]

Persons
responsible
for supplying
information
Ord. No.
22 of 1957 s. 9

24.—(1) An order made by the Registrar in relation to a registered society under section 22 or section 23 shall be binding upon an office-bearer and a person managing or assisting in the management of the society in Mainland Tanzania who has been served with the order.

(2) Where a registered society fails to comply with the whole or part of an order given under section 22 or section 23, the person mentioned in subsection (1) who has been served as aforementioned on conviction shall be liable to a fine not exceeding two thousand shillings unless he establishes to the satisfaction of the court that, he has exercised due diligence and failed to comply with the order for reasons beyond his control.

(3) Where the information supplied to the Registrar in compliance with an order given under section 22, or any information supplied to the Registrar or the person authorised by him in compliance with an order given under section 23, is incorrect or incomplete in any material particular, the person who has supplied the information shall be liable on conviction, to a fine not exceeding two thousand shillings unless he

establishes to the satisfaction of the court that, he believed and had good reason to believe that, the information was correct and complete.

[s. 23]

Discretion
to publish
information
for benefit of
members
Ord. No.
22 of 1957 s. 10

25. Where it appears to be in the interest of the members of the society so to do, the Registrar with the approval of the Minister may take steps as may be necessary to publish to the members, by advertisement in the *Gazette*, or in any newspaper or in other manner as he may think fit, any information furnished by or on behalf of the society or reported to the Registrar under section 22 or section 23.

[s. 24]

Offences by
office-bearers,
etc., of unlawful
society
Act No.
9 of 2019 s. 51

26.—(1) An office-bearer and a person managing or assisting in the management of any unlawful society commits an offence and on conviction, shall be liable to a fine not less than one million shillings but not exceeding ten million shillings or to imprisonment for a term not exceeding seven years or to both.

Cap. 20

(2) Subject to the provisions of the Criminal Procedure Act, an offence under this section may be tried by a district court presided over by resident magistrate.

[s. 25]

Offences by
member of
unlawful society
Act No.
9 of 2019 s. 52

27. A person who is or acts as a member of an unlawful society or attends a meeting of an unlawful society commits an offence and on conviction, shall be liable to a fine not less than two hundred thousand shillings but not exceeding two million shillings or to imprisonment for a term not exceeding three years or to both.

[s. 26]

Offence of
allowing unlawful
society on
premises
Acts Nos.
13 of 1991 Sch.
9 of 2019 s. 53

28. A person who knowingly allows a meeting of an unlawful society or of members of an unlawful society to be held in any place belonging to or occupied by him, or over which he has control, commits an offence and on conviction, shall be liable to a fine not less than two hundred thousand shillings but not

exceeding two million shillings or to imprisonment for a term not exceeding three years or to both.

[s. 27]

Repealed

29. [Repealed by Act No. 9 of 2019 s. 54.]

[s. 28]

Presumption of membership, *etc.*, of society

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

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

[s. 29]

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

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

(2) An order made under subsection (1) 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 a stamp duty shall not be payable on that order.

(3) A scheme submitted to the Registrar under subsection (1) may be amended by the Registrar in a way as he thinks

proper in the circumstances of the case and the approval of the Registrar shall be denoted by the endorsement thereon of a memorandum of approval and upon this being done, the surplus assets and the subject of the scheme shall be held by the officer upon the terms and purposes thereby prescribed.

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

(5) Notwithstanding the provisions of the foregoing subsections, the Registrar may-

- (a) prior to the completion of the winding-up of an unlawful society by the officer in whom the property of the society is vested by an order under subsection (1); or
- (b) after the completion of the winding-up by such officer, by order, vest any asset or liability of the unlawful society, or any of the surplus assets thereof, in any other society or body of persons, whether corporate or unincorporate, where, in the opinion of the Registrar, it is desirable to do so.

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

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

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

by the officer in whom the property of the unlawful society has been vested, to the service of the society or body of persons in whom the asset is vested by order made under subsection (5).

(9) Where an employee is transferred under subsection (8)-

- (a) he shall, as from the date of his transfer, be deemed to be the employee of the society or body of persons to which he is transferred;
- (b) the terms and conditions of service applicable to him after the transfer shall not be less favourable than those which were applicable to him immediately before the transfer, and, for the purposes of determining any right to gratuity or other superannuation benefit, his service with the society or body of persons to which he is transferred shall be regarded as continuous with his service immediately preceding the transfer; and
- (c) his employment immediately prior to his transfer and employment by the society or body of persons to which he is transferred shall be deemed to be continuous employment by one employer within the meaning of the Employment and Labour Relations Act.

Cap. 366

(10) For the avoidance of doubt, it is hereby declared that, this section or this Act shall not be construed as conferring upon any member or past member any right to a refund of any fee, dues, subscription or other contribution paid or made by such member or past member to the unlawful society or as conferring upon any person a right to a refund or return of any gift made by him to the unlawful society.

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

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

(12) The provisions of this section shall not apply to any property forfeited under section 36.

[s. 30]

Power to enter
and search
meeting places or
business places
Act No.
9 of 2019 s. 38

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

(2) The Registrar may, by order declare that, the provisions of this section shall apply to any area of Mainland Tanzania and in any area to which this section has been applied and it shall be lawful for the Registrar or an administrative officer or a police officer not below the rank of Assistant Superintendent who has reason to believe that, any society, whether a registered society or an exempted society or not, is being used or has been used or is about to be used for purposes prejudicial to, or incompatible with the maintenance, of peace, order, morality and good government or that any registered society or exempted society is being used or has been used or is about to be used for purposes at variance with its declared objects, to enter, with or without assistance and using force for that purpose where necessary, into any place which he has reason to believe is used

or has been used or is about to be used as the place of meeting or place of business of the society and search the place and any person found therein or escaping therefrom for evidence that, the society is being used for purposes aforesaid.

[s. 31]

Power to enter and search meeting places, etc., and make arrests and seizures

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

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

such place and seize or cause to be seized all books, accounts, writings, lists of members, banners, seals, insignia, arms or other articles which he may have reasonable cause to believe belong to any unlawful society or to be in any way connected therewith.

[s. 32]

Power of
Registrar
to summon
witnesses
Act No.
13 of 1991 Sch.

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

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

(3) A person who fails to comply with the provisions of subsection (2) commits an offence and on conviction, shall be liable to a fine not exceeding five thousand shillings.

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

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

(6) Statement made by a person summoned before the Registrar under the provisions of this section shall not subject him to any arrest or criminal prosecution, or be proved against

him in any criminal proceedings except in prosecution for failing to answer truthfully under this section.

[s. 33]

Consent to
prosecute
GN. No.
236 of 1961

35. Except in the case of persons arrested under the provisions of section 33 or subsection (5) of section 34, a person shall not be charged with an offence under this Act or any rule made thereunder unless the prior consent in writing of the Director of Public Prosecutions has been obtained.

[s. 34]

Forfeiture

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

[s. 35]

Registered office
Act No.
13 of 1991 Sch.

37.—(1) A registered society shall have a registered office and postal address to which communications and notices may be addressed.

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

(3) Where a registered society and an office-bearer-

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

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

(c) fails to give notice of any change of its postal address, commits an offence and on conviction, shall be liable to a fine not exceeding one hundred thousand shillings and four thousand shillings for every day during which the society continues to operate.

[s. 36]

Service of
summons, etc.

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

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

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

[s. 37]

Rules
Ord. No.
22 of 1957 s. 11

39.—(1) The Registrar may make rules generally for the better carrying into effect of the provisions of this Act.

(2) Without prejudice to the generality of the foregoing, the Registrar may make rules for the purpose of the following:

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

(g) prescribing the books and accounts to be kept by a registered society and any other matter which may or is to be prescribed under this Act.

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

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

- (a) provide that the rules shall be applicable only to the class or classes of societies as may be specified in such rules; and
- (b) make different rules in relation to different classes of societies.

[s. 38]

Omitted

40-41. [Omitted.]

[s. 39-40]