



This document has been provided by the International Center for Not-for-Profit Law (ICNL).

ICNL is the leading source for information on the legal environment for civil society and public participation. Since 1992, ICNL has served as a resource to civil society leaders, government officials, and the donor community in over 90 countries.

Visit ICNL's **Online Library** at
<http://www.icnl.org/knowledge/library/index.php>
for further resources and research from countries all over the world.

Disclaimers

Content. The information provided herein is for general informational and educational purposes only. It is not intended and should not be construed to constitute legal advice. The information contained herein may not be applicable in all situations and may not, after the date of its presentation, even reflect the most current authority. Nothing contained herein should be relied or acted upon without the benefit of legal advice based upon the particular facts and circumstances presented, and nothing herein should be construed otherwise.

Translations. Translations by ICNL of any materials into other languages are intended solely as a convenience. Translation accuracy is not guaranteed nor implied. If any questions arise related to the accuracy of a translation, please refer to the original language official version of the document. Any discrepancies or differences created in the translation are not binding and have no legal effect for compliance or enforcement purposes.

Warranty and Limitation of Liability. Although ICNL uses reasonable efforts to include accurate and up-to-date information herein, ICNL makes no warranties or representations of any kind as to its accuracy, currency or completeness. You agree that access to and use of this document and the content thereof is at your own risk. ICNL disclaims all warranties of any kind, express or implied. Neither ICNL nor any party involved in creating, producing or delivering this document shall be liable for any damages whatsoever arising out of access to, use of or inability to use this document, or any errors or omissions in the content thereof.

CAP. 337—Supp. 63

TANGANYIKA

SOCIETIES

CHAPTER 337 OF THE LAWS (REVISED)

(PRINCIPAL LEGISLATION)

F. W. P. MUSHY
STATE ATTORNEY
MINISTRY OF HOME AFFAIRS
DAR ES SALAAM

1964
PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER
DAR ES SALAAM

CHAPTER 337

SOCIETIES

ARRANGEMENT OF SECTIONS

1. Short title.
2. Interpretation.
3. Appointment of Registrars.
4. Protection of Officers.
5. Societies deemed to be established in Tanganyika.
6. President may declare society unlawful.
- 6A. Minister may require organizations to register as societies.
- 6B. Provisions to apply when organization dissolved.
- 6C. Companies and Co-operatives formed for the purpose of club.
7. Duty of local societies to register.
8. Grounds for refusing registration.
9. Registrar shall refuse to register or exempt in certain circumstances.
10. Method of effecting registration.
11. Rescission of exemption.
12. Cancellation of registration.
- 12A. Prohibition of specified acts or on behalf of certain societies.
13. Appeal.
14. Cessation of existence of a society.
15. Information to be furnished by registered societies.
16. Registrar may call for audited accounts.
17. Persons responsible for supplying information.
18. Discretion to publish information for the benefit of members.
19. Penalties on office-bearers, etc., of unlawful society.
20. Penalties on members of unlawful society.
21. Persons allowing unlawful society on premises.
22. Presumption.
23. Presumption of membership, etc., of society.
24. Orders for winding up affairs of unlawful society and distribution of surplus assets.
25. Entering and searching meeting places or business places.
26. Power to enter and search meeting places, etc., and make arrests and seizures.
27. Power of Registrar to summon witnesses.
28. Consent to prosecution.
29. Forfeiture.
30. Registered Office.
31. Service of summons, etc.
32. Rules.
33. Repeal Cap. 16.
34. Transitional provisions.

Note.—Revised.

Supersedes Cap. 337 in R.L. and Supplements.

CHAPTER 337

SOCIETIES

An Ordinance to provide for the registration of Societies and other matters incidental thereto and connected therewith

[1ST JUNE, 1954]

Ords.
1954 No. 11
1957 No. 22
Acts 1962
No. 76
1963 No. 54
G.Ns. 1961
No. 236
1962 No. 478
Short title

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

Inter-
pretation
Ord. 1957
No. 22
s. 2
Act 1962
No. 76
s. 2

2.—(1) In this Ordinance, unless the context otherwise requires—

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

“exempted society” means any society for the time being exempted from registration under this Ordinance;

“local society” means any society formed or established in Tanganyika or having its headquarters or chief place of business in Tanganyika and includes any society deemed to be established in Tanganyika by virtue of section 5;

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

“Minister” means the Minister for the time being responsible for Home Affairs;

“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 committee or governing or executive body thereof, or who holds in such society any office or position analogous to any of those mentioned above;

“place” includes vessel and vehicle;

“Registrar” means the officer appointed as Registrar of Societies for Tanganyika and includes any officer appointed as Deputy Registrar of Societies or Assistant Registrar of Societies under section 3;

“registered society” means any society for the time being registered under this Ordinance;

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

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

- (b) any company, council, authority, association, board or committee lawfully constituted or established under Royal Charter, or Royal Letters Patent, or any Applied Act, or any law for the time being in force in Tanganyika,
- (c) any Lodge of Freemasons regularly constituted under any of the registered governing bodies of Freemasons in the United Kingdom of Great Britain and Northern Ireland,
- (d) any trade union registered under the Trade Unions Ordinance*, Cap. 84*
- (e) any company, association or partnership consisting of not more than twenty persons, formed and maintained for the sole purpose of carrying on any lawful business,
- (f) any co-operative society registered under the Co-operative Societies Ordinance, Cap. 211
- (g) any society which the President may, by order published in the *Gazette*, declare not to be a society for the purposes of this Ordinance;

“unlawful society” means—

- (i) any society declared or deemed to have been declared to be unlawful under section 6; and
- (ii) any local society other than—
 - (a) a registered society, or
 - (b) an exempted society, or
 - (c) a local society in respect of which—
 - (i) an application for registration has been lawfully made under section 7 or section 11 and remains undetermined, or
 - (ii) an appeal has been lawfully made to the President under section 13 and remains undetermined.

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

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

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

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

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

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

Protection
of Officers

*Repealed and replaced by Cap. 381.

Societies
deemed to be
established
in Tanganyika

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

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

- (i) it is organized and is operating wholly outside Tanganyika; and
- (ii) no office, place of business or place of meeting is maintained or used in Tanganyika by such society or by any person in its behalf; and
- (iii) no register of all or any of the members of such society is kept in Tanganyika; and
- (iv) no subscriptions are collected or solicited in Tanganyika by the society or by any person in its behalf.

President
may
declare
society
unlawful

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

- (a) is being used for any purpose prejudicial to, or incompatible with, the maintenance of peace, order and good government; or
- (b) is being used for any purpose at variance with its declared objects.

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

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

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

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

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

Minister may
require
organizations
to register
as societies
Act 1962
No. 76
s. 3

6A.—(1) Subject to the provisions of subsection (5), where the Minister is satisfied that any company, partnership, association or other organization formed for the purpose of conducting any lawful trade or business is carrying on its activities predominantly for a purpose other than the conduct of lawful trade or business he may, notwithstanding that such company, partnership, association or other

*Repealed by s. 33 hereof.

organization is not a society within the meaning of this Ordinance by reason of the provisions of paragraph (a), paragraph (b), paragraph (c), paragraph (e) or paragraph (f) of the definition "society" in subsection (1) of section 2 and notwithstanding the provisions of any other law, by order in writing addressed to the registered office or to the principal place of business of such company, partnership, association or other organization require such company, partnership, association or other organization to apply to the Registrar, within such period, being not less than twenty-one days, as may be specified in the order, for registration under this Ordinance.

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

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

(4) Where any company, partnership, association or other organization in respect of which an order has been made under subsection (1) fails to apply for registration under this Ordinance in compliance with such order or, having so applied, is refused such registration, or where such company, partnership, association or other organization having been registered under this Ordinance, such registration is subsequently cancelled under any provision of this Ordinance, the Minister may publish notice of such failure, refusal or cancellation in the *Gazette* and on the date of the publication of such notice the company, partnership, association or other organization shall be dissolved.

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

6A.—(1) The following provisions of this section shall apply to and in respect of any company, partnership, association or other organization dissolved under the provisions of section 6A. Provisions to apply when organization dissolved

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

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

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

Companies and co-operatives formed for the purposes of club Act 1963 No. 54 s. 18

6C. Subject to the provisions of subsection (5) of section 6A, the Minister may also exercise the powers, conferred upon him by subsection (1) of that section to require a company or co-operative society to apply for registration under this Ordinance, in respect of any company or co-operative society formed or maintained for the purpose of carrying on a club or other association of persons, for social, recreational, cultural, political, educational or philanthropic purposes, and, where the Minister so exercises such powers, the provisions of subsections (2) to (5) of section 6A, and of section 6B, shall apply in relation to any such company or co-operative society.

Duty of local societies to register Ord. 1957 No. 22 s. 4

7.—(1) Every local society, other than a local society in respect of which an order made or deemed to be made under section 6 is in force, shall, in the manner prescribed, make application to the Registrar for registration under this Ordinance.

(2) Upon application being made in that behalf the Registrar shall, subject to the provisions of section 8 and 9, register the local society in respect of which such application is made:

Provided that, subject to the provisions of section 9, the Registrar may, in his discretion, exempt any such local society from registration under this Ordinance.

(3) Subject to the provisions of section 9, the Registrar may, in his discretion, by notice under his hand direct that the registration of any registered society shall cease to have effect and that such society shall be exempt from registration under this Ordinance.

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

Grounds for refusing registration

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

Registrar shall refuse to register or exempt in certain circumstances

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

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

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

(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.

11.—(1) The Registrar may, in his discretion, rescind at any time any exemption granted by him under section 7. Rescission of exemption

(2) A local society, other than a local society in respect of which an order made or deemed to be made under section 6 is in force, may, within twenty-one days from the date of the receipt of notification of rescission of exemption under the provisions of sub-section (1), apply for registration under this Ordinance. Ord. 1957 No. 22 s. 5

12. The Registrar may, in his discretion, cancel at any time the registration of any local society effected under section 7 if he is satisfied that it is expedient so to do on the ground that the society concerned— Cancellation of registration

- (i) is a branch of or is affiliated to or connected with any organization or group of a political nature established outside Tanganyika; or
- (ii) is being used or is likely to be used for unlawful purposes or for any purpose prejudicial to or incompatible with the maintenance of peace, order and good government; or
- (iii) has altered its objects or pursues objects other than its declared objects; or
- (iv) has failed to comply with an order made under section 16 within the time stated in such order;

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

12A.—(1) Where any local society has become unlawful under section 6 or has been refused registration under section 8 or section 9 or has had its registration cancelled under section 12, the President may, where it appears to him to be in the public interest to do so, by order prohibit any act specified therein— Prohibition of specified acts by or on behalf of certain societies

- (i) by any person on behalf of or in relation to any society associated with such local society; or
- (ii) by any person on behalf of or in relation to any society which in the opinion of the President has objects similar to the objects of such local society,

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

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

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

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

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

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

13.—(1) Any local society, other than a local society in respect of which an order made or deemed to be made under section 6 is in force, which is aggrieved by the Registrar's refusal to register such local society or his decision to cancel the registration thereof may, within twenty-one days or such extended period as the Minister may allow, from the date of such refusal or cancellation, appeal against such refusal or decision to the Minister.

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

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

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

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

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

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

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

Appeal
Ord. 1957
No. 22
s. 7
G.N. 1962
No. 478

Cessation of
existence of
a society

Information
to be fur-
nished by
registered
societies

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

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

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

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

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

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

(6) A registered society which, on the ground of its failure to comply with an order under this section, has had its registration cancelled under section 12 shall not be entitled to apply for registration until such order has been complied with.

17.—(1) Any order made by the Registrar in relation to any registered society under section 15 or section 16 shall be binding upon every office-bearer and upon every person managing or assisting in the management of any such society in Tanganyika who has been served with such order.

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

(2) If any registered society fails to comply with the whole or part of any order given under section 15 or section 16, each of the persons mentioned in subsection (1) who has been served as aforementioned shall be liable on conviction to a fine not exceeding two thousand shillings unless he establishes to the satisfaction of the court that he has exercised due diligence and has failed to comply with the order for reasons beyond his control.

(3) If any information supplied to the Registrar in compliance with an order given under section 15, or any information supplied to the Registrar or the person authorized by him in compliance with an order given under section 16, is incorrect or incomplete in any material particular, the person who has supplied such information shall be liable on conviction, to a fine not exceeding two thousand shillings unless he establishes to the satisfaction of the court that he believed and had good reason to believe that the information was correct and complete.

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

18. The Registrar, where it appears to him to be in the interest of the members of the society so to do, may, with the approval of the President, take such steps as may be necessary to publish to such members, by advertisement in the *Gazette*, or in any newspaper or in such other manner as he may think fit, any information furnished by or on behalf of such society or reported to the Registrar under section 15 or section 16.

Penalties on office-bearers, etc., of unlawful society

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

Cap. 20

(2) Subject to the provisions of the Criminal Procedure Code, an offence under this section may be tried by a subordinate court presided over by a magistrate of the first class.

Penalties on member of unlawful society

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

Persons allowing unlawful society on premises

21. Any person who knowingly allows a meeting of an unlawful society or of members of an unlawful society, to be held in any place belonging to or occupied by him, or over which he has control, shall be guilty of a felony and liable, on conviction, to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

Presumption

22. In any proceedings under this Ordinance—

- (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 Ordinance unless the contrary is proved;
- (b) it shall not be necessary for the prosecution to prove that a society possess a name, or that it has been constituted or is usually known under a particular name;
- (c) where it is alleged that a society is an unlawful society the burden of proving that it is a registered society, or an exempted society, or that an application for registration under section 7 or section 11 has been lawfully made to the Registrar and has not been refused, or that it is not a local society, shall lie on the person charged.

Presumption of membership, etc., of society

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

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

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

Orders for winding up affairs of unlawful society and distribution of surplus assets

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

(3) A scheme submitted to the President under sub-section (1) may be amended by the President in such way as he shall think proper in the circumstances of the case and the approval of the President to such scheme shall be denoted by the endorsement thereon of a memorandum of such approval and, upon this being done, the surplus assets, the subject of the scheme, shall be held by such officer upon the terms and to the purposes thereby prescribed.

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

(5) The President 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 seem expedient.

(6) The provisions of this section shall not apply to any property forfeited under section 29.

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

Entering and searching meeting places or business places

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

is being used or has been used or is about to be used for purposes prejudicial to, or incompatible with the maintenance of peace, order and good government or that any registered society or exempted society is being used or has been used or is about to be used for purposes at variance with its declared objects to enter, with or without assistance and using force for that purpose if necessary, into any place which he has reason to believe is used or has been used or is about to be used as the place of meeting or place of business of such society and to search such place and any person found therein or escaping therefrom for evidence that such society is being used for such purposes aforesaid.

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

26.—(1) Whenever 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) authorize the Registrar, an Administrative Officer or any Police Officer, not below the rank of Sub-Inspector, to enter with or without assistance and using force for that purpose if necessary into and search such place and seize or cause to be seized all books, accounts, writings, lists of members, banners, seals, insignia, arms or other articles which he has reasonable cause to believe belong to any unlawful society or to be in any way connected therewith and to arrest or cause to be arrested any person found in such place or escaping therefrom.

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

Power of Registrar to summon witnesses

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

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

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

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

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

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

28. Except in the case of persons arrested under the provisions of section 26 or subsection (5) of section 27, no person shall be charged with an offence under this Ordinance or any rule made thereunder unless the prior consent in writing of the Director of Public Prosecutions has been obtained. Consent to prosecution G.N. 1961 No. 236

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

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

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

(3) If any registered society or exempted society—

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

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

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

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

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

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

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

Rules
Ord. 1957
No. 22
s. 11

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

- (a) prescribing the manner of exemption and registration of societies under this Ordinance;
- (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 Ordinance;
- (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 Ordinance;
- (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 Ordinance.

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

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

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

Repeal
Cap. 16

Transitional
provisions

33. Section 67 to 73 of the Penal Code inclusive are hereby repealed.

34. Every local society, other than a local society in respect of which an order made or deemed to be made under section 6 is in force, in existence at the date of the coming into operation of this Ordinance shall make application for registration in accordance with section 7 within thirty days of such date, or within such extended period as the Registrar may allow, and, notwithstanding anything contained in this Ordinance, no such society shall be deemed to be an unlawful society until such period or extended period has elapsed.

