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CHAPTER 119 THE SOCIETIES ACT
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THE SOCIETIES ACT

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CHAPTER 119 SOCIETIES

An Act to provide for the better control of societies by registration and supervision; and to provide for matters connected therewith and incidental thereto.

[2nd June, 1958]

65 of 1957

46 of 1958

26 of 1960

7 of 1962

9 of 1974

21 of 1990

13 of 1994

Government Notices

314 of 1964

497 of 1964
Statutory Instruments
66 of 1965
96 of 1969

PART I PRELIMINARY
PART I
PRELIMINARY

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

2. (1) In this Act, unless the context otherwise requires-
"authorised officer" means the Registrar, an Administrative Officer, a police officer in charge of a District Police Station, and any police officer of or above the rank of Sub-Inspector.

(No. 9 of 1974) Interpretation

"declared objects", in relation to any society, means the objects declared by such society at the time of, and contained in, the application of such society for registration, or any subsequent variation of such objects made in accordance with rules made under the provisions of this Act;

"exempted society" means any society for the time being exempted from registration under the provisions of this Act;

"member", in relation to a society, includes an office-bearer of such society;

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

"Permanent Secretary" means the Permanent Secretary, Ministry of Home Affairs;

"place" includes vessel and vehicle;

"registered society" means any society for the time being registered under the provisions of this Act;

"Registrar" means the officer appointed as Registrar of Societies under section three and such other officers as may be appointed under the same section;

"society" means any club, company, partnership or other association of ten or more persons, whatever its nature or object-

(a) formed or established in Zambia; or

(b) having its headquarters or chief place of business within Zambia; or

(c) which is deemed to be an association established in Zambia under the provisions of section five;
and any branch of such club, company, partnership or association, but does not include-

- (i) any company registered under the provisions of the Companies Act, or which has complied with the requirements of section two hundred and twenty-six of the said Act, and any building society;
- (ii) any company, council, authority, association, board, committee or other body lawfully constituted or established under Royal Charter, Royal Letters Patent, British Act, Order in Council or any law for the time being in force in Zambia;
- (iii) any trade union registered under the provisions of the Industrial and Labour Relations Act
- (iv) any company, association or partnership consisting of not more than twenty persons, formed and maintained for the sole purpose of carrying on any lawful profession or business;
- (v) any co-operative society registered under the provisions of the Co-operative Societies Act;
- (vi) any society or class of society which the Minister may, by statutory order, declare not to be a society for the purposes of this Act;

"statutory society" means a registered society or an exempted society;
"unlawful society" means a society declared to be unlawful by or under the provisions of section twenty-three;
"writing" includes any handwritten or typed document and any carbon or other copy thereof, and any reproduction of any document by printing, lithography, photography or any other means whatsoever, whether similar to those enumerated or not. Cap. 388
Cap. 269
Cap. 347

(2) Where any body of persons, whether corporate or unincorporate, is a member of an association, all members of such body shall be deemed, for the purposes of this Act, to be members of such association.

(As amended by No. 26 of 1960, G.N. No. 314 of 1964, S.I. No. 66 of 1965 and S.I. No. 96 of 1969)

3. (1) There shall be a public officer styled the Registrar of Societies and such additional Registrars, who shall be public officers, as may be necessary for the purposes of this Act.
Registrar of Societies

(2) The Minister may from time to time give general or special directions to the Registrar as to the performance of his duties, and the Registrar shall comply with any such directions.

(As amended by G.N. No. 314 of 1964)

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 intended exercise of any power of performance of any duty conferred or imposed upon him by any of the provisions of this Act.

Protection of officers

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

Provided that no association shall be deemed to be so established if and so long as-

(i) it is organised and is operating wholly outside Zambia;
and

(ii) no office, place of business or place of meeting is maintained or used in Zambia by such association or by any persons in its behalf; and

(iii) no register of all or any of the members of such association is kept in Zambia; and

(iv) no subscriptions are collected or solicited in Zambia by the society or by any person in its behalf.

PART II REGISTRATION OR EXEMPTION FROM REGISTRATION PART II REGISTRATION OR EXEMPTION FROM REGISTRATION

6. (1) Every society, other than a society in respect of which an order made under the provisions of subsection (2) of section twenty-three is in force, shall, in the manner prescribed and within twenty-eight days of the formation thereof or of the adoption thereby of a constitution or of rules, or within such extended period as the Registrar may in any particular case allow, make application to the Registrar for registration or for exemption from registration under this Act. An application under the provisions of this section shall be deemed not to have been made until it has been received by the Registrar.

Application for registration or exemption

(2) Every society in existence at the commencement of this Act shall, in the manner prescribed, make application to the Registrar for registration or for exemption from registration under this Act within sixty days of such date, or within such extended period as the Registrar may either generally or in any particular case allow, and, notwithstanding anything contained in this Act, no such society shall be deemed to be an unlawful society until such period or extended period has elapsed.

(3) Notwithstanding the failure of a society to make application for registration or exemption from registration within the relevant period prescribed under subsection (1) or (2), such society may make a subsequent application to the Registrar for registration or exemption from registration under this Act, and such application may, with the prior consent of the Permanent Secretary, be deemed to be a due application for the purposes of section seven.

(4) Any person who knowingly makes any false statement in any application made under the provisions of this section shall be guilty of an offence and shall be liable to a fine not exceeding three thousand penalty units.

(As amended by No. 46 of 1958, No. 26 of 1960, G.N. No. 314 of 1964 and Act No. 13 of 1994)

7. (1) Upon due application being made by any society for registration, the Registrar shall, subject to the provisions of this Act, register such society. Registration or exemption of societies

(2) Upon due application being made by any society for exemption from registration, the Registrar may-

(a) with the approval of the Permanent Secretary and subject to the provisions of this Act, grant such exemption; or

(b) refuse the application;
and if such exemption is not granted, the Registrar shall treat the application as an application for registration and shall, subject to the provisions of this Act, register the society.

10. (1) The Registrar shall effect registration of a 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) Upon payment of such fee as may be prescribed, the register kept under the provisions of subsection (1) may be searched and examined by any person during the usual office hours upon application being made to the Registrar in that behalf.

(3) Any document purporting to be an extract of any entry in the register kept under the provisions of subsection (1) and to be certified under the hand of the Registrar shall be received in evidence as to the matters stated therein in any proceedings under the provisions of this Act.

(As amended by No. 26 of 1960)

11. (1) When a society is exempted from registration under the provisions of section seven, the Registrar shall enter in a register kept for the purpose the name of such society together with the date of such exemption. Exemption from registration to be entered in register

(2) Upon payment of such fee as may be prescribed, the register kept under the provisions of subsection (1) may be searched and examined by any person during the usual office hours upon application being made to the Registrar in that behalf.

(No. 7 of 1962)

12. (1) The Registrar may, with the approval of the Minister, rescind at any time any exemption granted under the provisions of section seven. Rescission of exemption

(2) Where the Registrar rescinds the exemption of a society under the provisions of subsection (1), such society may, within twenty-one days from the date of the receipt of notification of such rescission, apply for registration under this Act, and where such society so applies it shall not, pending consideration of such application and notwithstanding any provision of this Act to the contrary, be deemed to be an unlawful society.

(3) Where the Registrar rescinds the exemption of a society under the provisions of subsection (1), such society shall, within twenty-one days from the date of the receipt of notification of such rescission, surrender to the Registrar the certificate of exemption issued to it under the provisions of subsection (3) of section seven, and if such certificate

is not so surrendered, every office-bearer of the society shall be guilty of an offence and shall be liable to a fine not exceeding seven hundred and fifty penalty units and to a further fine not exceeding one hundred and fifty penalty units for every day after the expiration of the said period of twenty-one days upon which such certificate remains unsurrendered.

(As amended by G.N. No. 314 of 1964 and Act No. 13 of 1994)

13. (1) The Minister may, in his discretion, cancel at any time the registration of any society effected under the provisions of section seven if he is satisfied that it is expedient so to do on the ground that- Cancellation of registration

(a) the society concerned has, in his opinion, among its objects, or is, in his opinion, likely to pursue, or to be used for, any unlawful purpose or any purpose prejudicial to or incompatible with the peace, welfare or good order in Zambia; or

(b) the interests of peace, welfare or good order in Zambia would, in his opinion, be likely to suffer prejudice by reason of the continued registration of such society.

(2) The Registrar may, in his discretion, cancel at any time the registration of any society effected under the provisions of section seven if he is satisfied that it is expedient so to do on the ground that-

(a) the terms of the constitution or rules of such society are, in his opinion, in any respect repugnant to or inconsistent with the provisions of any law for the time being in force in Zambia; or

(b) the society concerned has, in contravention of the provisions of section seventeen, altered its objects or pursues objects other than its declared objects; or

(c) the society concerned has failed to comply with an order made under the provisions of section nineteen or twenty within the time stated in such order; or

(d) he has reason to believe that any such society has ceased to exist as a society; or

(e) the society has changed its name and the new name it has adopted-

(i) is identical with that of any other existing society; or

- (ii) so nearly resembles the name of such other society as, in the opinion of the Registrar, is likely to deceive the public or the members of either society; or
- (iii) is, in the opinion of the Registrar, repugnant to or inconsistent with the provisions of any law for the time being in force in Zambia or is otherwise undesirable.

(3) Prior to cancelling any registration under the provisions of this section, the Registrar shall notify his intention to the society concerned and shall give such society an opportunity to submit reasons why the registration should not be cancelled.

(4) A society which has had its registration cancelled under the provisions of paragraph (c) of subsection (2) shall not be entitled to apply for re-registration until the order concerned has been complied with.

(As amended by No. 46 of 1958 and G.N. No. 314 of 1964)

14. (1) Where any society is or has become an unlawful society under the provisions of this Act, the Minister may, where it appears to him to be in the public interest to do so, by order prohibit any act specified therein- Prohibition of certain acts after society has become unlawful

(a) by any person on behalf of or in relation to any society associated with such unlawful society; or

(b) by any person on behalf of or in relation to any society which, in the opinion of the Minister, has objects similar to the objects of such unlawful society; in the area of Zambia specified therein, being the area in which it appears to him that such society carried on or, as the case may be, proposed to carry on, its activities or in any part of such area.

(2) Any person who contravenes the provisions of an order made under subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding three thousand penalty units 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 any person whom he suspects upon reasonable grounds of having committed an offence against this section.

(4) For the 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 has had its registration cancelled if such society is the parent society of which such unlawful society is a branch or is derived from the same parent society or is the successor of such an unlawful society.

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

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

(No. 46 of 1958 as amended by G.N. No. 314 of 1964 and Act No. 13 of 1994)

15. The Registrar shall, by Gazette notice, notify-

- (a) every registration effected under the provisions of section ten;
- (b) every exemption from registration granted under the provisions of section seven;
- (c) every rescission of exemption from registration effected under the provisions of section twelve;
- (d) every cancellation of registration effected under the provisions of section thirteen;
- (e) every refusal to register under the provisions of section eight or nine; and
- (f) every change of its name by a statutory society notified under the provisions of section seventeen or eighteen.

(As amended by No. 7 of 1962) Publication of registration, etc.

16. Any society, other than a society the registration of which has been cancelled under the provisions of subsection (1) of section thirteen or in respect of which an order made under the provisions of subsection (2) of section twenty-three is in force, which is aggrieved by the refusal of the Registrar to register such society or by his decision to cancel the registration thereof or by his refusal to grant any application made under the provisions of subsection (2) of section nineteen 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.

(As amended by No. 26 of 1960 and G.N. No. 314 of 1964) Appeals

PART III DUTY OF SOCIETIES TO FURNISH INFORMATION PART III DUTY OF SOCIETIES TO FURNISH INFORMATION

17. (1) No registered society shall- Change of name, etc., of registered societies

- (a) change-
 - (i) its name; or
 - (ii) any of the provisions of its constitution or rules; or

(b) add to or decrease its objects; or

(c) become a branch of, or affiliated to or connected with, any organisation or group of a political nature established outside Zambia; without notification in writing to the Registrar within one month thereof, and it shall be the duty of every office-bearer of a registered society to ensure that such society does not contravene the provisions of this subsection.

(2) If any registered society fails to comply with, or acts in contravention of, any of the provisions of this section, then such society and every office-bearer thereof shall be guilty of an offence and shall be liable to a fine not exceeding three thousand penalty units. (As amended by Act No. 13 of 1994)

18. (1) Every exempted society which changes its name or adds to or decreases its objects shall give notice in writing to the Registrar within one month thereof.
Change of name, etc., of exempted societies

(2) If any exempted society fails to comply with the provisions of subsection (1), such society and every office-bearer thereof shall be guilty of an offence and liable to a fine not exceeding three thousand penalty units. (As amended by Act No. 13 of 1994)

19. (1) An authorised officer may, at any time by notice under his hand, order any registered society to furnish him with- Information to be furnished by registered societies

(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 of such society or of any committee or governing or executive body of such society residing in Zambia or present therein at the date of such order;

(c) such accounts, returns and other information as may be prescribed by the Minister.

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

Provided that the authorised officer may, in his discretion, on application being made to him and good cause being shown, grant such extension of time as he may think fit.

(3) Without prejudice to the provisions of subsections (1) and (2), an authorised officer may, at any time by notice under his hand, order any registered society within a time to be specified in such notice to permit its accounts to be inspected by himself or by a person authorised 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) has been served shall supply to the authorised officer or the person authorised by him such information relating to the accounts of the society and other matter incidental thereto as an authorised officer or such authorised person may require, and when the inspection is undertaken by a person authorised by the authorised officer, such person shall make a report to the authorised officer with such recommendation as he may deem fit to include.

(As amended by No. 46 of 1958, No. 26 of 1960 and G.N. No. 314 of 1964)

20. (1) An authorised officer may, at any time by notice under his hand, order any registered society to furnish him, within a time not being less than twenty-eight days to be stated in such order, with duly audited accounts of such society. Authorised officer may call for audited accounts

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

(As amended by No. 26 of 1960)

21. (1) Any order made by an authorised officer in relation to any registered society under the provisions of section nineteen or twenty shall be binding upon every office-bearer and upon every person managing or assisting in the management of such society in

Zambia who has been served with such order.
information

Persons responsible for supplying

(2) If any registered society fails to comply with the whole or any part of any order given under the provisions of section nineteen or twenty, each of the persons mentioned in subsection (1) who has been served with such order shall be guilty of an offence and shall be liable to a fine not exceeding three thousand penalty units:

Provided that it shall be a defence for any such person to prove 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 an authorised officer in compliance with an order given under the provisions of section nineteen or twenty is incorrect or incomplete in any material particular, the person who supplied such information shall be guilty of an offence and shall be liable to a fine not exceeding three thousand penalty units:

Provided that it shall be a defence for such person to prove to the satisfaction of the court that he believed and had good reason to believe that the information was correct and complete.

(As amended by No. 26 of 1960 and Act No. 13 of 1994)

22. The Minister may, where it appears to him to be in the interests of the members of the society concerned, take such steps as he thinks necessary to publish to such members any matter furnished to the Registrar under the provisions of section nineteen or twenty.

(As amended by G.N. No. 314 of 1964) Discretion to publish information

PART IV UNLAWFUL SOCIETIESPART IV UNLAWFUL SOCIETIES

23. (1) Every society, other than a statutory society, shall be deemed to be an unlawful society: Unlawful societies

Provided that a society in respect of which-

(i) an application for registration or exemption from registration has been duly and lawfully made under the provisions of section six and has not been refused; or

(ii) an appeal has been lawfully made to the Minister under the provisions of section sixteen and remains undetermined;
shall not be deemed to be an unlawful society pending such refusal or determination.

(2) The Minister may, in his absolute discretion, where he considers it to be essential in the public interest, by order declare to be unlawful any statutory 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.

(3) An order made under the provisions of subsection (2) shall operate immediately to cancel the registration or rescind the exemption from registration, as the case may be, of the society concerned.

(4) The Minister may at any time vary or revoke an order made under the provisions of subsection (2), but while any such order remains in force, the society in respect of which it was made shall not be entitled to apply for registration or for exemption from registration under this Act.

(As amended by No. 46 of 1958 and G.N. No. 314 of 1964)

24. (1) Any office-bearer and any person managing or assisting in the management of any unlawful society and any person who is or who purports to be charged with the performance of any function in respect of such society, which is distinct from the functions of an ordinary member, shall be guilty of an offence and shall be liable to a fine not exceeding fifteen thousand penalty units or to imprisonment for a period not exceeding seven years, or to both. Penalties of office-bearers, members, etc., of unlawful society

(2) Any person who-

(a) acts as a member of an unlawful society; or

(b) attends any meeting of an unlawful society; or

(c) in any public place utters any word or statement, or makes any sign, or displays or is in possession of any badge, banner, insignia or writing, whereby it is indicated that such person is a member of an unlawful society;

shall be guilty of an offence and shall be liable to a fine not exceeding fifteen thousand penalty units or to imprisonment for a period not exceeding seven years, or to both.

(As amended by No. 26 of 1960 and Act No. 13 of 1994)

25. 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 an offence and shall be liable to a fine not exceeding seven thousand five hundred penalty units or to imprisonment for a period not exceeding three years, or to both.

(As amended by Act No. 13 of 1994) Persons allowing unlawful society on premises

26. In any proceedings under the provisions of this Act-

(a) where it is proved that a club, company, partnership or association of ten or more persons is in existence, it shall be presumed that such club, company, partnership or association is a society within the meaning of this Act unless the contrary is proved;

(b) it shall not be necessary for the prosecution to prove that a society possesses a name, or that it has been constituted or is usually known under a particular name;

(c) where it is alleged that a society is an unlawful society, the burden of proving that such society is a registered or exempted society, or that an application for registration or exemption from registration has been lawfully made under the provisions of section six and has not been refused, shall lie on the person charged.

(As amended by No. 46 of 1958) Presumptions as to societies

27. (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 be proved, that such person is a member of such society, and such society shall be presumed, until the contrary be proved, to be in existence at the time such books, accounts, writings, lists, seals, banners or insignia are so found. Presumption of membership, etc., of society

(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 be proved, that such person assists in the management of such society.

28. (1) The Minister may order that the property, real and personal, which belongs to an unlawful society or which is, with the consent and permission of the true owner thereof, in the possession, order or disposition of such society shall vest in such officer as may be specified in such order, and thereupon such property shall vest in such officer and such officer shall proceed to wind up the affairs of such society, and if, after satisfying and providing for all the debts and liabilities of the society and the cost of winding up, there are any surplus assets, such officer shall prepare and submit to the Minister a scheme for the application of such surplus assets. Winding up affairs of unlawful society

(2) Where it is necessary that any entry be made in or on any book, register, title deed or other document in order to vest any property in any officer in pursuance of an order made under the provisions of subsection (1), such entry shall, on production of such order, be made, by the person whose duty it is to make such entry, without the payment of any fee or duty in respect thereof.

(3) A scheme submitted to the Minister under subsection (1) may be amended by the Minister in such manner as he may think proper in the circumstances of the case, and the approval of the Minister to such scheme shall be denoted by the endorsement thereon of such approval signed by the Permanent Secretary, and thereupon the surplus assets, the subject of the scheme, shall be held by the officer concerned upon the terms and to the purposes thereby prescribed.

(4) For the purposes of the winding-up of the affairs of a society under the provisions of this section, the officer specified in the order made under subsection (1) shall have all the powers vested in the Official Receiver for the purpose of the discovering of the property of a debtor and the realisation thereof.

(5) The Minister may, for the purpose of enabling a society to wind up its own affairs, suspend the operation of any order made under the provisions of subsection (1) for such period as to him may seem expedient.

(6) The provisions of this section shall not apply to any property forfeited under the provisions of section thirty-three.

(As amended by No. 26 of 1960 and G.N. No. 314 of 1964)

PART V GENERAL
PART V
GENERAL

29. (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 statutory society or not, is being used or has been used or is about to be used for unlawful purposes or for purposes prejudicial to or incompatible with the maintenance of peace, order and good government, or that any statutory society is being used or has been used or is about to be used for unlawful purposes at variance with its declared objects, such Judge or magistrate may by warrant empower an authorised officer 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. Search warrants

(2) 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, firearms, weapons or other articles belonging to an unlawful society, such Judge or magistrate may by warrant empower an authorised officer 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, firearms, weapons 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.

(As amended by S.I. No. 66 of 1965 and Act No. 9 of 1974)

30. (1) The Minister may, by statutory order, declare that the provisions of this subsection shall apply to any area of Zambia, and in any area to which this subsection has been so applied it shall be lawful for any authorised officer who has reason to believe that any society, whether a statutory society or not, is being used or has been used or is about to be used for unlawful purposes or for purposes prejudicial to or incompatible with the maintenance of peace, order and good government, or that any statutory 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 as aforesaid. Power to search without warrant

(2) The Minister may, by statutory order, declare that this subsection shall apply to any area of Zambia, and in any area to which this subsection has been so applied it shall be lawful for any authorised officer to enter, with or without assistance and using force for

that purpose 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, firearms, weapons 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, firearms, weapons or other articles which he may have reasonable cause to believe belong to any unlawful society or to be in any way connected therewith.

(As amended by G.N. No. 314 of 1964 and Act No. 9 of 1974)

31. (1) The provisions of subsections (1) and (3) of section one hundred and two, and sections one hundred and four, one hundred and six, one hundred and nineteen, one hundred and twenty and one hundred and twenty-one of the Criminal Procedure Code shall apply to search warrants issued under the provisions of section twenty-nine, and any magistrate issuing a search warrant under section twenty-nine shall, for the purposes thereof, be deemed to have jurisdiction throughout Zambia. Supplementary provisions as to search warrants, etc.

Cap. 88

(2) All persons arrested and all articles seized in pursuance of a warrant issued under the provisions of section twenty-nine may be detained in custody until they can, without unnecessary delay, be brought before a subordinate court to be dealt with according to law.

32. Except in the case of persons arrested under the provisions of section twenty-nine or thirty, a person shall not be prosecuted for an offence under the provisions of this Act or any rule made thereunder without the written consent of the Director of Public Prosecutions, or, if duly authorised thereto by the Director of Public Prosecutions, the Solicitor-General or State Advocates: Consent to prosecution

Provided that a person charged with such offence may be arrested, or a warrant for such arrest may be issued and executed, and any such person may be remanded in custody or on bail notwithstanding that such consent has not been obtained, but no further proceedings shall be taken until such consent has been obtained.

(As amended by No. 26 of 1960 and S.I. No. 66 of 1965)

33. Any books, accounts, writings, banners, seals, insignia, firearms or other weapons which belong to an unlawful society or which are, with the consent and permission of the true owner thereof, in the possession, order or control of such society shall be forfeited and given to the Registrar for disposal in such manner as he may think fit.

(As amended by No. 26 of 1960) Forfeiture

34. (1) Every statutory society shall have a registered office and postal address to which all communications and notices sent under or for the purposes of this Act may be addressed. Registered office

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

(3) If any statutory society-

(a) operates without having a registered office, or without giving notice of the situation of such 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 situation thereof to the Registrar; or

(c) fails to give notice to the Registrar of any change in its postal address; then such society and every office-bearer thereof shall be guilty of an offence and shall be liable to a fine not exceeding thirty penalty units for every day during which such society so operates or fails to give notice.

(As amended by Act No. 13 of 1994)

35. (1) Where the Registrar is of opinion that doubt exists as to the qualifications or good faith of any person applying for the registration or exemption from registration of a society, or supplying information under any of the provisions of this Act, he may order such person to show cause why such application or such information should be accepted from such person. Power to reject information, etc.

(2) An order given under the provisions of subsection (1) shall specify the time, not being less than twenty-one days from the date of such order, within which the person concerned shall comply therewith.

(3) Where any person ordered to show cause under the provisions of subsection (1) fails to comply with such order within the specified time or fails to satisfy the Registrar as to his qualifications or good faith, the Registrar may, subject to the confirmation of the

Minister, refuse to accept the application or information concerned and may accept any application or information in the same matter made or given by any other person who, in the opinion of the Registrar, is entitled to make the same.

(No. 26 of 1960 as amended by G.N. No. 314 of 1964)

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

Provided that, where it is not possible to effect service of any such document in any of the modes hereinbefore mentioned, service thereof shall be deemed to have been validly effected if such document is securely affixed to the door of the house or other building in which the person to whom such document is addressed is usually resident.

(2) Every order, notice or other document issued under the provisions of this Act or any rule made thereunder 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 to whom or society to which it was addressed within seven days of posting unless the contrary is proved.

(As amended by No. 26 of 1960)

37. Any person employed in carrying out the provisions of this Act who publishes or communicates any information acquired by him in the course of such employment to any other person, otherwise than in accordance with the provisions of this Act or without the written authority of the Permanent Secretary, shall be guilty of an offence and liable to a fine not exceeding three thousand penalty units or to imprisonment for a period not exceeding one month, or to both.

(As amended by G.N. No. 314 of 1964 and Act No. 13 of 1994) Penalty for unauthorised disclosure

38. (1) The Minister may, by statutory instrument, make rules generally for the better carrying into effect of the provisions of this Act, and, in particular, and without prejudice to the generality of the foregoing, may make rules for the purposes following or any of them: Rules

- (a) prescribing the manner of exemption and registration of societies under this Act;
- (b) regulating or restricting changes of name or objects of statutory 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 to be payable in respect of anything to be done under the provisions of this Act;
- (f) for securing the submission to the Registrar of annual or other periodical returns relating to the constitution, objects, membership and management of statutory societies in such form as may be prescribed;
- (g) prescribing anything to be prescribed under the provisions of this Act.

(2) The Minister may, in making a rule under the provisions of this section, prescribe for any breach thereof a fine not exceeding seven thousand five hundred penalty units or a term of imprisonment not exceeding one year, or both, and for a continuing breach thereof a fine not exceeding one hundred and fifty penalty units in respect of each day on which such breach continues.

(As amended by G.N. No. 314 of 1964 and Act No. 13 of 1994)

SUBSIDIARY LEGISLATION

SOCIETIES CAP. 119

SECTION 2-THE SOCIETIES (APPLICATION) ORDER

Order by the Minister Government Notices

147 of 1958

140 of 1964

121 of 1983

1. This Order may be cited as the Societies (Application) Order. Title
2. The associations of persons described in the Schedule are hereby declared not to be societies for the purposes of the Act. Declaration

SCHEDULE

(Paragraph 2)

SOCIETIES DECLARED NOT TO BE SOCIETIES FOR THE PURPOSES OF THE SOCIETIES ACT

1. All schools registered or established under the provisions of the Education Act, which are intended to provide or further a general, vocational, or technical education.
 2. All statutory education authorities, advisory boards, school councils or committees and all committees appointed for educational purposes-
 - (a) by the Permanent Secretary to the Ministry of Education either before or after the 1st January, 1964; or
 - (b) by the Secretary to the former Federal Ministry of Education before the 1st January, 1964.
 3. All societies within any school aforesaid which have been approved by the principal or head-teacher of such school and have not been disapproved-
 - (a) by the Permanent Secretary to the Ministry of Education either before or after the 1st January, 1964; or
 - (b) by the Secretary to the former Federal Ministry of Education before the 1st January, 1964.
- (As amended by No. 140 of 1964) CAP. 134

SECTION 2-THE SOCIETIES (NON-APPLICATION TO CLUBS) ORDER

Order by the Minister Statutory Instrument

121 of 1983

1. This Order may be cited as the Societies (Non-Application to Clubs) Order. Title
2. A club registered under the Clubs Registration Act is hereby declared not to be a society for the purposes of this Act. Non-application of Act to Clubs. Cap. 162

SECTION 30-APPLICATION

Declarations by the Minister Government Notices

83 of 1959

84 of 1959

497 of 1964

Statutory Instrument

197 of 1972

It is hereby declared that the provisions of subsections (1) and (2) of section thirty of the Act shall apply to the Northern, Luapula, Copperbelt, Eastern, Central, Southern, North-Western and Western Provinces of Zambia.

THE SOCIETIES RULES

ARRANGEMENT OF RULES

Rule

1. Title
2. Interpretation
3. Books of account to be kept by registered societies
4. Register of members to be kept by registered societies
5. Application for registration or exemption
6. Issue of Certificate of Registration
7. Issue of Certificate of Exemption
8. Notice of refusal to register
9. Notice of rescission of exemption
10. Notice of cancellation of registration
11. Notice of change of constitution of society
12. Notice of change in constitution of society
13. Notice of alteration of objects of society
14. Notice of change of address of society
15. Notice of change of office-bearers
16. Annual returns
17. Amendment of particulars in register
18. Appeals
19. Furnishing of additional information and documents
20. Signing of returns, etc.
21. Penalties
22. Prescribed fees

FIRST SCHEDULE-Prescribed forms

SECOND SCHEDULE-Prescribed fees

SECTION 38-THE SOCIETIES RULES

Rules by the Minister

Government Notices

119 of 1958

328 of 1958

307 of 1962

314 of 1964

497 of 1964

Statutory Instruments

295 of 1969

6 of 1972

110 of 1982

11 of 1992

ActNo.

13 of 1994

1. These Rules may be cited as the Societies Rules. Title
2. In these Rules, unless the context otherwise requires- Interpretation

"the register" means the register of societies to be kept by the Registrar under section ten (1) 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 account in which shall be entered details of all moneys received and payments made by the society. Books of account to be kept by registered societies

(2) Every office-bearer and every person managing or assisting in the management in Zambia 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 six thousand penalty units or to imprisonment not exceeding one year, or to both, 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.

(As amended by Act No. 13 of 1994)

4. Every registered society shall keep a register of its members in which shall be entered-

- (a) the full name and address of each member;
- (b) the date on which each member was admitted to membership;
- (c) the date on which each member ceases to be a member. Register of members to be kept by registered societies

5. (1) Every application for registration or for exemption from registration of any society shall- Application for registration or exemption

- (a) be made in quadruplicate in the form set out as Form S.O.I in the First Schedule;
- (b) be signed by all office-bearers of the society in the presence of the Registrar of the district in which the society has its registered office;
- (c) be sent to the Registrar of the district in which the society has its registered office;
- (d) be accompanied by three copies of the constitution and rules of the society;
- (e) be accompanied by a remittance for thirteen fee units.
(As amended by No. 110 of 1982 and Act No. 13 of 1994)

(2) The remittance referred to in paragraph (e) of sub-rule (1) shall not be returnable to the society whether or not such society is granted, or exempted from, registration.

(3) Where the constitution or rules of the society were not made in the English language, there shall be attached to the application three copies of a translation of the said constitution or rules into the English language, in addition to the three copies of the said constitution or rules in the language in which they were made.
(As amended by No. 295 of 1969 and No. 6 of 1972)

6. On the registration of any society, the Registrar shall issue to the society a Certificate of Registration in the form set out as Form S.O.2 in the First Schedule. Issue of Certificate of Registration

7. On granting any society exemption from registration, the Registrar shall issue to the society a Certificate of Exemption in the form set out as Form S.O.3 in the First Schedule. Issue of Certificate of Exemption

8. Where the Registrar refuses to register a society, he shall send to the society notification of his refusal in the form set out as Form S.O.4 in the First Schedule. Notice of refusal to register

9. Where under the provisions of section twelve (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.O.5 in the First Schedule. Notice of rescission of exemption

10. Where under section thirteen (2) 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.O.6 in the First Schedule. Notice of cancellation of registration

11. Every registered or exempted society which changes its name in accordance with section seventeen (1) (a) or eighteen (1) of the Act shall notify the Registrar of the change in the form set out as Form S.O.7 in the First Schedule. Notice of change of name of society

12. Every registered society which changes any of the provisions of its constitution or rules shall notify the Registrar in the form set out as Form S.O.7 in the First Schedule. Notice of change in constitution of society

13. Every registered and exempted society which adds to or decreases or otherwise varies its objects shall notify the Registrar in the form set out as Form S.O.7 in the First Schedule. Notice of alteration of objects of society

14. Where any registered or exempted society changes the situation of its registered office or changes its postal address, it shall, within fourteen days, send to the Registrar notice thereof on one of the forms set out as Form S.O.7 in the First Schedule, whichever may be appropriate. Notice of change of address of society

15. (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 to the Registrar notice thereof in the form set out as Form S.O.8 in the First Schedule. Notice of change of office-bearers

(2) If any registered society fails to comply with the provisions of this rule, then such society and every office-bearer thereof shall be guilty of an offence and shall be liable to a fine not exceeding three thousand penalty units

(As amended by Act No. 13 of 1994)

16. (1) Not later than the 31st March in each year every registered society shall furnish to the Registrar an annual return in the form set out as Form S.O.9 in the First Schedule.

Annual returns

(2) It shall be the duty of every office-bearer of the society to ensure that such annual return is duly furnished to the Registrar.

17. (1) On being notified of any change of name in accordance with rule 11 or upon receiving notification of any change in a statutory society's registered office or postal address under rule 14, the Registrar shall amend the particulars concerning the said society entered in the register. Amendment of particulars in register

(2) Where the name of a 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.

(3) The Registrar shall also make such other amendments to the particulars concerning a society entered in the register as may be necessitated by information provided under rules 16 and 19.

18. Any appeal to the Minister under section sixteen of the Act 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; and
- (b) set out the grounds upon which the appeal or application is based; and
- (c) be sent to the Permanent Secretary.

(As amended by No. 314 of 1964) Appeals

19. (1) In addition to the documents and information specifically mentioned in section nineteen (1) of the Act, the Registrar may order any registered society to furnish him within a time to be specified, such time not being less than twenty-one days, all or any of the following: Furnishing of additional information and documents

(a) information on any of the matter contained in Forms S.O.1 or S.O.9 of the First Schedule;

(b) information as to the property, movable or immovable, and the financial position of the society;

(c) a balance sheet of the last or any specified year's working of the society; and

(d) a list of the names of members and office-bearers of any committee or governing or executive body of such society.

(2) The Registrar may also order the society to produce for his inspection within a time to be specified, such time not being less than twenty-one days, all or any of the following:

(a) all or any of the books of account of the society;

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

(c) the documents of title to any property held by the society; and

(d) the register of members of the society kept in accordance with rule 4.

(3) Where the Registrar requires the production of any such books of account 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.

(4) Every office-bearer and every person managing or assisting in the management in Zambia of a registered society which is in breach of the provisions of this rule and who has been served with such order shall be guilty of an offence against these Rules and shall be liable on conviction to a fine not exceeding three thousand penalty units, unless he establishes to the satisfaction of the court that he exercised due diligence and that the failure of the society to comply with this rule was due to reasons beyond his control.
(As amended by Act No. 13 of 1994)

20. All information and every notification or return required by the Registrar or by the provisions of the Act or these Rules shall be signed by two office-bearers. Signing of returns, etc.

21. Where in these Rules no penalty is provided for the breach of a rule, every office-bearer and every person managing or assisting in the management in Zambia of a society shall be liable to a fine not exceeding three thousand penalty units or to imprisonment for a period not exceeding six months, and for a continuing breach to a fine not exceeding one hundred and fifty penalty units in respect of each day on which such breach continues.

(As amended by Act No. 13 of 1994) Penalties

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

Prescribed fees