

CHAPTER 18:01 - SOCIETIES: SUBSIDIARY LEGISLATION

INDEX TO SUBSIDIARY LEGISLATION

Registration of Societies Regulations

Societies (Declaration of Non-Societies) Regulations

REGISTRATION OF SOCIETIES REGULATIONS

(under section 39)

(5th January, 1973)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Interpretation
3. Application for registration of societies
4. Certificate of registration
5. Certificate of exemption
6. Refusal to register
7. Further information
8. Notice of rescission of exemption
9. Cancellation of registration
10. Change of name
11. Change of constitution
12. Change of objects
13. Change of registered office or postal address
14. Ceasing to hold office
15. Annual return
16. Action by Registrar
17. Appeal against decision of Registrar
18. Production of records
19. Signature by two office-bearers
20. Offence
21. Fees

First Schedule - Prescribed Forms

Second Schedule - Prescribed Fees

S.I. 3, 1973,
S.I. 107, 1982,
S.I. 93, 1983,
S.I. 35, 2004.

1. Citation

These Regulations may be cited as the Registration of Societies Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires-

"form" means the form prescribed in the First Schedule;

"register" means the register of societies to be kept in terms of section 9(1).

3. Application for registration of societies

Every application for registration or for exemption from registration of any society shall-

- (a) be made in triplicate in the form set out in Form A;
- (b) be signed by two office-bearers of the society;
- (c) be sent or submitted to the Registrar;
- (d) be accompanied by two copies of the constitution and rules, regulations or bye-laws of the society;
- (e) be accompanied by a prescribed fee which shall not be returnable whether or not the application is granted or refused.

4. Certificate of registration

On registration of any society, the Registrar shall issue to the society a certificate of registration in the form set out in Form B1.

5. Certificate of exemption

On granting any society exemption from registration, the Registrar shall issue to the society a certificate of exemption in the form set out in Form C1.

6. Refusal to register

Where the Registrar refuses to register a society, he shall send the society notification of his refusal.

7. Further information

Before taking any decision on any application for registration or exemption from registration, the Registrar may call for further information or particulars from the society making the application.

8. Notice of rescission of exemption

Where under the provisions of section 10 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 in Form D.

9. Cancellation of registration

(1) Where in terms of section 11(2) the Registrar is of the opinion that the registration of a society should be cancelled, he shall notify his opinion to the society in the form set out in Form E1.

(2) Where in terms of section 11(3) the Registrar decides to cancel the registration of a society, he shall notify his decision to the society in the form set out in Form E2.

(3) Where in terms of section 11(5) the Registrar cancels the registration of a society, he shall notify the cancellation to the society in the form set out in Form E3.

10. Change of name

Every registered or exempted society which changes its name in accordance with the provisions of section 12 or 13 shall notify the Registrar of the change in the form set out in Form F.

11. Change of constitution

Every registered society which changes any provisions of its constitution or rules shall notify the Registrar in the form set out in Form F.

12. Change of objects

Every registered or exempted society which alters or changes its objects shall notify the Registrar in the form set out in Form F.

13. Change of registered office or postal address

Where any registered or exempted society changes the situation of its registered office or changes its postal address, it shall, within 14 days, send to the Registrar notice thereof in the form set out in Form F.

14. Ceasing to hold office

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 it shall, within 14 days, send to the Registrar notice thereof in the form set out in Form G.

15. Annual return

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 in Form H. It shall be the duty of every office-bearer to ensure that such annual return is duly furnished to the Registrar.

16. Action by Registrar

(1) On being notified of any change of name in accordance with regulation 10 or upon receiving notification of any change in a registered society's office or postal address under regulation 13, the Registrar shall amend the particulars concerning the said society in the register.

(2) Where the name of a registered society is changed, the Registrar shall, on the surrender to him of the society's current certificate of registration, issue to the society a fresh certificate of registration in the form set out in Form B2.

(3) Where the name of an exempted society is changed, the Registrar shall, on the surrender to him of the society's current certificate of exemption from registration, issue to the society a fresh certificate of exemption from registration in the form set out in Form C2.

(4) A certificate issued to a society in terms of this regulation shall be deemed, for the purposes of the Act, to be a certificate of registration or of exemption from registration, as

the case may be, issued under section 6(4).

(5) 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 in terms of sections 16 and 17 of the Act or of regulation 7.

17. Appeal against decision of Registrar

Any society 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 to him may appeal against such refusal or decision to the Minister within 21 days or such extended period as the Minister may allow from the date of such refusal, cancellation or decision.

18. Production of records

Where the Registrar requires the production of any information, books of account, minutes or written records and these are not produced within the time specified in such requirement such society shall be deemed to be in breach of these Regulations.

19. Signature by two office-bearers

All information and every notification or return required by the Registrar or by the provisions of the Act or these Regulations shall be signed by the two office-bearers.

20. Offence

Any person, or, in the case of a society, every office-bearer and every person managing or assisting in the management of such a society, who contravenes any provision of these Regulations shall be guilty of an offence and liable on conviction to a fine not exceeding P250 or to imprisonment for a term not exceeding six months.

21. Fees

The fees set out in the Second Schedule shall be charged for the several matters set out in the Schedule in relation to such matters.

FIRST SCHEDULE PRESCRIBED FORMS

(reg. 3)

Form A APPLICATION FOR REGISTRATION OR EXEMPTION FROM REGISTRATION OF A SOCIETY

To: The Registrar of Societies:

The (name of Society)
..... Branch, hereby, applies for
registration/exemption from registration. *(1)

The following are particulars of the Society:

(a) Name of Society

(b) Office-bearers:

Designation	Full Names (BLOCK LETTERS)	Occupation	Nationality
.....
.....
.....
.....
.....
Residential Address	Postal Address	Date of Appointment	
.....	
.....	
.....	
.....	
.....	

(c) Situation of registered office

(d) Postal address

(e) Objects of the Society

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

(f) The name of each organisation or group of a political nature established outside the Republic of which the Society is a branch or is affiliated to or connected with

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

(g) The class or classes of person to whom membership of the Society is restricted

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

(h) The present number of members

(i) The immovable property owned by the Society and the manner in which such property is held or vested

.....

.....

.....

(j) The date of commencement of the Society's financial year

Signed Designation

Signed Designation

NOTE: This application must be completed in triplicate and signed by two office-bearers, and must be accompanied by two copies of the constitution or rules of the Society or both, together with two copies of English translations of the same if they are not in the English language.

FOR OFFICE USE ONLY

.....

.....

.....

.....

Form B1
CERTIFICATE OF REGISTRATION

(reg. 4)

I HEREBY CERTIFY that has
this day been registered under the Societies Act.

Dated this day of 20

.....
Registrar of Societies

Form B2
CERTIFICATE OF REGISTRATION FOLLOWING CHANGE OF NAME

(reg. 16(2))

I HEREBY CERTIFY that
was registered under the Societies Act on the day of

20 under its former name

Dated at this day of 20

.....
Registrar of Societies

Form C1
CERTIFICATE OF EXEMPTION FROM REGISTRATION

(reg. 5)

I HEREBY CERTIFY that has this day been
exempted by me, with the approval of the Minister, from registration under the Societies Act.

Dated at this day of 20

.....
Registrar of Societies

Form C2
**CERTIFICATE OF EXEMPTION FROM REGISTRATION FOLLOWING CHANGE OF
NAME**

(reg. 16(3))

I HEREBY CERTIFY that
was exempted by me, with the approval of the Minister, from registration under the Societies
Act on the day of 20 under its former name of

Dated at this day of 20

.....
Registrar of Societies

Form D
NOTIFICATION OF RESCISSION OF EXEMPTION

(reg. 8)

TO: Branch of (name of Society)

I have this day rescinded your exemption from registration under the Societies Act.

Dated at this day of 20

.....
Registrar of Societies

NOTE:

1. Your attention is drawn to section 10(2) of the Societies Act which requires the certificate of exemption issued to you to be surrendered to me within 21 days immediately after receipt of this notification.

2. By virtue of section 10(1) of the Societies Act, you have 21 days immediately after receipt of this notification within which to apply for registration should you wish to do so.

Form E1

NOTIFICATION OF REGISTRAR'S OPINION THAT REGISTRATION BE CANCELLED

(reg. 9(1))

TO: Branch of (name of Society)

I hereby give you notice that, in terms of section 11(2) of the Societies Act, I am of the opinion that your registration under the said Act should be cancelled on the grounds that

.....
.....

You may, within days immediately after receipt of this notification, submit to me reasons why your registration should not be cancelled.

Dated at this day of 20

.....
Registrar of Societies

Form E2

NOTIFICATION OF DECISION TO CANCEL REGISTRATION

(reg. 9(2))

TO: Branch of (name of Society)

I hereby give you notice that, in terms of section 11(3) of the Societies Act, I have decided to cancel your registration under the said Act on the grounds that

.....

You may, within 28 days immediately after receipt of this notification, appeal against my decision to the Minister.

Dated at this day of 20.....

.....
Registrar of Societies

Form E3

NOTIFICATION OF CANCELLATION OF REGISTRATION

(reg. 9(3))

(reg. 9(3))

TO: Branch of (name of Society)

I hereby give you notice that, under section 11(5) of the Societies Act, I have this day cancelled your registration under the said Act.

Dated at this day of 20

.....
Registrar of Societies

NOTE:

Your attention is drawn to section 11(6) of the Societies Act which requires the certificate of registration issued to you to be surrendered to me within 21 days immediately after receipt of this notification.

Form F
NOTICE OF CHANGE OF A SOCIETY'S NAME OR REGISTERED OFFICE OR POSTAL ADDRESS, OR CHANGE OF CONSTITUTION OR RULES, OR VARIATION OF OBJECTS

(regs. 10-13)

TO: The Registrar of Societies:

* (2) A. Notice is hereby given that the Society formerly named

.....

.....

.....

.....

has changed its name to

The reason for this change is-

.....

.....

.....

Date Signed Designation

B. Notice is hereby given that (name of Society)

.....

has changed its constitution/rules/varied its objects.* (3) The changes made and the reasons therefor are set out in the attached memorandum.

Date Signed Designation

Signed Designation

* (4) C. Notice is hereby given that (name of Society)

.....

has changed the situation of its registered office/postal address * (5) from

.....

.....

to

.....

Date Signed Designation

Signed Designation

NOTE: This form and any accompanying memorandum must be submitted in triplicate and signed by two office-bearers.

FOR OFFICE USE ONLY

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

Form G
NOTICE OF CHANGE OF OFFICE-BEARERS

(reg. 14)

To the Registrar of Societies:

The (name of Society)
..... Branch.

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

Full Names (BLOCK LETTERS)	Designation	Date of vacating office
.....
.....
.....
.....

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

Designation	Full Names (BLOCK LETTERS)	Occupation	Nationality
.....
.....
.....
.....

Residential Address	Postal Address	Date of Appointment
---------------------	----------------	---------------------

.....

 Date Signed Designation
 Signed Designation

NOTES:

- (a) The definition of "office-bearer" in the Act is:
 " 'office-bearer' of a society means any person who is the president, vice-president, chairman, deputy-chairman, secretary or treasurer of such society, or who is a member of the committee or governing body thereof, or who holds in such society any office or position analogous to any of those mentioned above."
 (b) This form must be submitted in triplicate signed by two office-bearers.

FOR OFFICE USE ONLY

.....

Form H
ANNUAL RETURN

(reg. 15)

The (name of Society)
 Date of last annual general meeting
 Present number of members of the Society
 Office-bearers for the current year:

	Full Names (BLOCK LETTERS)	Occupation	Nationality
Designation			

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

Residential Address	Postal Address	Date of Appointment
.....
.....
.....
.....
.....

Have there been, since the date of application for registration or exemption from registration or the date of the last annual return, whichever is the later date, any changes in (answer Yes or No against item in question):

- (a) the name of the Society
- (b) the objects of the Society
- (c) the organisations or groups of a political nature established outside the Republic of which the Society is a branch or to which it is affiliated or with which it is connected
- (d) the class or classes of persons to whom membership is restricted
.....
.....
- (e) the titles of the office-bearers
- (f) the immovable property owned by the Society
- (g) the date of commencement of the financial or business year of the Society
- (h) the constitution or rules of the Society
- (i) the postal address of the Society
.....
- (j) the situation of the registered office of the Society?

If so, set out details of changes (attach separate memorandum if necessary)

.....

Date Signed Designation
 Signed Designation

NOTE: This form must be submitted in TRIPLICATE and signed by two office-bearers.

SECOND SCHEDULE PRESCRIBED FEES

(reg. 21)

- | | |
|--|-------------|
| 1. Search and examination of the registers of registered societies and societies exempted from registration | P20.00 |
| 2. Certified true copy of or extract from any document in the custody of the Registrar, per each side of copy or extract bearing writing | Market Rate |
| 3. Registration of burial societies, sporting and cultural societies | P250.00 |
| 4. Registration of other societies | P500.00 |

SOCIETIES (DECLARATION OF NON-SOCIETIES) REGULATIONS

(under section 39)

(21st January, 1977)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Declaration of non-societies

Schedule

S.I. 6, 1977,
 S.I. 7, 1977,
 S.I. 31, 1980,
 S.I. 39, 1981,

S.I. 131, 1983,
S.I. 44, 1985,
S.I. 143, 1991.

1. Citation

These Regulations may be cited as the Societies (Declaration of Non-Societies) Regulations.

2. Declaration of non-societies

The societies referred to in the Schedule to these Regulations are hereby declared not to be societies for the purposes of the Act.

SCHEDULE

Parent Teacher Associations registered under the Education Act.

Village Development Committees organized under the auspices of a local authority.

Any Consumer Watch Dog Committees formed on the recommendation of the Minister of Commerce and Industry.

4-B Clubs in Botswana

Wildlife Clubs of Botswana

Botswana National Committee of the International Council of Museums.

Endnotes

1 (Popup - Popup)

Delete as applicable.

2 (Popup - Popup)

Delete as applicable.

3 (Popup - Popup)

Delete as applicable.

4 (Popup - Popup)

Delete as applicable.

5 (Popup - Popup)

Delete as applicable.