

## **CHAPTER 18:01 SOCIETIES**

### ARRANGEMENT OF SECTIONS

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Schedule

Act 19, 1972,  
Act 11, 1978,  
Act 32, 1979,  
Act 23, 1983,

**An Act to provide for the registration of societies.**

[Date of Commencement: 9th June, 1972]

**1. Short title**

This Act may be cited as the Societies Act.

**2. Act not to apply to certain societies**

This Act shall not apply to any society which is an unlawful society within the meaning of section 66(2) of the Penal Code.

**3. Interpretation**

(1) In this Act, except where the context otherwise requires-

**"declared objects"**, in relation to any society, means the objects for which it exists 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 regulations made under this Act;

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

**"local society"** means any society established in Botswana, or having its headquarters or chief place of business in Botswana, and any branch of such a society, and any society deemed to be established in Botswana by virtue of section 5 and any branch of such a society;

**"officer-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;

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

**"Registrar"** means the officer appointed as Registrar of Societies under section 4(1) and includes any Deputy Registrar of Societies or Assistant Registrar of Societies who has been authorized by the Registrar of Societies to exercise functions on his behalf;

**"society"** includes any club, company, partnership or association of 10 or more persons, whatever its nature or objects, but does not include-

- (a) any company as defined by the Companies Act, or any company to which Part VII of that Act applies which has complied with the requirements of section 285 of that Act;
- (b) any company or association constituted under any written law for the time being in force in Botswana;
- (c) any trade union, federation of trade unions or employers' organization registered

under the Trade Unions and Employers' Organizations Act;

- (d) any company, association or partnership consisting of not more than 20 persons, formed for the sole purpose of carrying on any lawful business;
- (e) any co-operative society, registered under the Co-operative Societies Act;
- (f) any board of governors, local education authority, school committee or similar organization established under the Education Act;
- (g) any building society registered under the Building Societies Act;
- (h) any political party listed in the Schedule; or
- (i) any society or class of society which may be declared not to be a society for the purposes of this Act.

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

#### **4. Appointment of Registrar of Societies**

(1) The Minister shall appoint a Registrar of Societies, and such number of Deputy Registrars of Societies and Assistant Registrars of Societies as he may consider necessary for the purposes of this Act.

(2) No suit shall lie against any person appointed under subsection (1) for any act done by him in good faith without negligence in the exercise of any power or performance of any duty conferred or imposed on him by this Act.

#### **5. Societies deemed to be established in Botswana**

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

Provided that no society shall be deemed to be so established if-

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

#### **6. Applications for registration or exemption from registration of societies**

(1) Every local society shall, in the manner prescribed and within 28 days of the formation thereof or of the adoption thereof of a constitution or of rules, regulations or bye-laws, make application to the Registrar for registration or for exemption from registration under this Act.

(2) Subject to sections 7 and 11(7)-

- (a) upon application being made by a local society for registration under this Act, the Registrar shall register the society; and
- (b) upon application being made by a local society for exemption from registration under this Act, the Registrar shall either grant such exemption with the approval of the Minister or refuse such exemption in which case the Registrar shall treat the application for exemption as an application for registration under this Act and shall register the society.

(3) Before registering or refusing to register or granting or refusing to grant exemption from registration to a local society, the Registrar may require the society to provide him, in writing or otherwise, with such further information as he thinks is necessary to have for a proper consideration of the application for registration or for exemption from registration, as the case may be.

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

## **7. Powers and duties of Registrar in connection with registration of societies**

(1) The Registrar may refuse to register and shall not exempt from registration a local society where he is satisfied that the society is a branch of or is affiliated to or connected with any organization or group established outside Botswana and that-

- (a) the local society has not adopted its own constitution or its own rules, regulations or bye-laws; or
- (b) the organization or group established outside Botswana is of a political nature.

(2) The Registrar shall refuse to register and shall not exempt from registration a local society where-

- (a) it appears to him that any of the objects of the society is, or is likely to be used for any unlawful purpose or any purpose prejudicial to or incompatible with peace, welfare or good order in Botswana;
- (b) the society, within 90 days immediately after being required under section 6(3) to provide him with information, fails to provide him with all the information so required;
- (c) he is not satisfied that the constitution or the rules, regulations or bye-laws of the society adequately define the membership of the society and adequately provide for the termination and determination of membership and for the control and management of the financial affairs of the society and of its property;
- (d) he is not satisfied that the office-bearers of the society are able to undertake the management of the society, including the keeping of proper records of meetings of the society and of its members and the control and management of the financial affairs of the society and of its property, and to perform the duties imposed on them by this Act;

- (e) it appears to him that the constitution, rules, regulations or bye-laws of the society are in any respect repugnant to or inconsistent with any written law;
- (f) he is satisfied that the application does not comply with this Act;
- (g) he is satisfied that the society does not exist; or
- (h) the name under which the society is to be registered or exempted-
  - (i) is identical to that of any other existing local society;
  - (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, repugnant to or inconsistent with any written law or otherwise undesirable.

## **8. Appeal against refusal to register society**

Any society aggrieved by the refusal of the Registrar to register it may, within 28 days immediately after the date of such refusal, appeal against the refusal to the Minister and where a society has so appealed, it shall not, notwithstanding section 20, be deemed to be an illegal society pending the decision of the Minister on the appeal.

## **9. Register of societies**

(1) The Registrar shall effect registration of a local society by entering in a register kept for the purpose (hereafter in this section referred to as "the register") the particulars given in the application form and the date of such entry.

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

(3) In any proceedings under this Act, a document purporting to be a copy of an extract from the register and to be certified by the Registrar as a true copy shall be admissible as *prima facie* evidence of the contents of the register and of the truth of what is recorded in the document.

## **10. Rescission of exemption from registration**

(1) The Registrar may, with the approval of the Minister, rescind at any time any exemption from registration granted to a local society; in which case the society may, within 21 days immediately after the date of the receipt of notification of the rescission, apply for registration under this Act and, where the society does so, it shall not, pending a refusal of the application, be deemed to be an illegal society notwithstanding section 20.

(2) Where the Registrar rescinds the exemption of a society under this section, the certificate of exemption issued to the society under section 6(4) shall be surrendered to the Registrar within 21 days immediately after the date of the receipt of notification of the rescission; if the certificate is not so surrendered, every person who was an office-bearer of the society at the date of the rescission of the society's exemption from registration shall be guilty of an offence and liable to a fine not exceeding P50 and to a further fine of P10 for every day, after the expiry of the period of 21 days, upon which the certificate remains

unsurrendered.

## **11. Cancellation of registration**

(1) The Registrar may at any time cancel the registration of a local society if he is satisfied that it is expedient to do so on the ground that-

- (a) the society is or has become a branch of or affiliated to or connected with any organization or group of a political nature established outside Botswana;
- (b) it is a society which, by virtue of section 7(2)(a), (d) or (e), he is entitled to refuse to register;
- (c) the society has, in contravention of section 12, changed its objects or pursues objects other than its declared objects; or
- (d) the society has failed to comply with an order made under section 16 or 17 within the time stated in the order.

(2) Where the Registrar is of the opinion that the registration of a local society should be cancelled, he shall notify his opinion in writing to the society and shall specify a period of not less than 21 days within which the society may, if it so wishes, submit to him reasons why the society's registration should not be cancelled.

(3) At the expiry of the period specified by the Registrar under subsection (2) and after considering any reasons which may have been submitted to him under that subsection, the Registrar, if he decides to cancel the registration of the society concerned, shall not proceed at once to cancel the registration of the society but shall first notify his decision in writing to the society.

(4) Any society aggrieved by the decision of the Registrar notified to it under subsection (3) may, within 28 days immediately after the date of the receipt of notification of the decision, appeal against the decision to the Minister.

(5) Where no appeal is made to the Minister within the period of 28 days prescribed by subsection (4) or such an appeal is made and dismissed by the Minister, the Registrar may forthwith cancel the registration of the society and shall notify the society in writing accordingly.

(6) Where the Registrar cancels the registration of a society under this section, the certificate of registration issued to the society under section 6(4) shall be surrendered to the Registrar within 21 days immediately after the date of the receipt of notification of the cancellation; if the certificate is not so surrendered, every person who was an office-bearer of the society at the date of the cancellation of the society's registration shall be guilty of an offence and liable to a fine not exceeding P50 and to a further fine of P10 for every day, after the expiry of the period of 21 days, upon which the certificate remains unsurrendered.

(7) A society which has had its registration cancelled on the ground prescribed by subsection (1)(d) or any society which, in the opinion of the Registrar, is the successor of that society shall not be entitled to apply for re-registration or for exemption from registration until the relevant order made under section 16 or 17, as the case may be, has been complied with.

## **12. Registered societies to obtain consent of Registrar before changing name,**

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**constitution, etc.**

(1) No registered society shall-

(a) change-

(i) its name;

(ii) any provisions of its constitution or any of its rules, regulations or bye-laws; or

(iii) any of its objects; or

(b) become a branch of, or affiliated to or connected with, any organization or group of a political nature established outside Botswana,

without obtaining the prior consent in writing of the Registrar upon application made to him in writing.

(2) It shall be the duty of the office-bearers of every registered society to ensure-

(a) that no change is made in the society's name, in its constitution, rules, regulations or bye-laws, or in any of its objects; and

(b) that the society does not become a branch of, or affiliated to or connected with, any organization or group of a political nature established outside Botswana,

in contravention of this section.

(3) Notice that any of the matters mentioned in subsection (1) has been effected in accordance with the constitution, rules, regulations or bye-laws of the registered society shall be given to the Registrar within 14 days of the day on which the same was so effected, and the Registrar shall register the same.

(4) If any registered society fails to comply with this section, such society and every office-bearer thereof shall be guilty of an offence and liable to a fine not exceeding P200.

**13. Exempted societies to inform Registrar of change of name, etc.**

(1) Every exempted society which-

(a) changes-

(i) its name;

(ii) any provisions of its constitution or any of its rules, regulations or bye-laws; or

(iii) any of its objects; or

(b) becomes a branch of, or affiliated to or connected with any organization or group of a political nature established outside Botswana,

shall within 14 days from the date of such change or of becoming a branch or affiliated or connected as aforesaid give notice thereof in writing to the Registrar.

(2) If any exempted society fails to comply with this section, such society and every office-bearer thereof shall be guilty of an offence and liable to a fine not exceeding P200.

#### **14. Publication of registration, etc.**

- (1) The Registrar shall publish a notice in the *Gazette* of-
- (a) every registration;
  - (b) every exemption from registration;
  - (c) every rescission of exemption from registration; and
  - (d) every cancellation of registration,

effected or granted under this Act.

(2) The Registrar shall cause to be published in the *Gazette* in April of each year a list of all registered societies existing on 31st March in that year and a list of all exempted societies existing on 31st March in that year.

#### **15. Cessation of existence of a society**

(1) If the Registrar has reason to believe that any registered or exempted society has ceased to exist or has ceased to be a society to which this Act applies, he may publish a notice in the *Gazette* calling upon such society to furnish him with proof of its existence within three months from the date of such publication.

(2) If at the expiration of the three months referred to in subsection (1) the Registrar is satisfied that the society has ceased to exist or has ceased to be a society to which this Act applies, a notice to that effect shall be published in the *Gazette*, and the society shall thereupon cease to be a registered or exempted society, as the case may be.

(3) Notwithstanding subsections (1) and (2), where a society ceases, by reason of section 2, to be a society to which this Act applies, such society shall thereupon cease to be a registered society or exempted society, as the case may be.

#### **16. Information to be furnished by societies**

(1) The Registrar may, at any time, by notice under his hand, order any exempted society or registered society to furnish him with-

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

(2) An order given under subsection (1) shall specify the time (not being less than 21 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.

#### **17. Registrar may call for audited accounts**

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

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

#### **18. Persons responsible for supplying information**

(1) Any order made by the Registrar in relation to any exempted society or registered society under section 16 or 17 shall be binding upon every office-bearer and upon every person managing or assisting in the management of any such society in Botswana:

Provided that any such office-bearer or other person shall not be so bound unless he has been served with the order given by the Registrar.

(2) If any exempted society or registered society fails to comply with any order given under section 16 or 17, each of the persons mentioned in subsection (1) who has been served with the order referred to in the said subsection shall be guilty of an offence and liable to a fine not exceeding P200, 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 16 or 17 is false, incorrect or incomplete in any material particular, the person who has supplied such information shall be guilty of an offence and liable to a fine not exceeding P200, unless he establishes to the satisfaction of the court that he had good reason to believe that the information was true, correct and complete.

#### **19. Discretion to publish information for benefit of members**

The Registrar, where it appears to him to be in the interest of the members of a society to do so, may, with the approval of the Minister, 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 matter furnished by or on behalf of such society to the Registrar under section 16 or 17.

#### **20. Illegal societies**

Every local society, not being a registered society or an exempted society, shall be deemed to be an illegal society:

Provided that where a society has made an application for exemption or registration under this Act it shall not be deemed to be an illegal society pending a refusal of such application.

#### **21. Penalties on office-bearer, etc. of illegal society**

Any office-bearer, any person managing or assisting in the management, and any person

soliciting or collecting money or subscriptions on behalf of any illegal society shall be guilty of an offence and liable to a fine not exceeding P1000 or to imprisonment for a term not exceeding seven years, or to both.

## **22. Penalties on member of illegal society**

Any person who is or acts as a member of an illegal society or attends a meeting of an illegal society shall be guilty of an offence and liable to a fine not exceeding P500 or to imprisonment for a term not exceeding three years, or to both.

## **23. Person allowing illegal society on premises**

Any person who knowingly allows a meeting of an illegal society or of members of an illegal society for the purposes of the illegal society to be held in any house, building or place belonging to or occupied by him, or over which he has control, shall be guilty of an offence and liable to a fine not exceeding P500 or to imprisonment for a term not exceeding three years or to both.

## **24. Presumptions**

In any proceedings under this Act-

- (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 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 illegal society, the burden of proving that it is a registered society or an exempted society, or that it is not a local society, shall lie on the person charged.

## **25. Presumption of membership, etc., of society**

(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 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.

## **26. Order for winding up affairs of illegal society, effect and suspension thereof**

(1) The Minister may order that the property, both movable and immovable, of an illegal society or of a society in respect of which a notice has been published in the *Gazette* under section 15(2) shall vest in a person specified in the order (hereafter in this section and in section 27 referred to as "the person specified") and thereupon the person specified shall

proceed to wind up the affairs of the society:

Provided that no order made under this subsection shall extend to any property of the society ordered to be forfeited under section 32.

(2) An order made under subsection (1) shall be registered by the public officer concerned with the registration of the title to any immovable property affected by the order without the payment of any registration fee.

(3) 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 the person specified in pursuance of an order made under subsection (1), the entry shall, on production of the order, be made by the person whose duty it is to make the entry, without the payment of any fee or duty in respect thereof.

(4) For the purpose of winding up the affairs of a society in pursuance of an order made under subsection (1), the person specified shall have all the powers vested by the Insolvency Act in the trustee of an insolvent estate for the purpose of discovering the property of a debtor and the realization 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 subsection (1) for such period as may seem expedient to him:

Provided that the Minister shall not suspend the operation of such an order unless he is satisfied that the society in question is solvent.

## **27. Application of assets of illegal society under winding up order**

(1) Where the affairs of a society are wound up in pursuance of an order made under section 26(1), the assets of the society shall be applied upon the principles of those provisions of Part VI of the Insolvency Act governing the application of assets in respect of the costs of sequestration, other preferent claims and secured claims.

(2) Where, after the assets of the society have been applied in accordance with subsection (1), the remaining assets of the society (if any) are sufficient to satisfy and provide for the outstanding debts and liabilities of the society, as evidenced by its books, the person specified shall apply the remaining assets to satisfy and provide for those outstanding debts and liability as so evidenced.

(3) Where, after the assets of the society have been applied in accordance with subsection (1), the remaining assets of the society (if any) are not sufficient to satisfy and provide for the outstanding debts and liabilities of the society, as evidenced by its books, the person specified shall apply the remaining assets to satisfy and provide for those outstanding debts and liabilities in proportion to the amounts of the same as so evidenced.

(4) Where, after the assets of the society have been applied in accordance with subsections (1) and (2), there are any surplus assets, the person specified shall prepare a draft order directing the manner in which the surplus assets shall be applied and submit the same to the Minister.

(5) The Minister may make an order by dating and signing the draft order submitted to him in accordance with subsection (4), whereupon the surplus assets shall be held and

applied by the person specified in conformity therewith:

Provided that before making an order under this subsection, the Minister may amend the draft order submitted to him in accordance with subsection (4) in such manner as he may think proper in the circumstances of the case.

## **28. Search warrants**

(1) Whenever it is represented on oath, affirmation or affidavit to a judicial officer that there are reasonable grounds for suspecting that any registered society or exempted society is being or has been used for purposes prejudicial to public peace, or to welfare or good order in Botswana, such judicial officer may by warrant (hereinafter called a "search warrant") authorize any police officer of or above the rank of Inspector to search any place which is so represented to be or have been used as a place of meeting or place of business of such society and any person found therein or escaping therefrom, for evidence that such society is being used for such purposes stated in this subsection.

(2) Whenever it is represented on oath, affirmation or affidavit to a judicial officer that there are reasonable grounds for suspecting that any dwelling-house or other building or any place is or is about to be used as a place of meeting of any illegal society, or of persons who are members of any illegal 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 any illegal society, such judicial officer may by a search warrant authorize any police officer of or above the rank of Inspector to search such dwelling-house, building or place and seize or cause to be seized all books, accounts, writings, banners, lists of members, seals, insignia, arms and other articles which he has reasonable cause to believe to belong to any illegal society or to be in any way connected therewith, and to arrest or cause to be arrested any person found in such dwelling-house, building or place or escaping therefrom whom such officer has reason to believe is a member of any illegal society.

## **29. Provisions regarding search warrants**

(1) Every search warrant issued under section 28 shall be under the hand of the judicial officer issuing the same and shall bear the seal of the court.

(2) A search warrant shall remain in force until it is executed or until it is cancelled by the court which issued it.

(3) A search warrant may be issued on any day (including Sundays and public holidays) but may be executed only between the hours of sunrise and sunset unless the judicial officer by the warrant specially authorizes it to be executed at any other times, in which case it may be so executed.

(4) Any magistrate issuing a search warrant under section 28 shall be deemed to have jurisdiction throughout Botswana.

## **30. Powers of Registrar to summon witnesses**

(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 illegal society or suspected illegal society, or as to the operations of any registered society or exempted society.

(2) The person so summoned shall attend at the hour and 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 the Registrar may put to him; and any person who fails to comply with this subsection shall be guilty of an offence and liable to a fine not exceeding P100.

(3) 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 liable to a fine not exceeding P100.

(4) No statement made by a person summoned before the Registrar under 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.

### **31. Minister to adjudicate property disputes between societies**

(1) Where a number of members of a society registered or exempted from registration under this Act (in this section referred to as the "parent society") for any reason decides to leave the parent society for the purpose of forming a new society (in this section referred to as the "new society"), which is subsequently registered or exempted from registration under this Act, and there arises any dispute as to the respective rights of such societies in the movable and immovable properties vested in the parent society, any office-bearer of any such society authorized by his society may petition the Minister to settle the dispute.

(2) The Minister shall, on a petition being made to him under subsection (1), appoint a committee consisting of such number of persons as he considers necessary to investigate the matter in dispute, and the committee shall report its findings and recommendations to him.

(3) On the receipt of the report of the committee appointed under subsection (2) the Minister may-

- (a) dismiss the petition; or
- (b) by order apportion the properties in dispute between the parties in such manner as he considers fair and equitable having regard to the findings and recommendations of the committee.

(4) Any petition made under the preceding provisions of this section shall have the effect of staying any pending legal proceedings or the execution of any judgment given or order made in relation to any property in respect of which the petition is being made.

### **32. Forfeiture**

Any books, accounts, writings, banners, insignia or other property belonging to any illegal society shall, upon the order of a judicial officer be forfeited and given to the Registrar for disposal in such manner as he may see fit.

### **33. Registered office**

(1) Every registered society or exempted society shall have an office registered under this section, called a registered office, and a postal address to which all communications and notices may be addressed.

(2) Notice of the situation of the registered office and of a change in its situation or of

change of the postal address of the society shall be given to the Registrar and shall be registered by him.

(3) Until notice has been given under subsection (2), the registered society or the exempted society shall not be deemed to have complied with this Act.

(4) Where a registered society or an exempted society-

- (a) operates without having a registered office, or without having given notice of the situation of its registered office as required by this section;
- (b) without having given the Registrar notice of the change in its situation, operates at a place to which its registered office may have been removed; or
- (c) fails to give notice of a change of its postal address,

then every office-bearer of the registered society or exempted society shall be guilty of an offence and liable to a fine not exceeding P10 for every day during which the society so operates.

#### **34. Notice of change of officers**

(1) Notice of any change of officers, or of the title of any office, of a registered society or an exempted society shall be given to the Registrar within 14 days of such change.

(2) If any registered society or exempted society fails to give notice of any change of officers or of the title of any office, such registered society or exempted society and every office-bearer thereof shall be guilty of an offence and liable to a fine not exceeding P200.

#### **35. Service of documents**

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

(2) Every order, notice or other document issued under this Act, or under any regulations made thereunder, shall be deemed to have been validly served on a society if it is sent by pre-paid 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 96 hours of posting.

#### **36. Evidence**

In any prosecution under this Act, it shall be no objection to the admissibility of evidence as to the constitution, objects or activities of any society that the witness tendering such evidence is not or has not been a member of any illegal society.

#### **37. Inspection of documents**

Any person may, on payment of the prescribed fees, inspect at the office of the Registrar the register and the documents relating to any society and required to be lodged with the Registrar in accordance with this Act, and may obtain from the Registrar a copy or extract of

or from the register or any such document.

### **38. Power of Minister to amend Schedule**

The Minister may by order published in the *Gazette* amend the Schedule:

Provided that no deletion of any political party listed in the Schedule may be made other than by Act of Parliament.

### **39. Regulations**

(1) The Minister may make regulations generally for the better carrying into effect of this Act, and in particular and without prejudice to the generality of the foregoing, may make regulations for the following purposes or any of them-

- (a) prescribing the manner of exemption and registration of societies under this Act;
- (b) regulating or restricting changes of the name or objects of exempted societies or of registered societies;
- (c) prescribing the forms which may be used for carrying out the provisions of this Act;
- (d) for securing the submission to the Registrar of accounts relating to the assets and liabilities, and the income and expenditure, of exempted societies and 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 which may be levied under this Act;
- (f) securing the submission to the Registrar of annual or other periodical returns relating to the constitution, objects, membership and management of exempted societies and registered societies in such form as may be prescribed;
- (g) declaring any society not to be a society for the purposes of this Act; and
- (h) prescribing anything to be prescribed under this Act.

(2) Any regulations made under this section may provide that any person who contravenes any provision of such regulations shall be guilty of an offence and liable to a fine not exceeding P250 or to imprisonment for a term not exceeding six months, or to both.

## **SCHEDULE**

*(section 3)*

Botswana Democratic Party

Botswana Independence Party

Botswana National Front

Botswana Peoples' Party

Botswana Progressive Union