

Zambia

## Societies Act, 1957

### Chapter 119

Legislation as at 31 December 1996

There may have been updates since this file was created.

PDF created on 18 December 2024 at 11:29.

*Collection last checked for updates: 31 December 1996.*

[View online](#)



#### About this collection

The legislation in this collection has been reproduced as it was originally printed in the Government Gazette, with improved formatting and with minor typographical errors corrected. All amendments have been applied directly to the text and annotated. A scan of the original gazette of each piece of legislation (including amendments) is available for reference.

[www.laws.africa](http://www.laws.africa)  
[info@laws.africa](mailto:info@laws.africa)

FRBR URI: /akn/zm/act/1957/65/eng@1996-12-31

There is no copyright on the legislative content of this document.  
This PDF copy is licensed under a Creative Commons Attribution 4.0 License (CC BY 4.0). Share widely and freely.

Societies Act, 1957 (Chapter 119)  
 Contents

Part I – Preliminary ..... 1

    1. Short title ..... 1

    2. Interpretation ..... 1

    3. Registrar of Societies ..... 2

    4. Protection of officers ..... 2

    5. Associations deemed to be established in Zambia ..... 3

Part II – Registration or exemption from registration ..... 3

    6. Application for registration or exemption ..... 3

    7. Registration or exemption of societies ..... 3

    8. Grounds for refusing registration or exemption ..... 4

    9. Cases where Registrar must refuse registration or exemption ..... 4

    10. Method of effecting registration ..... 4

    11. Exemption from registration to be entered in register ..... 5

    12. Rescission of exemption ..... 5

    13. Cancellation of registration ..... 5

    14. Prohibition of certain acts after society has become unlawful ..... 6

    15. Publication of registration, etc. .... 7

    16. Appeals ..... 7

Part III – Duty of societies to furnish information ..... 7

    17. Change of name, etc., of registered societies ..... 7

    18. Change of name, etc., of exempted societies ..... 8

    19. Information to be furnished by registered societies ..... 8

    20. Authorised officer may call for audited accounts ..... 8

    21. Persons responsible for supplying information ..... 8

    22. Discretion to publish information ..... 9

Part IV – Unlawful societies ..... 9

    23. Unlawful societies ..... 9

    24. Penalties of office-bearers, members, etc., of unlawful society ..... 10

    25. Persons allowing unlawful society on premises ..... 10

    26. Presumptions as to societies ..... 10

    27. Presumption of membership, etc., of society ..... 10

    28. Winding up affairs of unlawful society ..... 11

Part V – General ..... 11

    29. Search warrants ..... 11

|   |    |
|---|----|
| 30. Power to search without warrant .....                     | 12 |
| 31. Supplementary provisions as to search warrants, etc. .... | 12 |
| 32. Consent to prosecution .....                              | 12 |
| 33. Forfeiture .....  | 13 |
| 34. Registered office .....                                   | 13 |
| 35. Power to reject information, etc. ....                    | 13 |
| 36. Service of summons, etc. ....                             | 13 |
| 37. Penalty for unauthorised disclosure .....                 | 14 |
| 38. Rules .....   | 14 |

# Zambia

## Societies Act, 1957 Chapter 119

Commenced on 2 June 1958

*[This is the version of this document at 31 December 1996.]*

*[This legislation has been revised and consolidated by the Ministry of Legal Affairs of the Government of the Republic of Zambia. This version is up-to-date as at 31st December 1996.]*

*[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]*

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

### Part I – Preliminary

#### 1. Short title

This Act may be cited as the Societies Act.

#### 2. Interpretation

(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]*

"**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;

*[Cap. 388; Cap. 269; Cap. 347]*

"**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.

- (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. Registrar of Societies

- (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.
- (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. Protection of officers

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.

## 5. Associations deemed to be established in Zambia

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:

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

### 6. Application for registration or exemption

- (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.
- (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. Registration or exemption of societies

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

- (3) On registering, or exempting from registration, a society, the Registrar shall issue to such society a certificate in the prescribed form which shall be *prima facie* evidence of registration or exemption, as the case may be.
- (4) Notwithstanding any other provision of this Act, a registered society may make application to the Permanent Secretary for exemption from registration and the Permanent Secretary may, in his absolute discretion and subject to such conditions, if any, as he thinks fit, grant such society exemption from registration, and thereupon the Registrar shall cancel the certificate issued to such society under the provisions of subsection (3) and shall issue a certificate of exemption to such society.

*[As amended by No. 26 of 1960 and G.N. No. 314 of 1964]*

## 8. Grounds for refusing registration or exemption

The Registrar may refuse to register and shall not exempt from registration any society where it appears to him that such society has among its objects, or is likely to pursue or to be used for, any unlawful purpose or for any purpose prejudicial to or incompatible with the peace, welfare or good order in Zambia, or that the interests of the peace, welfare or good order in Zambia would otherwise be likely to suffer prejudice by reason of the registration, or exemption from registration, of such society.

*[As amended by No. 46 of 1958 and G.N. No. 314 of 1964]*

## 9. Cases where Registrar must refuse registration or exemption

The Registrar shall refuse to register and shall not exempt from registration any society where—

- (a) it appears to him that the terms of the constitution or rules of such society are in any respect repugnant to or inconsistent with the provisions of any law for the time being in force in Zambia; or
- (b) he is satisfied that the application does not comply with the provisions of this Act or of any rules made thereunder; or
- (c) he is satisfied that the society does not exist; or
- (d) the name under which the society is to be registered—
  - (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.

## 10. Method of effecting registration

- (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.
- (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. Exemption from registration to be entered in register**

- (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.
- (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. Rescission of exemption**

- (1) The Registrar may, with the approval of the Minister, rescind at any time any exemption granted under the provisions of section seven.
- (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. Cancellation of registration**

- (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—
  - (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. Prohibition of certain acts after society has become unlawful**

- (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—
  - (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. Publication of registration, etc.

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]*

## 16. Appeals

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]*

## Part III – Duty of societies to furnish information

### 17. Change of name, etc., of registered societies

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

- (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.
- (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. Information to be furnished by registered societies

- (1) An authorised officer may, at any time by notice under his hand, order any registered society to furnish him with—
  - (a) a true and complete copy of the constitution and rules of such society in force at the date of such order;
  - (b) a true and complete list of office-bearers 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. Authorised officer may call for audited accounts

- (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.
- (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. Persons responsible for supplying information

- (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.

- (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. Discretion to publish information

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]*

## Part IV – Unlawful societies

### 23. Unlawful societies

- (1) Every society, other than a statutory society, shall be deemed to be an unlawful society:

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

- (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.
- (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. Persons allowing unlawful society on premises

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](#)]*

## 26. Presumptions as to societies

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]*

## 27. 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 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.
- (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. Winding up affairs of unlawful society

- (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.
- (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

### 29. Search warrants

- (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.
- (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. Power to search without warrant**

- (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.
- (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. Supplementary provisions as to search warrants, etc.**

- (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.
- (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.

*[Cap. 88]*

### **32. Consent to prosecution**

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:

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. Forfeiture

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]*

### 34. Registered office

- (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.
- (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. Power to reject information, etc.

- (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.
- (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. Service of summons, etc.

- (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:

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. Penalty for unauthorised disclosure**

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](#)]*

### **38. Rules**

- (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:
  - (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](#)]*