

THE UNITED REPUBLIC OF TANZANIA



No. 16 OF 1969

I ASSENT,

Julius K. Nyerere
President

6 FEBRUARY, 1969

An Act to amend the Societies Ordinance

[7TH FEBRUARY, 1969]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Societies Ordinance (Amendment) Act, 1969 and shall be read as one with the Societies Ordinance.

Short title
Cap. 337

2. Section 24 of the Societies Ordinance is amended by deleting subsection (5) and substituting therefor the following new subsections:—

Section 24 of
Cap. 337
amended

“(5) Notwithstanding the provisions of the foregoing subsections the President may—

(a) prior to the completion of the winding-up of an unlawful society by the officer in whom the property of such society is vested by an order under subsection (1); or

(b) after the completion of such winding-up by such officer,

by order, vest any asset or liability of the unlawful society, or any of the surplus assets thereof, in any other society or body of persons, whether corporate or unincorporate, if, in the opinion of the President, it is desirable to do so.

“(5A) Where an order is made under subsection (5) vesting any asset, liability or surplus asset in any society or body of persons, the asset, liability or surplus asset shall vest in such society or body of persons, as the case may be, by virtue of such order and without further assurance with effect from such date and subject to such terms and conditions as may be specified in the order.

“(5B) Where an order under subsection (5) is made prior to completion of the winding-up of the unlawful society the asset or liability in respect of which the order is made shall not be taken into account for the purposes of the winding-up of the unlawful society.

“(5C) Where, by an order made under subsection (5) any asset of an unlawful society is vested in any society or body of persons, the President may, by order, transfer any person who immediately prior to the commencement of the order made under subsection (1) was an employee of the unlawful society and whose employment has not been terminated by the officer in whom the property of the unlawful society has been vested, to the service of the society or body of persons in whom the asset is vested by order made under subsection (5).

“(5D) Where any employee is transferred under subsection (5C)—

- (a) he shall, as from the date of his transfer, be deemed to be the employee of the society or body of persons to which he is transferred;
- (b) the terms and conditions of service applicable to him after such transfer shall not be less favourable than those which were applicable to him immediately before the transfer, and, for the purposes of determining any right to gratuity or other superannuation benefit, his service with the society or body of persons to which he is transferred shall be regarded as continuous with his service immediately preceding such transfer;
- (c) his employment immediately prior to his transfer and his employment by the society or body of persons to which he is transferred shall be deemed to be continuous employment by one employer within the meaning of section 8A of the Severance Allowance Act, 1962, and that Act shall apply to the parties in the same manner as it applies to cases set out in subsection (1) of the said section 8A.

Cap. 487

“(5E) For the avoidance of doubts it is hereby declared that nothing in this section or in this Ordinance shall be construed as conferring upon any member or past member any right to a refund of any fee, dues, subscription or other contribution paid or made by such member or past member to the unlawful society or as conferring upon any person any right to a refund or return of any gift made by him to the unlawful society.

“(5F) The President 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 to him shall seem expedient:

Provided that where the operation of any order made under subsection (1) is suspended such suspension shall not affect the operation of any order made under subsection (5) or subsection (5c).”.

Passed in the National Assembly on the tenth day of January, 1969.


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Clerk of the National Assembly

