

THE UNITED REPUBLIC OF TANZANIA



No. 6 OF 1971

I ASSENT,

Julius K. Nyerere
President

11TH FEBRUARY, 1971

An Act to amend the National Sports Council of Tanzania Act, 1967

[1ST MARCH, 1971]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the National Sports Council of Tanzania (Amendment) Act, 1971, shall be read as one with the National Sports Council of Tanzania Act, 1967 (hereinafter referred to as the principal Act) and shall come into operation on the first day of March, 1971.

Short title
and
commen-
cement
Acts 1967
No. 12
Section 2
of Act No.
12 of 1967
amended

2. Section 2 of the principal Act is amended by inserting, in their appropriate alphabetical positions, the following definitions: -

"member" in relation to a sports association includes an office bearer of such association;

"office bearer" in relation to a sports association means any person who is the President, Vice-President, Chairman, Vice-Chairman, Secretary, treasurer, member of the committee or governing or executive body of such association, and also any person who holds in such association any office or position comparable to an office or position mentioned herein before, or any person who is the manager, or assists in the management of the affairs of the association;

"Registrar" means the Registrar of Sports Associations appointed under section 10;

"society" shall have the meaning assigned to that term in the Societies Ordinance;

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Provided that a society shall not cease to be a society for the purposes of this Act, by virtue only of its having been declared not to be a society by an order made under paragraph (g) of the definition "society" in the Societies Ordinance;

"sports association" means any society which provides facilities for amateur sports or physical recreation;".

Section 4
of Act 1967
No. 12
amended

3. Section 4 of the principal Act is amended-

(a) in subsection(1)-

- (i) by deleting the words "voluntary amateur sports organizations or associations" where they occur in the second and third lines and substituting therefor the words "sports associations";
- (ii) by deleting the words "national associations or organizations" where they occur in sub-paragraph (ii) of paragraph (a) and substituting therefor the words "national sports associations";
- (iii) by deleting the words "national associations" which occur in paragraph (b) and substituting therefor the words "national sports associations";
- (iv) by deleting the words "national and other associations" which occur in paragraph (c) and substituting therefor the words "64 national and other sports associations";
- (v) by deleting the words "national associations" which occur in paragraph (d) and substituting therefor the words "national sports associations"; and

(b) in subsection (2) by deleting the words "national associations" where they occur in paragraph (a) and substituting therefor the words "national sports associations"

(c) by adding immediately below subsection (2) the following subsection: -

"(3) The Council-

- (a) shall, when any matter relating to the registration of any sports association, cancellation of registration, exemption from registration or rescission of such exemption is referred to it by the Registrar or the Minister, advise the Registrar or, as the case may be, the Minister, of its views on the matter;
- (b) may, from time to time, advise the Minister on matters relating to registration, cancellation of registration, exemption from registration, rescission of exemption from registration of sports associations generally or of any particular sports association."

Section 10
repealed and
replaced
by new
sections

4. The principal Act is amended by repealing section 10 and substituting therefor the following sections: -

"Registrar
of Sports
Associations

10. The Minister shall appoint a Registrar of Sports Associations and as many Assistant Registrars as he may deem necessary.

Registra-
tion of
sports
associations

11.-(1) Every sports association shall, on or before the thirtieth day of September, 1971 or within fourteen days of its formation or establishment, whichever date first occurs, apply to the Registrar for registration.

(2) Upon application being made in that behalf the Registrar shall, subject to the provisions of this Act, register the association in respect of which such application is being made:

Provided that, subject to the provisions of section 12, the Registrar may in his discretion and shall, if so directed by the Minister, exempt any sports association from registration under this Act.

(3) Subject to the provisions of section 12, the Registrar may in his discretion and shall, if so directed by the Minister, by notice under his hand direct that the registration of any sports association shall cease to have effect and that such sports associations shall be exempt from registration under this Act.

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

Grounds
for refusing
registration

12. The Registrar shall refuse to register a sports association or to exempt a sports association from registration-

- (a) if he is satisfied that such association is a branch of or is affiliated to or connected with, any organization or group of a political nature, other than the Party, any organ of the Party, or the Afro-Shirazi Party of Zanzibar or any organ of that Party; or
- (b) where the Minister is of the opinion that it is undesirable in the public interests to register the association and has directed the Registrar to refuse registration; or
- (c) where he is satisfied that the application does not comply with the provisions of this Act or any regulations made hereunder; or
- (d) if he is satisfied that the sports association does not exist; or
- (e) where he is satisfied that the name under which the sports association is to be registered-
 - (i) is identical to that of any other existing sports association registered or exempted from registration under this Act; or
 - (ii) is identical to that of any society registered or exempted from registration under the Societies Ordinance; or

(iii) so nearly resembles the name of any sports association registered or exempted from registration under this Act or any society registered or exempted from registration under the Societies Ordinance, as to be likely to deceive the public or the members of the association or the society; or

(iv) is in the opinion of the Registrar, undesirable.

"Minister to give directions

13.-(1) The Minister may give directions of a general or specific nature to the Registrar as to the performance of his functions under this Act, and the Registrar shall comply with every such direction.

(2) The Minister may before giving any direction under subsection (1), consult the Council.

(3) Where the Council has tendered any advice to the Minister affecting the registration or the continuance of registration or exemption from registration of sports associations or of any particular sports association, the Minister shall take into consideration the advice tendered and may act upon it by issuing any direction under this section or under any other provision of this Act, but shall not be bound by any such advice.

"Method of effecting registration

14.-(1) The Registrar shall effect registration of a sports association, by entering in a register kept for that purpose, the particulars given in the application form and the date of such entry.

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

"Rescission of exemption

15.-(1) The Registrar may in his discretion and shall, if directed to do so by the Minister, rescind at any time the exemption granted by him under section I 1.

(2) A sports association shall within twenty-one days from the date of the receipt of notification of rescission of exemption under subsection (1) apply for registration or exemption from registration under this Act or under the Societies Ordinance or dissolve itself.

"Cancellation of registration

16.-(1) The Registrar may in his discretion cancel at any time the registration of any sports association effected under this Act if he is satisfied that it is desirable so to do on the ground that the association concerned-

(a) is a branch of, affiliated to or connected with, any organization or group of a political nature other than the Party or any organ of the Party or the Afro-Shirazi Party of Zanzibar or any organ of that Party; or

- (b) is being used or is likely to be used for any unlawful purpose or for any purpose prejudicial to or incompatible with the maintenance of peace, order and good government; or
- (c) has altered its objects or pursues objects other than its declared objects; or
- (d) has failed to comply with any provision of this Act or regulations made hereunder or with any requirement made under this Act or such regulations:

Provided that prior to cancelling any registration, the Registrar shall notify his intention to cancel the registration to the association concerned and shall give it an opportunity to submit reasons, if any, why the registration should not be cancelled.

(2) Where any sports association the registration of which has been cancelled under subsection (1) is aggrieved by such cancellation, it may within twenty-one days of being notified of the cancellation, appeal to the Minister, and the Minister's decision on such appeal shall be final and binding upon the association as well as the Registrar.

(3) Where the registration of any sports association has been cancelled under this section, the association shall within thirty days of the date upon which it is notified or, where there has been an appeal under subsection (2) within thirty days of the confirmation of the cancellation by the Minister, dissolve itself, unless the association can lawfully operate as a society under the Societies Ordinance.

"Cessation
of existence
of sports
association

17.-(1) If the Registrar has reason to believe that any sports association registered under this Act or exempted from registration under this Act, has ceased to exist, he may publish in the *Gazette* a notification calling upon such association to furnish him with proof of its existence as a sports association, within three months from the date of such notification.

(2) If, at the expiration of three months, the Registrar is satisfied that the association has ceased to exist, the Registrar may, by notice in the *Gazette*, cancel the registration of the association or, as the case may be, rescind the exemption from registration, and upon publication of such notice the association shall cease to be a registered or exempt association, as the case may be.

(3) Where a sports association ceases to be a registered or an exempt association by virtue of a notification under subsection (2), the association shall, within thirty days from the date of the publication of the notice under that subsection, dissolve itself unless the Registrar by another notice in the *Gazette* cancels the notice issued under subsection (2) or unless the association can lawfully operate as a society under the Societies Ordinance.

18-(1) It shall be unlawful for any person to be a member or office bearer of a sports association or to act on behalf of an association or to enter into any transaction or to participate in any meeting or other activity whatsoever of the association or to do any act or thing in furtherance of the objects of the association where-

"No association to operate in contravention of this Act

- (a) such association has not been registered or granted exemption from registration under this Act or under the Societies Ordinance; or
- (b) the exemption from registration under this Act has been rescinded and the association has not applied for registration under this Act or under the Societies Ordinance or for exemption from registration; or
- (c) the registration of the sports association has been cancelled under section 16 and thirty days have elapsed since notification of the cancellation or where there has been an appeal from such cancellation, thirty days have elapsed since confirmation of the cancellation by the Minister, and the association cannot lawfully operate as a society under the Societies Ordinance; or
- (d) a notice under subsection (2) of section 17 has been published in respect of the association and such notice has not been cancelled by any subsequent notice and the association cannot lawfully operate as a society under the Societies Ordinance.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten thousand shillings or imprisonment for a term not exceeding one year or to both such fine and imprisonment.

(3) Nothing in this section shall apply to any Act or thing done for the sole purpose of obtaining registration under this Act or registration under the Societies Ordinance or exemption from registration under this Act or under the Societies Ordinance or of the winding up of the affairs of the association.

(4) In any proceeding for an offence under subsection (2) the burden to prove that the act or thing was done for any of the purposes stated in subsection (3) shall be upon the person charged.

"Information to be furnished by sports associations

19.-(1) The Registrar may at any time, by notice under his hand, order any sports association registered or exempted from registration under this Act, to furnish him, in writing, with-

- (a) a true and complete copy of the constitution and the rules of such association in force at the date of such order;

- (b) a true and complete list of office bearers of such association at the date of such order;
- (c) a true and complete return of the number of meetings held by such association within the period of six months immediately preceding such order;
- (d) such accounts, returns and information as may be prescribed.

(2) An order given under subsection (1) shall specify the period within which the information shall be supplied:

Provided that-

- (a) in no case shall such period be less than thirty days calculated from the date upon which the order is served upon an office bearer of the association or any person who is concerned with the management of the affairs of the association or delivered at the registered office of the association-
- (b) the Registrar may, on application being made to him and on good cause being shown, grant an extension of time at his discretion.

"Registrar may call for audited accounts

20.-(1) The Registrar may at any time, by notice under his hand, order any sports association, registered or exempted from registration under this Act, to furnish him without delay, audited accounts of the association, within such period as may be specified in such notice:

Provided that such period shall not be less than thirty days calculated from the date upon which such notice is served upon an office bearer of the association or any person concerned with the management of the association or is delivered at the registered office of the association.

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

(3) Without prejudice to the provisions of subsection (1) or subsection (2) the Registrar may at any time, by notice under his hand, order any sports association registered or exempted from registration under this Act, within such time as may be specified in such notice, to permit its accounts to be inspected, by himself or by any person authorized by him in writing.

(4) Every office bearer and every person assisting in the management of the association in respect of which a notice under subsection (3) has been served, shall supply to the Registrar, or the person authorized by the Registrar, such information relating to the accounts of the association and other matters incidental thereto as the Registrar or such authorized person may require, and when an inspection is undertaken by a person authorized by the Registrar, such person shall make a report on his inspection and shall, at the earliest practicable opportunity, submit such report to the Registrar with such recommendations as he may deem fit to include.

(5) A sports association, the registration of which has been cancelled or the exemption from registration of which has been rescinded on the ground of its failure to comply with an order under this section, shall not be entitled to apply for registration under this Act or under the Societies Ordinance until it has first complied with the notice issued under this section.

"Persons responsible for supplying information

21.-(1) Any notice issued by the Registrar in relation to any sports association under section 19 or section 20, shall be binding upon every office bearer and upon every person concerned with the management of the affairs of the association, whether or not the notice was served upon such office bearer or such person, and whether or not such office bearer or such person was aware of such notice.

(2) Where any sports association fails to comply with the whole or any part of any notice served under section 19 or section 20, every office bearer and every person concerned with the management of the affairs of the association, shall be guilty of an offence and shall be liable on conviction, in the case of the office bearer or person concerned with the management of the affairs of the association upon whom the notice was actually served, to a fine not exceeding twenty thousand shillings or to a term of imprisonment not exceeding two years or to both such fine and imprisonment, and in the case of any other person, to a fine not exceeding five thousand shillings or to a term of imprisonment not exceeding six months or to both such fine and imprisonment.

(3) If any information supplied to the Registrar in compliance with the notice issued under section 19 or any information supplied to the Registrar or the person authorized by him, in compliance with a notice issued under section 20, is incorrect or incomplete in any material particular, the person who has supplied such information shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

"Discretion to publish information if beneficial to members

22. The Registrar may, where it appears to him to be in the interests of the members of a sports association registered or exempt from, registration under this Act so to do, take such steps as may be necessary to publish to such members by advertisement in the *Gazette* or any newspaper or in any such other manner as he may feel fit, any information furnished by or on behalf of the association or reported to the Registrar under section 19 or section 20.

"Evidence

23. In any proceeding 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 assigned to that term by section 2 unless the contrary is proved;
- (b) where it is proved that any club, company, partnership or association is in existence, it shall be presumed that such club, company, partnership or association is a sports association, unless it is proved that it is a society registered or exempted from registration under the Societies Ordinance;
- (c) the burden to prove that any sports association has been registered or has been exempted from registration under this Act or the Societies Ordinance, shall lie on the person alleging the same;
- (d) where any books, accounts, writings, lists of members, seal, banner or insignia are found in the possession of any person or in the premises occupied by any person, it shall be presumed, unless the contrary is proved, that such person is the office bearer of that association, and where such presumption is rebutted, it shall be presumed, unless the contrary is proved, that such person is a member of that association.

"Winding-up

24. Where, under the provisions of this Act, any sports association is required to dissolve itself, the President shall have power to make, in relation to such association, any or all of the orders which he has power to make in relation to an unlawful society under section 24 of the Societies Ordinance, and the provisions of that Ordinance which relate to such order or orders shall apply *mutatis mutandis* to every order made by the President under this section.

"Consent of D.P.P. for prosecution

25. No person shall be prosecuted for any offence under this Act or under any regulations made hereunder, save with the prior consent, in writing, of the Director of Public Prosecutions.

"Protection
of officers

26. No matter or thing done, by any public officer shall, if done bona fide in the execution or purported execution of any of the provisions of this Act, subject such officers to any action, liability, claim or demand whatsoever.

"Decision
of Registrar
and
Minister
to be final

27. (1) Subject to the provisions relating to appeals, every decision of the Registrar made under the provisions of this Act shall be final and shall not be subject to review by any court.

(2) Every decision of the Minister under this Act, whether on appeal or otherwise, shall be final and shall not be subject to review by any court.

"Regula-
tions

28. The Minister may make regulations for the better carrying into effect the purposes and provisions of this Act and in particular for-

- (a) the establishment of national sports associations and the affiliation of such associations to the Council;
- (b) the functions of national sports associations;
- (c) the payment of fees by affiliated associations;
- (d) the establishment and composition of committees to which the Council may delegate its functions;
- (e) the release from employment and the terms and conditions thereof, of persons taking part in national or international sports events;
- (f) forms of application for registration or exemption from registration under this Act;
- (g) fees payable upon registration or for exemption from registration under this Act;
- (h) power to search any premises used or suspected of being used for the purpose of any sports association and the circumstances under which any such premises may be entered and searched;
- (i) power to require the attendance of persons before the Registrar to give evidence or to produce any document relevant to any question relating to registration, exemption from registration or rescission of exemption from registration of any sports association or otherwise relevant to the activities of any sports association;
- (j) power to require sports associations to maintain registered offices;

(k) the manner in which service of notices, orders and other documents may be effected upon sports associations or office bearers of a sports association or any person concerned with the management of the affairs of a sports association;

(1) any matter which may be prescribed."

5. The Schedule to the principal Act is amended by deleting the words "national association" where they occur and substituting therefor the words "sports associations" Amendment of Schedule to Act 1967 No. 12

6. The Societies Ordinance is hereby amended-

(a) in section 2, subsection (1), in the definition "society" by inserting immediately after paragraph (h) the following paragraphs:- Amendment of Societies Ordinance

Act 1967 No. 12 "(i) any society which has been registered as a sports association under the provisions of the National Sports Council of Tanzania Act, 1967 or in respect of which a certificate of exemption from registration under that Act has been issued;

(j) any society which in the opinion of the Registrar is, or in respect of which the Minister for the time being responsible for Legal Affairs has, under section 2A given a decision that it is, a sports association within the meaning assigned to that term by the National Sports Council of Tanzania Act, 1967."

(b) by adding immediately below section 2 the following sections:-

Determina- tion of whether a society is sports association 2A. Where any question arises as to whether any society is a sports association within the meaning assigned to that term by the National Sports Council of Tanzania Act, 1967, the matter shall be referred to the Minister for the time being responsible for Legal Affairs, who shall decide the question in consultation with the Attorney-General, and such decision shall be final and shall not be subject to review by any court.

Sports associations to cease to be registered societies "2B. Every sports association registered as a society under this Ordinance shall cease to be so registered with effect from: -

(a) the date on which the registrar, by a notice in writing, notifies the association that its registration under the Societies Ordinance has been cancelled by reason of its being a sports association; or

(b) the first day of October, 1971, whichever date first occurs."

Transitional provisions

7.-(1) Notwithstanding the amendment to the Societies Ordinance and the National Sports Council of Tanzania Act, 1967, effected by this Act, where, a sports association is, on the commencement of this Act, registered as a society under the Societies Ordinance, it may lawfully continue to operate as such society and shall be subject to the provisions of that Ordinance until-

(a) the date upon which a notice under section 2B of the Societies Ordinance is served upon it; or

(b) the first day of October, 1971, whichever date first occurs.

(2) Nothing in subsection (1) shall be construed as making lawful any act or thing done by or on behalf of a sports association to which that subsection applies and which has been or which is declared an unlawful society under the provisions of the Societies- Ordinance.

(3) Where a notice under section 2B of the Societies Ordinance is served upon a sports association, the sports association shall, for the purposes of section 11 of the National Sports Council of Tanzania Act, 1967, (as amended by this Act), be deemed to have been formed on the date of the service of such notice.

(4) In this section "sports association" shall have the meaning assigned to that term by the National Sports Council of Tanzania Act, 1967 as amended by this Act.

Passed in the National Assembly on the twenty-seventh day of January, 1971.



Clerk of the National Assembly