

THE UNITED REPUBLIC OF TANZANIA



No. 15 OF 1967

I ASSENT,

Julius K. Nyerere
President

27TH APRIL, 1967

An Act to amend the Co-operative Societies Ordinance

[28TH APRIL, 1967]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Co-operative Societies Ordinance (Amendment) Act, 1967, and shall be read as one with the Co-operative Societies Ordinance (hereinafter referred to as "the Ordinance").

Short title
Cap. 211

2. The Ordinance is hereby amended by adding immediately below section 53 the following new heading and sections:—

New sections
53A, 53B, 53C,
53D and 53E
added

"AMALGAMATION AND DIVISION

Voluntary
amalgama-
tion

53A.—(1) Any two or more registered societies may, with the approval in writing of the registrar and after complying with such conditions as may be prescribed, resolve, by a resolution approved at a general meeting of each of the societies at which not less than two-thirds of the members or delegates of the society are present and held after reasonable notice given of the place and time of the meeting and of the intention to move such resolution thereat, to amalgamate as a single society.

(2) Where the Minister is satisfied that—

- (a) two or more registered societies have resolved to amalgamate as a single society in accordance with the provisions of subsection (1);
- (b) the proposed by-laws of the proposed amalgamated society have been approved by the registrar; and
- (c) the proposed amalgamation is not against the interests of the members of the societies proposing to amalgamate or against the public interest,

he may, by order published in the *Gazette*, amalgamate the societies.

(3) Every order made under subsection (2) shall specify—

- (a) the date on which the societies shall amalgamate (hereinafter referred to as “the effective date”);
- (b) the names of the amalgamating societies; and
- (c) the name of the amalgamated society,

and may contain such directions as the Minister may consider necessary for the purpose of giving effect to the amalgamation or for safeguarding the interests of any person.

(4) Where an order is made under subsection (2)—

- (a) all the assets and liabilities of the amalgamating societies shall, by virtue of such order and without further assurance, vest in the amalgamated society;
- (b) the registrar shall cancel the registration of the amalgamating societies and such cancellation shall be effective as from the effective date; and
- (c) the registrar shall, notwithstanding the provisions of section 9 and section 10, register the amalgamated society and the by-laws of the amalgamated society.

Compulsory

53B.—(1) Where the Minister is satisfied that it is in the interest of two or more registered societies to amalgamate as a single society and that such amalgamation will not be against the public interest he may, by notice in writing, require the societies to amalgamate.

(2) Where a notice is given to two or more registered societies under subsection (1), the societies shall, within such time as may be specified in the notice, prepare by-laws for the proposed amalgamated society and submit the by-laws for the approval of the registrar; and the registrar may, after consultation with the societies, vary or amend the proposed by-laws.

(3) Where the Minister is satisfied that the proposed by-laws of the proposed amalgamated society have been approved by the registrar he may, by order published in the *Gazette*, amalgamate the registered societies and the provisions of subsection (3) of section 53A shall apply to every such order.

(4) Every order made under subsection (3) shall have the same effect and consequences as an order made under subsection (2) of section 53A.

(5) Where a notice is given to a registered society under subsection (1) and the society fails to comply with any of the terms of such notice within such time as may be prescribed, the Minister may direct the registrar to cancel the registration of the society and upon receipt of such direction the registrar shall cancel the registration of the society.

Voluntary
division

53c.—(1) An existing registered society (hereinafter referred to as “existing society”) may, with the approval in writing of the registrar and after complying with such conditions as may be prescribed, resolve, by a resolution approved at a general meeting at which not less than two-thirds of the members or delegates of the society are present and held after reasonable notice given of the place and time of the meeting and of the intention to move such resolution thereat, to divide itself into two or more new registered societies (hereinafter referred to as “new societies”).

(2) A resolution passed under subsection (1) shall contain proposals for the division of the assets and liabilities of the existing society among the proposed new societies, and may prescribe the area of operation of, and specify the members who will constitute, each of the proposed new societies.

(3) Where the Minister is satisfied that—

- (a) an existing society has resolved to divide itself into two or more new societies in accordance with subsection (1);
- (b) such resolution complies with the provisions of subsection (2);
- (c) the registrar has approved the proposals contained in the resolution and the proposed by-laws of the proposed new societies; and
- (d) the proposed division is not against the interests of the members of the existing society or against the public interest,

he may by order published in the *Gazette*, divide the existing society into the proposed new societies.

(4) Every order made under subsection (3) shall specify—

- (a) the date on which the existing society shall be divided into the new societies (hereinafter referred to as “the effective date”);
- (b) the name of the existing society and the names of the new societies into which it is divided;
- (c) the manner in which the assets and liabilities of the existing society shall be divided among the new societies; and
- (d) where necessary, the area of operation of each of the new societies,

and may contain such directions as the Minister may consider necessary for the purpose of giving effect to the division or for safeguarding the interests of any person.

(5) Where an order is made under subsection (3)—

- (a) the assets and liabilities of the existing society subsisting on the effective date shall, by virtue of such order and without further assurance, vest in the new societies in the manner specified in such order;

- (b) the registrar shall cancel the registration of the existing society and such cancellation shall be effective as from the effective date; and
- (c) the registrar shall, notwithstanding the provisions of section 9 and section 10, register the new societies and their respective by-laws.

Compulsory
division

53D.—(1) Where the Minister is satisfied that it is in the interest of an existing registered society (hereinafter referred to as "existing society") to divide itself into two or more new registered societies (hereinafter referred to as "new societies") and that such division will not be against the public interest, he may, by notice in writing, require the existing society to so divide itself.

(2) A notice given under subsection (1) shall contain proposals for the division of the assets and liabilities of the existing society among the proposed new societies, and may prescribe the area of operation of, and specify the members who will constitute, each of the proposed new societies.

(3) Where a notice is given to an existing society under subsection (1) the existing society shall, within such time as may be specified in the notice, prepare by-laws for the proposed new societies and submit the by-laws for the approval of the registrar; and the registrar may, after consultation with the existing society, vary or amend the proposed by-laws.

(4) Where the Minister is satisfied that the proposed by-laws of the proposed new societies have been approved by the registrar he may, by order published in the *Gazette*, divide the existing society into the proposed new societies and the provisions of subsection (4) of section 53c shall apply to every such order.

(5) Every order made under subsection (4) shall have the same effect and consequences as an order made under subsection (3) of section 53c.

(6) Where a notice is given to a registered society under section (1) and the society fails to comply with any of the terms of such notice within such time as may be prescribed, the Minister may direct the registrar to cancel the registration of the society and upon receipt of such direction the registrar shall cancel the registration of the society.

Defect or
irregularity
in notice, etc.

53E. No amalgamation of registered societies or division of a registered society shall be invalid by reason only of any defect or irregularity in any notice or order required to be given or made under this Ordinance."

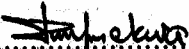
Section 57 of
Cap. 211
amended

3. Section 57 of the Ordinance is hereby amended in subsection (1) by inserting, immediately after the words "under section" in the first line, the words "53B, section 53D, section".

4. Section 60 of the Ordinance is hereby amended in subsection (2) Section 60 of
Cap. 211
amended by inserting the following new paragraph immediately below paragraph (t):—

“(t) prescribe the procedure for amalgamation and division of registered societies and the conditions subject to which such amalgamation or division may be effected;”.

Passed in the National Assembly on the seventeenth day of April, 1967.


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Clerk of the National Assembly

