

SOCIETIES ACT
(Cap. 18:01)

SOCIETIES (AMENDMENT) REGULATIONS, 2022
(Published on 9th September, 2022)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Amendment of regulation 2 of Cap. 18:01 (Sub. Leg.)
3. Insertion of regulation 2A in the Regulations
4. Amendment of regulation 3 of the Regulations
5. Amendment of regulation 4 of the Regulations
6. Amendment of regulation 5 of the Regulations
7. Amendment of regulation 6 of the Regulations
8. Amendment of regulation 7 of the Regulations
9. Amendment of regulation 8 of the Regulations
10. Amendment of regulation 10 of the Regulations
11. Amendment of regulation 12 of the Regulations
12. Amendment of regulation 13 of the Regulations
13. Insertion of regulation 13A in the Regulations
14. Amendment of the Schedules to the Regulations

SCHEDULE

IN EXERCISE of the powers conferred on the Minister of Labour and Home Affairs by section 30 of the Societies Act, the following Regulations are hereby made —

1. These Regulations may be cited as the Societies (Amendment) Regulations, 2022. Citation
2. The Societies Regulations (herein referred to as “the Regulations”) are amended in regulation 2 by — Amendment of regulation 2 of Cap. 18:01 (Sub. Leg.)
 - (a) deleting the definition of “register”; and
 - (b) inserting in their correct alphabetical order, the following definitions —
“accredited institution” means an institution that has been accredited by the Botswana Qualifications Authority; and
“officer” includes an office-bearer, executive officer of a society and spiritual leader of a religious society.”.
3. The Regulations are amended by inserting immediately after regulation 2, the following regulation — Insertion of regulation 2A in the Regulations

“Reservation of name 2A. (1) A society shall, prior to making an application for registration under this regulation, apply to the Registrar in Form A1 set out in Schedule 1 for the reservation of a name under which the society may be registered.

(2) Where a society applies for a name in accordance with subregulation (2), the society shall set out, in the application form, at least five names under which the society may be registered for consideration by the Registrar.

(3) The Registrar may not reserve a name if, in accordance with section 6 (h), the Registrar is satisfied that the name —

- (a) is identical to that of any other existing society;
 - (b) so nearly resembles the name of such other society as, in the opinion of the Registrar, to be likely to deceive the public or the members of either society; and
 - (c) is, in the opinion of the Registrar, repugnant to or inconsistent with any written law.
- (4) Subject to subregulation (3), the Registrar shall within seven working days of the date the application was received —
- (a) consider the names submitted for reservation; and
 - (b) reserve a name for the society.
- (5) A society shall, within 28 days of receiving a name under subregulation (4), submit an application for registration to the Registrar.”.

Amendment of regulation 3 of the Regulations

4. The Regulations are amended by substituting for regulation 3, the following new regulation —

“Application 3. (1) A society may apply to the Registrar for registration in accordance with Form A set out in Schedule 1.

(2) An application for registration made in accordance with subregulation (1) shall be —

- (a) made in duplicate;
- (b) signed by three interim office-bearers of the society; and
- (c) accompanied by —
 - (i) minutes of formation of the society,
 - (ii) a signed attendance register,
 - (iii) a letter of intent to register a society signed by three interim office-bearers,
 - (iv) certified copies of identity documents of all members of the society,
 - (v) two copies of the constitution and rules, regulations or bye-laws of the society,
 - (vi) a security clearance report for office-bearers from any law enforcement agency,
 - (vii) an inspection report on the premises of the society by an authorised officer, and
 - (viii) proof of payment of a non-refundable fee set out in Schedule 3.

(3) If the applicant is a religious society, the applicant shall, in addition to the documentation under subregulation (2), submit —

- (a) proof that the spiritual leader holds a minimum qualification of an accredited certificate in Theology from an accredited institution; and
- (b) a release letter from a previous religious society if the religious leader was previously a member of such other religious society.”.

Amendment of regulation 4 of the Regulations

5. Regulation 4 of the Regulations is amended —

- (a) in the marginal notes by deleting the words “or exemption of society”; and
- (b) by substituting for subregulation (2), the following subregulation —

“(2) Where the Registrar approves the application for registration, the Registrar shall issue to the society a certificate of registration in accordance with Form B set out in Schedule 1.”.

6. Regulation 5 of the Regulations is amended by deleting the words "or exempt" wherever they appear.

Amendment of regulation 5 of the Regulations

7. The Regulations are amended by substituting for regulation 6, the following new regulation —

Amendment of regulation 6 of the Regulations

"Cancellation of registration 6. (1) Where in terms of section 9 (2) the Registrar is of the opinion that the registration of a society is to be cancelled, he or she shall notify the society in accordance with form C1 set out in Schedule 1.
(2) Where in terms of section 9 (3) the Registrar cancels the registration of a society, he or she shall notify the society of the cancellation in Form C2 set out in Schedule 1."

8. The Regulations are amended by substituting for regulation 7, the following new regulation —

Amendment of regulation 7 of the Regulations

"Change of particulars 7. (1) A registered society which changes its —

- (a) name;
- (b) constitution or objects; or
- (c) registered office or postal address

shall notify the Registrar of the changes in accordance with Form D set out in Schedule 1.

(2) Where any office-bearer of a registered society ceases to hold office or any person is appointed to be an officer-bearer of a registered society, the registered society shall, within 14 days, send to the Registrar notice of the change in accordance with Form D set out in Schedule 1.

(3) The Registrar shall, on being notified of any change in accordance with subregulation (1) or (2), amend the particulars of that society in the register.

(4) Where the society changes, the Registrar shall, on the surrender to him or her of the society's certificate of registration, issue to the society a new certificate of registration in accordance with Form E set out in Schedule 1.

(5) A certificate issued to a society under this regulation shall be deemed to be a certificate of registration issued in accordance with section 5 (4)."

9. Regulation 8 of the Regulations is amended by —

Amendment of regulation 8 of the Regulations

(a) substituting for subregulation 1, the following new regulation —

"8 (1) Every registered society shall, not later than 18 months after its date of registration, and subsequently every year from date of first return, furnish the Registrar with an annual return giving a true and fair view of the state of the financial affairs of the society in accordance with Form F set out in Schedule 1."

(b) inserting immediately after subregulation (1), the following subregulation —
"(1A) The annual return referred to in subregulation (1) shall be accompanied by —

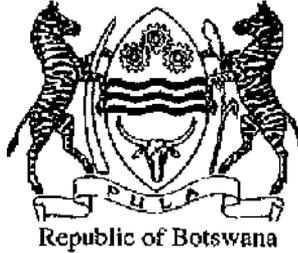
- (a) minutes of meeting,
- (b) membership list,
- (c) signed attendance register,
- (d) annual financial statement from bank or other regulated financial channels;
- (e) comprehensive financial report; and
- (f) security clearance report from any law enforcement agency."

- Amendment of regulation 10 of the Regulations** **10. The Regulations are amended by substituting for regulation 10, the following new regulation —**
 “Appeal 10. (1) An applicant who is aggrieved by the refusal of the Registrar to be registered as a society or by the Registrar’s decision to cancel the registration of a society, may appeal against such decision to the Minister within 28 days or such extended period as the Minister may allow from the date of such refusal or cancellation.
 (2) The appeal made in accordance with subregulation (1) shall be in accordance with Form G set out in Schedule 1.”
- Amendment of regulation 12 of the Regulations** **11. Regulation 12 of the Regulations is amended —**
 (a) in subregulation (1), by substituting for the words “Form L” appearing therein, the words “Form H”;
 (b) by inserting immediately after subregulation (1), the following subregulation —
 “(1A) Where a dispute is lodged in accordance with subregulation (1), the submission shall contain —
 (a) the particulars of the parties to the dispute;
 (b) the nature of the dispute;
 (c) the summary of the dispute;
 (d) proof that internal dispute resolution mechanism and any other dispute resolution structures have been exhausted; and
 (e) any supporting documents.”; and
 (c) in subregulation (2) by substituting for the words “Form M” appearing therein, the words “Form I”.
- Amendment of regulation 13 of the Regulations** **12. Regulation 13 of the Regulations is amended by substituting for the —**
 (a) word “P1000” appearing therein, the word “P50 000”; and
 (b) words “six months” appearing therein, the words “seven years or to both.”.
- Insertion of regulation 13A in the Regulations** **13. The Regulations are amended by inserting immediately after regulation 13, the following new regulation —**
 “Re-registration of existing societies 13A. (1) Any existing society shall, in accordance with section 32 (1), apply for registration in Form A set out in Schedule 1.
 (2) An application for re-registration under this regulation shall be accompanied by a society’s —
 (a) membership list;
 (b) Constitution;
 (c) registration certificate or number;
 (d) office-bearers;
 (e) place of operation;
 (f) contact information;
 (g) financial returns of the year preceding the re-registration; and
 (h) list of branches indicating physical addresses.”.
- Amendment of the Schedules to the Regulations** **14. The Regulations are amended —**
 (a) by substituting for Schedule 1, the following Schedule —

“ SCHEDULE 1

FORM A
(reg. 3 (1))

barcode/form no/serial No



Societies Act
APPLICATION FOR REGISTRATION OF A SOCIETY

Name of society

.....
.....

Place of operation

.....
.....

PARTICULARS OF OFFICERS (if you have more officers than as provided for on this Form please include the particulars of these officers on a separate page and attach to this Form):

(a) Names.....

ID/Passport Number.....

Nationality.....

Designation in the society:.....

Date of Appointment.....

Source of Income.....

Occupation.....

Contact Details:

(Mobile) :.....(Work).....

Postal Address.....

Physical Address.....

Email:.....

(b) **Names**.....
ID/Passport Number.....
Nationality.....
Designation in the society:.....
Date of Appointment.....
Source of Income.....
Occupation.....
Contact Details:
(Mobile):..... **(Work)**.....
Postal Address.....
Physical Address.....
Email:.....

(c) **Names**.....
ID/Passport Number.....
Nationality.....
Designation in the society:.....
Date of Appointment.....
Source of Income.....
Occupation.....
Contact Details:
(Mobile):..... **(Work)**.....
Postal Address.....
Physical Address.....
Email:.....

(d) Names.....
ID/Passport Number.....
Nationality.....
Designation in the society:.....
Date of Appointment.....
Source of Income.....
Occupation.....
Contact Details:
(Mobile):.....(Work).....
Postal Address.....
Physical Address.....
Email:.....

(e) Names.....
ID/Passport Number.....
Nationality.....
Designation in the society:.....
Date of Appointment.....
Source of Income.....
Occupation.....
Contact Details:
(Mobile):.....(Work).....
Postal Address.....
Physical Address.....
Email:.....

(f) Names.....
ID/Passport Number.....
Nationality.....
Designation in the society:.....
Date of Appointment.....
Source of Income.....
Occupation.....
Contact Details:
(Mobile) : (Work).....
Postal Address.....
Physical Address.....
Email:.....

(g) Names.....
ID/Passport Number.....
Nationality.....
Designation in the society:.....
Date of Appointment.....
Source of Income.....
Occupation.....
Contact Details:
(Mobile) : (Work).....
Postal Address.....
Physical Address.....
Email:.....

The name of each Organisation or group the society is affiliated to.....
.....
Current number of members of the society
.....

The date of commencement of the society's financial year;

Day.....Month.....

Signed.....Designation.....

Signed.....Designation.....

Signed.....Designation.....

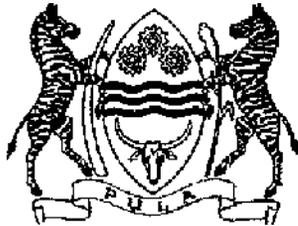
Note: This application must be completed in duplicate and be accompanied by Two copies of the constitution, rules or Bye-Laws, Minutes of formation of the society with signed attendance register, proof of payment of a prescribed fee at Schedule 3, certified copies of identity documents, letter of intent to register a society signed by three office-bearers, together with Two copies of English translation of the same if they are not in English and security clearance report for all office-bearers. The officers as stated above will remain an interim committee until such a date elections are held as per the rules of the society.

Official use only

.....
.....
.....

FORM A1
(reg. 2A)

barcode/form no/serial No



Republic of Botswana

Societies Act
APPLICATION FOR RESERVATION OF SOCIETY NAME

Full name of Applicant

ID/Passport Number

Nationality

Postal Address.....

Physical Address.....

Email Address.....

Proposed society Name (First Choice)

Proposed society Name (Second Choice).....

Proposed society Name (Third Choice)

Proposed society Name (Fourth Choice)

Proposed society Name (Fifth Choice)

Date.....

Signed.....

Designation.....

FORM B
(reg. 4)

barcode/form no/serial No



Republic of Botswana

Societies Act
CERTIFICATE OF REGISTRATION

I HEREBY CERTIFY THAT.....
.....
has this day been registered as a society under the Societies Act.

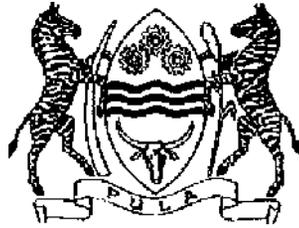
Dated atthisday of20.....

REGISTRATION NUMBER

Valid until/...../.....

.....
REGISTRAR OF SOCIETIES

FORM C2
(reg. 6 (2))



Republic of Botswana

NOTIFICATION OF CANCELLATION OF REGISTRATION

TO:.....
(Name of society).

I, hereby give you notice that, in terms of section 9 (3) of the Societies Act, I have this day cancelled your registration under the said Act.

In terms of section 9 (5), you are required to surrender the certificate of registration issued under section 5 (4) to the Registrar within 21 days of receipt of this cancellation notice. Failure to surrender the certificate of registration within the stipulated period will result in every office-bearer of the society being liable to a fine not exceeding P50 000.

Dated at.....this.....day of....., 20.....

.....
REGISTRAR OF SOCIETIES

FORM D
(reg. 7 (1))



Republic of Botswana

Societies Act

NOTIFICATION OF CHANGE OF SOCIETY'S PARTICULARS
A: CHANGE OF A SOCIETY'S NAME

Notice is hereby given that the society formerly named:.....

Has changed its name to

The reason for the change is:.....

B. CHANGE OF CONSTITUTION

Notice is hereby given that (name of society).....

Has changed its constitution rules and regulations changed its objects.

The changes made and the reasons therefore are set out in the attached memorandum.

C: CHANGE OF CONTACT DETAILS

Notice is hereby given that (name of society).....

.....
has changed the situation of its registered office postal address e-mail address
 Telephone number cellphone

from.....

D. CHANGE OF OFFICE-BEARERS

Notice is hereby given that (name of society).....

Has effected the following changes of officer(s):

(i) The following persons have ceased to be officers of the above society

(a) Names.....
ID/Passport Number.....
Nationality.....
Designation in the society:.....
Date of Appointment.....
Date of vacating office.....

(b) Names.....
ID/Passport Number.....
Nationality.....
Designation in the society:.....
Date of Appointment.....
Date of vacating office.....

(c) Names.....
ID/Passport Number.....
Nationality.....
Designation in the society:.....
Date of Appointment.....
Date of vacating office.....

(d) Names.....
ID/Passport Number.....
Nationality.....
Designation in the society:.....
Date of Appointment.....
Date of vacating office.....

(e) Names.....
ID/Passport Number.....
Nationality.....
Designation in the society:.....
Date of Appointment.....
Date of vacating office.....

(f) Names.....
ID/Passport Number.....
Nationality.....
Designation in the society:.....
Date of Appointment.....
Date of vacating office.....

(ii) The following are the present officers of the society

(a) Names.....
ID/Passport Number.....
Nationality.....
Designation in the society:.....
Date of Appointment.....
Source of Income.....
Occupation.....
Contact Details:
(Mobile) :.....(Work).....
Postal Address.....
Physical Address.....
Email:.....

(b) Names.....
ID/Passport Number.....
Nationality.....
Designation in the society:.....
Date of Appointment.....
Source of Income.....
Occupation.....
Contact Details:
(Mobile) :.....(Work).....
Postal Address.....
Physical Address.....
Email:.....

(c) Names.....
ID/Passport Number.....
Nationality.....
Designation in the society:.....
Date of Appointment.....
Source of Income.....
Occupation.....
Contact Details:
(Mobile) :.....(Work).....
Postal Address.....
Physical Address.....
Email:.....

(d) Names.....
ID/Passport Number.....
Nationality.....
Designation in the society:.....
Date of Appointment.....
Source of Income.....
Occupation.....
Contact Details:
(Mobile) :.....(Work).....
Postal Address.....
Physical Address.....
Email:.....

(e) Names.....
ID/Passport Number.....
Nationality.....
Designation in the society:.....
Date of Appointment.....
Source of Income.....
Occupation.....
Contact Details:
(Mobile) :.....(Work).....
Postal Address.....
Physical Address.....
Email:.....

(f) Names.....
ID/Passport Number.....
Nationality.....
Designation in the society:.....
Date of Appointment.....
Source of Income.....
Occupation.....
Contact Details:
(Mobile) :.....(Work).....
Postal Address.....
Physical Address.....
Email:.....

Date.....

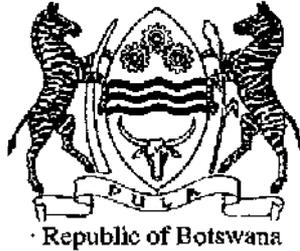
Signed.....Designation.....

Signed.....Designation.....

Signed.....Designation.....

FORM E
(reg. (7 (4)))

barcode/form no/serial No



Societies Act

CERTIFICATE OF REGISTRATION FOLLOWING CHANGE OF NAME

I hereby certify that
.....
..... formerly registered under Societies
Act on the day of 20.....
Has changed its name to;
.....
.....

Dated atthis..... day of..... 20.....

REGISTRATION NUMBER

Valid until/...../.....

.....
REGISTRAR OF SOCIETIES

FORM F
(reg. 8)

barcode/form no/serial No



Republic of Botswana

Societies Act

ANNUAL RETURN

The:.....(name of society)

Date of the annual general meeting

Total number of members of the society.....

Number of additional branches established since the date of the last annual return.....

(a) Names.....

ID/Passport Number.....

Nationality.....

Designation in the society:.....

Date of Appointment.....

Source of Income.....

Occupation.....

Contact Details:

(Mobile) :.....(Work).....

Postal Address.....

Physical Address.....

Email:.....

(b) Names.....
ID/Passport Number.....
Nationality.....
Designation in the society:.....
Date of Appointment.....
Source of Income.....
Occupation.....
Contact Details:
(Mobile) :.....(Work).....
Postal Address.....
Physical Address.....
Email:.....

(c) Names.....
ID/Passport Number.....
Nationality.....
Designation in the society:.....
Date of Appointment.....
Source of Income.....
Occupation.....
Contact Details:
(Mobile) :.....(Work).....
Postal Address.....
Physical Address.....
Email:.....

(d) Names.....
ID/Passport Number.....
Nationality.....
Designation in the society:.....
Date of Appointment.....
Source of Income.....
Occupation.....
Contact Details:
(Mobile) :..... (Work).....
Postal Address.....
Physical Address.....
Email:.....

(e) Names.....
ID/Passport Number.....
Nationality.....
Designation in the society:.....
Date of Appointment.....
Source of Income.....
Occupation.....
Contact Details:
(Mobile) :..... (Work).....
Postal Address.....
Physical Address.....
Email:.....

- (f) Names.....
- ID/Passport Number.....
- Nationality.....
- Designation in the society:.....
- Date of Appointment.....
- Source of Income.....
- Occupation.....
- Contact Details:
- (Mobile) :.....(Work).....
- Postal Address.....
- Physical Address.....
- Email:.....

Have there been, since the date of application for registration or the date of the last annual return, whichever is the date, any changes in (answer Yes or No against item in question):

- (a) The name of the society.....
- (b) The objects of the society.....
- (c) The Organisations or groups of a political nature established outside the Republic of which the society is a branch or to which it is affiliated or with which it is connected.....
- (d) The category or categories of persons to whom membership is restricted.....
- (e) The titles of the office-bearers.....
- (f) The immovable property owned by the society.....
- (g) The date of commencement of the Financial or Business year of the society.....
- (h) The constitution or rules of the society.....
- (i) The postal address of the society.....
- (j) The situation of the registered office of the society.....

If so, set out details of changes (attach separate memorandum if necessary)

.....
.....

Date.....

Signed.....Designation.....

Signed.....Designation.....

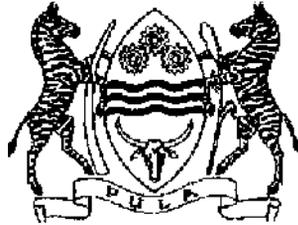
Signed.....Designation.....

NOTE: This Form must be completed in duplicate and signed by three office-bearers and be accompanied by —

- (a) a separate memorandum if necessary;
- (b) minutes of meeting;
- (c) total membership list;
- (d) attendance register;
- (e) annual financial statements from the bank or regulated financial channels;
- (f) comprehensive financial report; and
- (g) security clearance for all office bearers from any law enforcement agency.

FORM G
(reg. 10 (2))

barcode/form no/serial No



Republic of Botswana

Societies Act
APPEAL AGAINST REFUSAL OR CANCELLATION BY REGISTRAR

TO: The Minister
FROM (Name of society):

.....
.....

Reasons for appeal:

.....
.....
.....

Date:.....

Names..... **Designation:**..... **Signature:**.....

Names..... **Designation:**..... **Signature:**.....

Names..... **Designation:**..... **Signature:**.....

Note: This form should be accompanied by any supporting documents that substantiate your appeal.

FORM H
(reg. 12 (1))

barcode/form no/serial No



Societies Act
APPLICATION TO LODGE A DISPUTE

TO: The Registrar of Societies

From:
.....
.....
.....

Name of the society in dispute

.....

Nature of the dispute:

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

Have the parties in dispute exhausted all the channels to resolve the dispute:
i.e. society's constitution/High Court/Umbrella body (delete as appropriate)

Date:.....

Names.....

Designation: Signature:

Names:.....

Designation: Signature:

Names:.....

Designation: Signature:

NOTE: This Form should be accompanied by a memorandum of supporting documents and a signed list of applicants.

FORM I
(reg. 12 (2))

barcode/form no/serial No



Republic of Botswana

Societies Act
SOCIETIES DISPUTE REFERAL FORM

TO: Advisory and Arbitration Council

C/O: Registrar of Societies

Dear Sir/Madam

*This serves as a referral of a society dispute

Particulars of the alleged dispute

1.

2.

Particulars of the parties to the dispute

The Applicant

The Respondent

Name:

The Secretary.....

ID Number:.....

Name of society:.....

Address:.....

Address:.....

Contacts:.....

Contacts:.....

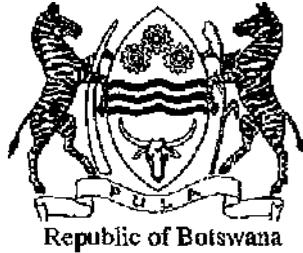
The Respondent is requested to submit their response/evidence/documents on or before

..... of 20.....

.....
FOR/REGISTAR OF SOCIETIES

- (b) in Schedule 2 by inserting immediately after paragraph 6, the following paragraph —
 “7. Any other Association, committee and, or club that may be registered under the different Ministerial portfolios.” ; and
 (c) by substituting for Schedule 3, the following Schedule —

“SCHEDULE 3



Search and examination of the registers of registered societies	P 100.00
Certified true copy of or extract from any document in the custody of the Registrar, per each side of the copy or extract bearing writing	Market rate
Registration of a society	P 1000.00
Duplicate Registration Certificate	P 500.00
Certification of registration following change of name	P 750.00
Registration renewal fee	P 50.00

MADE this 1st day of September, 2022.

ANNA M. MOKGETHI,
 Minister of Labour and Home Affairs.