

CHAPTER 18:01 - SOCIETIES: SUBSIDIARY LEGISLATION
INDEX TO SUBSIDIARY LEGISLATION

Registration of Societies Regulations

Societies (Declaration of Non-Societies) Regulations

REGISTRATION OF SOCIETIES REGULATIONS

(under section 39)

(5th January, 1973)

ARRANGEMENT OF REGULATIONS

REGULATION

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S.I. 3, 1973,
S.I. 107, 1982,
S.I. 93, 1983,
S.I. 35, 2004.

1. Citation

These Regulations may be cited as the Registration of Societies Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires-

"form" means the form prescribed in the First Schedule;

"register" means the register of societies to be kept in terms of section 9(1).

3. Application for registration of societies

Every application for registration or for exemption from registration of any society shall-

- (a) be made in triplicate in the form set out in Form A;
- (b) be signed by two office-bearers of the society;
- (c) be sent or submitted to the Registrar;
- (d) be accompanied by two copies of the constitution and rules, regulations or bye-laws of the society;

- (e) be accompanied by a prescribed fee which shall not be returnable whether or not the application is granted or refused.

4. Certificate of registration

On registration of any society, the Registrar shall issue to the society a certificate of registration in the form set out in Form B1.

5. Certificate of exemption

On granting any society exemption from registration, the Registrar shall issue to the society a certificate of exemption in the form set out in Form C1.

6. Refusal to register

Where the Registrar refuses to register a society, he shall send the society notification of his refusal.

7. Further information

Before taking any decision on any application for registration or exemption from registration, the Registrar may call for further information or particulars from the society making the application.

8. Notice of rescission of exemption

Where under the provisions of section 10 the Registrar rescinds any exemption from registration granted to any society, he shall give notice to the society of such rescission in the form set out in Form D.

9. Cancellation of registration

(1) Where in terms of section 11(2) the Registrar is of the opinion that the registration of a society should be cancelled, he shall notify his opinion to the society in the form set out in Form E1.

(2) Where in terms of section 11(3) the Registrar decides to cancel the registration of a society, he shall notify his decision to the society in the form set out in Form E2.

(3) Where in terms of section 11(5) the Registrar cancels the registration of a society, he shall notify the cancellation to the society in the form set out in Form E3.

10. Change of name

Every registered or exempted society which changes its name in accordance with the provisions of section 12 or 13 shall notify the Registrar of the change in the form set out in Form F.

11. Change of constitution

Every registered society which changes any provisions of its constitution or rules shall notify the Registrar in the form set out in Form F.

12. Change of objects

Every registered or exempted society which alters or changes its objects shall notify the Registrar in the form set out in Form F.

13. Change of registered office or postal address

Where any registered or exempted society changes the situation of its registered office or changes its postal address, it shall, within 14 days, send to the Registrar notice thereof in the form set out in Form F.

14. Ceasing to hold office

Where any office-bearer of a registered society ceases to hold office or any person is appointed to be an office-bearer of a registered society it shall, within 14 days, send to the Registrar notice thereof in the form set out in Form G.

15. Annual return

Not later than the 31st March in each year every registered society shall furnish to the Registrar an annual return in the form set out in Form H. It shall be the duty of every office-bearer to ensure that such annual return is duly furnished to the Registrar.

16. Action by Registrar

- (1) On being notified of any change of name in accordance with regulation 10 or upon

receiving notification of any change in a registered society's office or postal address under regulation 13, the Registrar shall amend the particulars concerning the said society in the register.

(2) Where the name of a registered society is changed, the Registrar shall, on the surrender to him of the society's current certificate of registration, issue to the society a fresh certificate of registration in the form set out in Form B2.

(3) Where the name of an exempted society is changed, the Registrar shall, on the surrender to him of the society's current certificate of exemption from registration, issue to the society a fresh certificate of exemption from registration in the form set out in Form C2.

(4) A certificate issued to a society in terms of this regulation shall be deemed, for the purposes of the Act, to be a certificate of registration or of exemption from registration, as the case may be, issued under section 6(4).

(5) The Registrar shall also make such other amendments to the particulars concerning a society entered in the register as may be necessitated by information provided in terms of sections 16 and 17 of the Act or of regulation 7.

17. Appeal against decision of Registrar

Any society 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 to him may appeal against such refusal or decision to the Minister within 21 days or such extended period as the Minister may allow from the date of such refusal, cancellation or decision.

18. Production of records

Where the Registrar requires the production of any information, books of account, minutes or written records and these are not produced within the time specified in such requirement such society shall be deemed to be in breach of these Regulations.

19. Signature by two office-bearers

All information and every notification or return required by the Registrar or by the provisions of the Act or these Regulations shall be signed by the two office-bearers.

20. Offence

Any person, or, in the case of a society, every office-bearer and every person managing or assisting in the management of such a society, who contravenes any provision of these Regulations shall be guilty of an offence and liable on conviction to a fine not exceeding P250 or to imprisonment for a term not exceeding six months.

21. Fees

The fees set out in the Second Schedule shall be charged for the several matters set out in the Schedule in relation to such matters.

FIRST SCHEDULE PRESCRIBED FORMS

(reg. 3)

Form A

APPLICATION FOR REGISTRATION OR EXEMPTION FROM REGISTRATION OF A SOCIETY

To: The Registrar of Societies:

The (name of
Society)

..... Branch, hereby,
applies for registration/exemption from registration. ^{i*}

The following are particulars of the Society:

(a) Name of Society

.....

(b) Office-bearers:

Designation	Full Names	Occupation	Nationality
-------------	------------	------------	-------------

(BLOCK
LETTER
S)

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

Residential Address	Postal Address	Date of Appointment
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

- (c) Situation of registered office
.....
- (d) Postal address
.....
- (e) Objects of the Society
.....
.....
.....
.....
.....
- (f) The name of each organisation or group of a political nature established outside the Republic of which the Society is a branch or is affiliated to or connected with
.....
.....
.....
- (g) The class or classes of person to whom membership of the Society is restricted
.....
.....
.....
- (h) The present number of members
.....
- (i) The immovable property owned by the Society and the manner in which such property is held or vested
.....
.....
.....

.....
.....
.....
(j) The date of commencement of the Society's financial year

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

NOTE: This application must be completed in triplicate and signed by two office-bearers, and must be accompanied by two copies of the constitution or rules of the Society or both, together with two copies of English translations of the same if they are not in the English language.

FOR OFFICE USE ONLY

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Form B1
CERTIFICATE OF REGISTRATION

(reg. 4)

I HEREBY CERTIFY that has
this day been registered under the Societies Act.
Dated this day of 20

.....
Registrar of Societies

Form B2
CERTIFICATE OF REGISTRATION FOLLOWING CHANGE OF NAME

(reg. 16(2))

I HEREBY CERTIFY that
was registered under the Societies Act on the day of
20 under its former name
Dated at this day of 20

.....
Registrar of Societies

Form C1
CERTIFICATE OF EXEMPTION FROM REGISTRATION

(reg. 5)

I HEREBY CERTIFY that has this day been
exempted by me, with the approval of the Minister, from registration under the Societies Act.
Dated at this day of 20

.....
Registrar of Societies

Form C2
CERTIFICATE OF EXEMPTION FROM REGISTRATION FOLLOWING CHANGE OF NAME

(reg. 16(3))

I HEREBY CERTIFY that
was exempted by me, with the approval of the Minister, from registration under the Societies Act
on the day of 20 under its former name of
Dated at this day of 20

.....
Registrar of Societies

Form D
NOTIFICATION OF RESCISSION OF EXEMPTION

(reg. 8)

TO: Branch of (name of Society)
I have this day rescinded your exemption from registration under the Societies Act.
Dated at this day of 20

.....
Registrar of Societies

NOTE:

1. Your attention is drawn to section 10(2) of the Societies Act which requires the certificate of exemption issued to you to be surrendered to me within 21 days immediately after receipt of this notification.
2. By virtue of section 10(1) of the Societies Act, you have 21 days immediately after receipt of this notification within which to apply for registration should you wish to do so.

Form E1
NOTIFICATION OF REGISTRAR'S OPINION THAT REGISTRATION BE CANCELLED

(reg. 9(1))

TO: Branch of (name of Society)
I hereby give you notice that, in terms of section 11(2) of the Societies Act, I am of the opinion that your registration under the said Act should be cancelled on the grounds that

.....
.....

You may, within days immediately after receipt of this notification, submit to me reasons why your registration should not be cancelled.

Dated at this day of 20

.....
Registrar of Societies

Form E2
NOTIFICATION OF DECISION TO CANCEL REGISTRATION

(reg. 9(2))

TO: Branch of (name of Society)

I hereby give you notice that, in terms of section 11(3) of the Societies Act, I have decided to cancel your registration under the said Act on the grounds that

.....
You may, within 28 days immediately after receipt of this notification, appeal against my decision to the Minister.

Dated at this day of 20.....

.....
Registrar of Societies

Form E3
NOTIFICATION OF CANCELLATION OF REGISTRATION

(reg. 9(3))

TO: Branch of (name of Society)

I hereby give you notice that, under section 11(5) of the Societies Act, I have this day cancelled your registration under the said Act.

Dated at this day of 20

Registrar of Societies

NOTE:

Your attention is drawn to section 11(6) of the Societies Act which requires the certificate of registration issued to you to be surrendered to me within 21 days immediately after receipt of this notification.

Form F

NOTICE OF CHANGE OF A SOCIETY'S NAME OR REGISTERED OFFICE OR POSTAL ADDRESS, OR CHANGE OF CONSTITUTION OR RULES, OR VARIATION OF OBJECTS

(regs. 10-13)

TO: The Registrar of Societies:

ii* A. Notice is hereby given that the Society formerly named

.....
.....

has changed its name to

The reason for this change is-

.....
.....

Date Signed Designation

B. Notice is hereby given that (name of Society)

has changed its constitution/rules/varied its objects.iii* The changes made and the reasons therefor are set out in the attached memorandum.

Date Signed Designation

Signed Designation

iv* C. Notice is hereby given that (name of Society)

has changed the situation of its registered office/postal address v* from

.....
.....

to

Date Signed Designation

Signed Designation

NOTE: This form and any accompanying memorandum must be submitted in triplicate and signed by two office-bearers.

FOR OFFICE USE ONLY

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Form G

NOTICE OF CHANGE OF OFFICE-BEARERS

(reg. 14)

To the Registrar of Societies:

The (name of Society)

Branch.

1. The following persons have ceased to be office-bearers of the above Society:

Full Names (BLOCK LETTERS)	Designation	Date of vacating office
.....
.....
.....
.....
.....
.....
.....
.....

2. The following are the present office-bearers of the above Society:

Designation	Full Names (BLOCK LETTERS)	Occupation	Nationality
.....
.....
.....
.....
.....
.....
.....
.....

Residential Address	Postal Address	Date of Appointment
.....
.....
.....
.....
.....
.....
.....
.....

Date	Signed	Designation
.....
.....	Signed	Designation
.....

NOTES:

- (a) The definition of "office-bearer" in the Act is:
" 'office-bearer' of a society means any person who is the president, vice-president, chairman, deputy-chairman, secretary or treasurer of such society, or who is a member of the committee or governing body thereof, or who holds in such society any office or position analogous to any of those mentioned above."
- (b) This form must be submitted in triplicate signed by two office-bearers.

FOR OFFICE USE ONLY

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.....
(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

NOTE: This form must be submitted in TRIPLICATE and signed by two office-bearers.

**SECOND SCHEDULE
PRESCRIBED FEES (reg. 21)**

- | | |
|--|-------------|
| 1. Search and examination of the registers of registered societies and societies exempted from registration | P20.00 |
| 2. Certified true copy of or extract from any document in the custody of the Registrar, per each side of copy or extract bearing writing | Market Rate |
| 3. Registration of burial societies, sporting and cultural societies | P250.00 |
| 4. Registration of other societies | P500.00 |

**SOCIETIES (DECLARATION OF NON-SOCIETIES)
REGULATIONS**

*(under section 39)
(21st January, 1977)*

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Declaration of non-societies

Schedule

S.I. 6, 1977,

S.I. 7, 1977,
S.I. 31, 1980,
S.I. 39, 1981,
S.I. 131, 1983,
S.I. 44, 1985,
S.I. 143, 1991.

1. Citation

These Regulations may be cited as the Societies (Declaration of Non-Societies) Regulations.

2. Declaration of non-societies

The societies referred to in the Schedule to these Regulations are hereby declared not to be societies for the purposes of the Act.

SCHEDULE Parent Teacher Associations registered under the Education Act.
Village Development Committees organized under the auspices of a local authority.
Any Consumer Watch Dog Committees formed on the recommendation of the Minister of Commerce and Industry.
4-B Clubs in Botswana
Wildlife Clubs of Botswana
Botswana National Committee of the International Council of Museums.

CHAPTER 21:07 - CONTROL OF SECURITY GUARD SERVICES: SUBSIDIARY LEGISLATION

INDEX TO SUBSIDIARY LEGISLATION

Control of Security Guard Services Regulations
Reservation of Security Guard Services for Citizens Order

CONTROL OF SECURITY GUARD SERVICES REGULATIONS

(under section 20(1))

(4th May, 1990)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Application for licence
3. Issue of licence
4. Period of validity of licence
5. Renewal of licence
6. Restriction on transfer of licence
7. Display of licence
8. Maintenance of records and annual returns
9. Inspection of records
10. Display of identity cards
11. Employment of security guards with convictions
12. Control of advertisements
13. Cancellation and surrender of licences
14. Appeals
15. Fees
16. Offences and penalties

Schedule - Forms

S.I. 31, 1990.

1. Citation

These Regulations may be cited as the Control of Security Guard Services Regulations.

2. Application for licence

(1) An application for a security guard licence shall be made to the Controller in a form that may be prescribed and shall contain all the information specified in section 5 of the Act.

(2) An applicant or his representative shall, if requested by the Controller to do so, furnish in writing any further information that the Controller may require, or, where the Controller seeks to interview him or his representative, attend such interview.

3. Issue of licence

(1) The Controller shall, after consideration of an application made under regulation 2, issue the applicant with a licence upon payment by the applicant of the fee prescribed in regulation 15.

(2) The Controller shall, in writing inform the applicant of his decision regarding his application for a licence in a manner that may conform in substantial detail to a form that may be prescribed.

4. Period of validity of licence

A licence issued under these Regulations shall, unless previously cancelled or surrendered, be valid for 12 months from the date on which it was issued.

5. Renewal of licence

(1) A licence may, upon its expiry, be renewed by application to the Controller in a form that may be prescribed, and every such application shall be accompanied by the fee prescribed in regulation 15.

(2) Every application for the renewal of a licence shall be made not later than 2 months before the licence expires.

(3) The Controller shall, in writing, inform the applicant of his decision regarding his application for renewal of a licence in a form that may be prescribed.

6. Restriction on transfer of licence

No person who has been issued with a licence shall transfer such licence to any other person without first obtaining the written consent of the Controller.

7. Display of licence

Every licensee shall display his licence in a conspicuous place in his business premises.

8. Maintenance of records and annual returns

(1) Every licensee shall maintain a record of names of his employees, dates of their employment, dates of termination of their services and the reasons for such termination.

(2) Every licensee shall submit to the Controller not later than 60 days after the end of the calendar year in which his licence was issued or renewed, an annual return in respect of his employees giving the number and names of his employees, and the names of employees dismissed from his employ.

9. Inspection of records

Every licensee shall make available for inspection by the Controller or a police officer upon demand his licence or any record in respect of his employees.

10. Display of identity cards

(1) Every licensee shall ensure that whenever a security guard is on duty such security guard displays on his person an identity card which shall be in a form that may be prescribed.

(2) It shall be an offence for a security guard not to display his identity card on his person whenever he is on duty.

(3) Any person who contravenes the provisions of subregulation (2) of this regulation shall be guilty of an offence and liable to a fine of P50 or to imprisonment for 3 months in default of payment.

11. Employment of security guards with convictions

No licensee shall employ (from within or outside Botswana) as a security guard any person who has been convicted of an offence involving moral turpitude or against whom

criminal proceedings are pending.

12. Control of advertisements

(1) No licensee shall display or cause to be displayed any advertisement which is indecent or in any way objectionable, or which does not relate to the services which he offers or renders.

(2) Any person who contravenes the provisions of this regulation shall be guilty of an offence and shall be liable to a fine of P50 or to imprisonment for 3 months in default of payment.

13. Cancellation and surrender of licences

(1) Where the Controller has decided to cancel or suspend a licence in accordance with section 11 of the Act the licensee shall surrender such licence for endorsement or cancellation or suspension as the case may be to the Controller, within the period specified by the Controller.

(2) The Controller shall give his decision to cancel or suspend a licence in a form that may be prescribed.

14. Appeals

Any person aggrieved by the decision of the Controller not to issue him with a licence or renew his licence may appeal to the Minister.

15. Fees

The following fees shall be payable to the Controller:-

- (a) P300 in respect of an application for the issue of a licence;
- (b) P200 in respect of an application for renewal of a licence;
- (c) P100 in respect of an appeal to the Minister against the decision of the Controller.

16. Offences and penalties

Any person who contravenes any provision of these Regulations, for which no other penalty is prescribed, shall be guilty of an offence and liable on conviction to a fine of P1 000 or to imprisonment for 6 months in default of payment.

SCHEDULE

Form A

APPLICATION FOR LICENCE/RENEWAL OF LICENCE

(Regulation 2)

1. Applicant (in block capitals)

2. Address of Applicant.....
.....
.....

3. Directors of Applicant:

Name	Address	Nationality
1.		
2.		
3.		
4.		

Beneficial share holders of the applicant			
Name	Address	Nationality	No. of Shares held
1.			
2.			
3.			
4.			

4. If this is your first application please answer the questions that follow, if not, give the number

of your licence and the date of last renewal

5. Has any application for a licence made by you ever been rejected, cancelled or surrendered? If so please give full details

6. Number of persons presently in your employ

7. Location of security guard service

Plot No. Town

Street Name Submitted by

Signature

Date: in my capacity as

**Form B
SECURITY GUARD SERVICE LICENCE**

(Regulation 3)

(NAME OF LICENSEE) is hereby licensed to engage in or carry on the business of providing security guards and to advertise himself as a person engaged in or carrying on such business, subject to the following conditions:

- 2.
- 3.
- 4.
- 5.

Date of issue
Fee paid
Receipt Number

Name:

.....
Signature

**Form C
STATUTORY DECLARATION BY APPLICANT/DIRECTOR/SHARE HOLDERS
(CONFIDENTIAL)**

(Regulation 2)

1. Full Name of applicant/ Director/Shareholders

(Name in block capitals)

2. Address

3. Capacity of applicant in security guard service

.....
(whether proprietor, partner, director, etc.)

4. Name of security guard service of which you are proprietor, shareholder, partner, director, etc.

5. Have you ever been convicted of any offence? If yes, please give the following details:

(a) Nature of offence with which you were charged

(b) Nature of sentence

(whether fine or imprisonment)

(c) If fine, please specify the amount, if imprisoned, please specify length of term

.....

(d) Country in which you were convicted

.....

(e) Date of conviction

.....

6. Are there any criminal proceedings pending against you? If yes, please give the following details:

(a) Nature of offence with which you are charged

.....

(b) Date charged

.....

(c) Country in which the proceedings are pending

.....

I swear that this declaration was made in good faith and that the contents thereof are to the best of my knowledge, true and correct. I am aware of the consequences of making a false statement; and that this information may be used in evidence in legal proceedings against me.

Date

Signature or thumb print

Thus signed and sworn before me this day of 20.....

.....
Commissioner of Oaths

Form D
NOTICE OF REFUSAL TO ISSUE/RENEW LICENCE

(Regulations 3 and 5)

TO:

(Name of applicant)

Address of applicant

.....

Your application for a security guard licence/renewal of a security guard licence is hereby refused on the following grounds:

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

You may, within 30 days of being served with this notice, lodge with the Minister a written notice of appeal setting out the grounds thereof and the submissions made in relation thereto, and shall, at the same time, lodge a copy of such appeal with me.

Date

Name

Signature.....

Controller of Security Guard Services

Form E
NOTICE OF SUSPENSION/CANCELLATION OF LICENCE

(Regulation 13)

TO:

.....

(Name of applicant)

Address of applicant

.....

Your security guard licence is hereby suspended/cancelled with effect from on (date) the following grounds:

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

Date Name
Signature
Controller of Security Guard Services

**Form F
IDENTITY CARD**

(Regulation 10)
Emblem of Security
Guard Service

Name of Employer:
Identity No.
Name of holder
Address of holder

Photograph
of
holder



Signature
The holder of this Card is an employee of

.....
Date Name of Employer
Signature

RESERVATION OF SECURITY GUARD SERVICES FOR CITIZENS ORDER

(under section 21)
(24th July, 1998)

ARRANGEMENT OF PARAGRAPHS

PARAGRAPHS

- 1. Citation
- 2. Reservation of security guard services

S.I. 58, 1998.

1. Citation

This Order may be cited as the Reservation of Security Guard Services for Citizens Order.

2. Reservation of security guard services

Only persons who are citizens of Botswana or companies which are wholly owned by citizens of Botswana shall be issued with licences in terms of the provisions of the Control of Security Guard Services Act.

ⁱDelete as applicable.
ⁱⁱDelete as applicable.
ⁱⁱⁱDelete as applicable.

^{iv}Delete as applicable.

^vDelete as applicable.