

CHAPTER 108

SOCIETIES ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

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SOCIETIES DECLARED TO BE SOCIETIES DANGEROUS TO THE GOOD GOVERNMENT OF THE REPUBLIC UNDER SECTION 4(1)(II)

[Cap. 24 (1948), Sub. Leg., G.N. 678/1949, G.N. 913/1950, G.N. 1415/1950, G.N. 1198/1952, G.N. 1199/1952, G.N. 890/1953, G.N. 1324/1954, L.N. 268/1956, L.N. 465/1956, L.N. 13/1958, L.N. 464 of 1961, L.N. 594/1962, L.N. 678/1963, L.N. 327/1968, L.N. 55/1969, L.N. 71/1969, L.N. 239/1969, L.N. 148/2003.]

The Kikuyu Central Association (1938), also known as the Kikuyu Central Association.

The Ukamba Members' Association.

The Teita Hills Association.

The society commonly known as Dini Ya Jesu Kristo.

The society or societies commonly known as the Kipsigis Central Association, Dini ya Mbojo or Dinit ap Mboyet.

The society known as the Bataka Party of Uganda, or the Bataka Party.

The society commonly known as the Uganda African Farmers' Union.

The society commonly known as Mau Mau.

The society commonly known as the Kikuyu *Karing'a* Education Association.

The society commonly known as the Kikuyu Independent Schools' Association.

The society commonly known as the Kenya African Union.

Dini ya Mariam.

Dini ya Mumbo.

Yomut.

The Gikuyu Land's Association.

The society known as the Kiama Kia Muingi or the Kiama Kia Hathara.

The societies commonly known by the following names:

Kenya Land Freedom Army.

Kenya Land Freedom Party.

Kenya Parliament.

Rift Valley Government.

Rift Valley Province Parliament.

Thirikari.

Kiama Kia Itu.

Mbutu Cia Ita.

Njamba Cia Ita.

Kiama Kia Mbara.

Kiama Kia Hunyu.

Mutangiri.

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Kiama Kia Ndundu.

Land Freedom Army.

Dini Ya Musambwa, otherwise known as Dini Ya Msambwa.

The Kenya War Council.

The Ex-Freedom Fighters Union.

The Sabina Church.

The Kenya Master Aid Society.

The Mwangi and Maina Social Club (Kenya).

The Walioleta Uhuru Union.

The Mahoya Ma Jehova Church.

Kenya Peoples Union and all its branches and sub-branches to be Societies Dangerous to the Good Government of the Republic of Kenya.

SOCIETIES RULES, 1968

[Section 53, L.N. 678/1963, L.N. 62/1968, L.N. 243/1988, L.N. 84/1997, L.N. 71/2003.]

1. These Rules may be cited as the Societies Rules, 1968.
2. Every application made for registration or exemption from registration under section 9 of the Act shall—
 - (a) be made in duplicate in Form A in the Schedule to these Rules;
 - (b) be typewritten;
 - (c) be signed by three of the officers of the society;
 - (d) be sent to the Registrar together with the prescribed fee;
 - (e) be accompanied—
 - (i) subject to any direction of the Minister, by two type-written or printed copies of the constitution or rules of the society; and
 - (ii) by a notification in duplicate of the situation of the registered office and postal address in Form B in the Schedule to these Rules signed by three officers of the society.
3. Where the constitution or rules of the society were not made in the English language, there shall be attached to the application two copies of a translation of the constitution or rules into the English language in addition to the two copies of the said constitution or rules in the language in which they were made.
4. The certificate of registration issued by the Registrar under section 10(3) of the Act shall be in Form C in the Schedule to these Rules.
5. The certificate of exemption from registration issued by the Registrar under section 10(3) of the Act shall be in Form D in the Schedule to these Rules.
6. Where under section 11 of the Act the Registrar refuses to register a society, he shall send to the society a notification of his refusal in Form E in the Schedule to these Rules.
7. Where under section 13 of the Act the Registrar rescinds an exemption from registration granted to a society, he shall send to the society a notification of such rescission in Form F in the Schedule to these Rules.
8. Where under section 12(1) of the Act the Registrar is of the opinion that the registration of a society should be cancelled or suspended, he shall send to the society—
 - (a) a notification of intended cancellation or suspension in Form G(1) in the Schedule to these Rules; and
 - (b) a notification of cancellation or suspension in Form G(2) in the Schedule to these Rules.
9. (1) An order made by the Registrar under section 31(1) of the Act may require the society to furnish him, in addition to the documents and information specifically mentioned in that section, with—
 - (a) information on any of the matters contained in Forms A and B in the Schedule to these Rules;
 - (b) information as to the property, movable and immovable, and the financial position of the society;
 - (c) a balance sheet of the previous or any specified year's working of the society;
 - (d) all or any of the books of account of the society;
 - (e) any minutes or written records of proceedings of the society or of its governing body;
 - (f) the documents of title to any property held by the society; and
 - (g) the register of members of the society kept under section 25 of the Act.

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(2) Any information furnished by a society in accordance with an order given by the Registrar under section 31(1) of the Act shall be verified by the signatures of three officers of the society.

10. Every notice given under section 16(1) or (3) of the Act shall be in Form B in the Schedule to these Rules.

11. Every notice given under section 17(1) of the Act shall be in Form H in the Schedule to these Rules.

12. (1) Where the Registrar has consented to an application under section 20(1) of the Act, or where the Registrar has received notification of change of the registered office or postal address of any registered society under section 16(3) of the Act, he shall amend the register accordingly.

(2) Where the name of a registered or exempted society has changed, the Registrar shall issue a fresh certificate of registration or exemption from registration, as the case may be, upon the original certificate being surrendered to him.

(3) Where the original certificate is not surrendered to the Registrar in accordance with paragraph (2) of this Rule, the Registrar shall issue a fresh certificate of registration or exemption from registration, as the case may be, on payment of the prescribed fee.

(4) The Registrar shall also make such other amendments to the particulars concerning a registered society entered in the register as may be necessitated by information supplied to him.

13. The annual return required under section 30(1) of the Act shall be furnished on or before the 31st March in each year, and shall be in respect of the immediately preceding calendar year, and shall be in Form I in the Schedule to these Rules signed by three officers of the society.

14. The Registrar shall publish in the Gazette notice of—

- (a) the registration, exemption from registration or refusal of registration of a society;
- (b) the registration or notification of any change of name of a society;
- (c) the rescission of exemption from registration of a society; and
- (d) the cancellation or suspension of the registration of a society.

15. An appeal to the Minister under section 15 of the Act, and any application for an extension of time within which to lodge such an appeal, shall—

- (a) be in writing signed by three officers of the society;
- (b) set out the grounds upon which the appeal or application is based; and
- (c) be sent to the Senior Assistant Secretary, Office of the Attorney-General.

16. The particulars to be entered in the register of societies by the Registrar under section 10(1) of the Act shall include—

- (a) the name of the society;
- (b) the registered office;
- (c) the postal address;
- (d) the objects;
- (e) the name of each organization or group of a political nature established outside Kenya, of which the society is a branch or to or with which it is affiliated or connected;
- (f) the class or classes of persons to whom membership is restricted;
- (g) the titles of the officers;
- (h) the immovable property owned by the society and the manner in which vested;

- (i) the number of members;
- (j) the names, occupations and addresses of the principal officers.

17. A registered society or officer guilty of an offence against these Rules shall be liable to a fine not exceeding two thousand shillings, or, in the case of an officer, to imprisonment for a period not exceeding three months.

18. The following fees shall be payable to the Registrar—

- (a) On application for resignation or exemption from registration of a society 2,000
- (b) On a registered society furnishing an annual return under rule 12 of these Rules—
 - (i) where the membership does not exceed 25 200
 - (ii) where the membership exceeds 25 but does not exceed 100 300
 - (iii) where the membership exceeds 100 but does not exceed 1,000 400
 - (iv) where the membership exceeds 1,000 1,000
- (c) On a registered society applying for permission under section 20 of the Act to do any of the things for which permission is required under that section 200
- (d) On a registered society giving notice of change of registered office or postal address 500
- (e) On a registered society applying for permission under section 20 of the Act to do any of the things for which permission is required under that section 200
- (f) For inspection of the register and any document lodged with the Registrar relating to any society of which inspection is made 200
- (g) For a certified extract from any documents in the custody of the Registrar—
 - (i) for the first folio of 100 words or a part thereof 100
 - (ii) for every subsequent folio of 100 words or a part thereof 50
- (h) For issue of a fresh certificate under rule 12(3) of these Rules 200
- (i) For official search in respect of a society 300
- (j) On dissolution of a society 500

[L.N. 243/1988, r. 2, L.N. 84/1997, r. 2, L.N. 71/2003, r. 2.]

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SCHEDULE

Form A

(Rule 2)

APPLICATION FOR REGISTRATION OR EXEMPTION FROM REGISTRATION OF A SOCIETY

TO THE REGISTRAR OF SOCIETIES:

We the undersigned officers hereby apply for registration/exemption from registration under the Societies Act.

The following are particulars of the society:

- (a) The name of the society
- (b) The objects of the society
- (c) The name of each organization or group of a political nature established outside Kenya, if any, of which the society is a branch or is affiliated to or connected with
- (d) The class or classes of persons to whom membership of the society is open
- (e) The present number of members
- (f) The titles of the officers of the society
- (g) The names, occupations and addresses of the present or proposed officers.....
- (h) The land and premises (if any) owned by the society and the manner in which such property is held or vested
- (i) Provision has been made in the rules of the society for the following matters in accordance with section 19(1) of the Act:

<i>Matters to be set forth in the rules</i>	<i>Number of the rule in which provision is made for each matter</i>
1. The name of the society.	
2. The whole of the objects for which the society is to be established.	
3. The persons to whom membership is open.	

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SCHEDULE FORM A—continued

<i>Matters to be set forth in the rules</i>	<i>Number of the rule in which provision is made for each matter</i>
4. The rates of entrance and subscription fees (if any) for membership. 5. The method of suspension or expulsion of members. 6. The titles of officers, trustees and auditors and their terms of office, and the method of their election, appointment, dismissal and suspension. 7. The composition of committees (if any) of the society, the terms of office of members of such committees and the method of their election, appointment, dismissal and suspension. 8. The authority for and the method of filling vacancies on committees. 9. The frequency of, quorums for, and dates of the general meetings referred to in section 29 of the Act. 10. The custody and investment of the funds and property of the society, and the designation of the persons responsible herefore. 11. The purpose for which the funds may be used and in particular the prohibition of the distribution of funds among members. 12. The inspection of the books and list of members of a society, by any member or officer, under section 28(1) of the Act. 13. The annual or periodical audit of accounts. 14. The formation of branches, if branches may be formed. 15. The manner of amending the name, constitution or rules of the society. 16. The manner of the dissolution of the society and the disposal of its property on dissolution.	

.....
(Signed)

.....
Officers

Date

*Delete whichever is not applicable.

Form B

(Rule 2(e)(ii) and 10)

NOTIFICATION OF REGISTERED OFFICE OR POSTAL ADDRESS OF A SOCIETY

TO THE REGISTRAR OF SOCIETIES:

NOTICE is hereby given, in accordance with the provisions of subsections (1) and (3) of section 16 of the Societies Act, that the Society
*will have its registered office at
has changed its registered office to
..... and

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SCHEDULE FORM B—continued

*will have its postal address at
has changed its postal address to

(Signed)

Officers

Date

*Delete whichever is not applicable.

Form C

(Rule 4)

CERTIFICATE OF REGISTRATION

I,
Registrar of Societies, hereby certify that I have this day registered the
under section 10 of the Societies Act.

Dated at this day of, 20

Registrar of Societies

Form D

(Rule 5)

CERTIFICATE OF EXEMPTION FROM REGISTRATION

I,
Registrar of Societies, hereby certify that I have this day exempted the
from section 10 of the Societies Act.

Dated at this day of, 20

Registrar of Societies

Form E

(Rule 6)

NOTIFICATION OF REFUSAL TO REGISTER A SOCIETY

To the
I,
Registrar of Societies, hereby give you notice that, in accordance with section 11 of the Societies

SCHEDULE FORM E—continued

Act, I have this day refused to register you as a society under the said Act on the following grounds—

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

Dated at this day of, 20

.....
Registrar of Societies

Form F

(Rule 7)

NOTIFICATION OF RESCISSION OF EXEMPTION

To the

I,,
Registrar of Societies, hereby give you notice that, in accordance with the provisions of section 13 of the Societies Act, and with the approval of the Minister, I have this day rescinded your exemption from registration under the said Act on the grounds that—

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

Dated at this day of, 20

.....
Registrar of Societies

Form G (1)

(Rule 8(a))

NOTIFICATION OF INTENDED *CANCELLATION/SUSPENSION OF REGISTRATION

To the

I,,
Registrar of Societies, hereby give you notice that, in accordance with section 12 of the Societies Act, it is my intention to *cancel/suspend your registration under the said Act on the grounds that—

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

* Delete whichever is not applicable.

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SCHEDULE FORM G(1)—continued

(2) You are hereby required, within..... days of the date of this notice, to show cause why your resignation should not be *cancelled/suspended.

Dated at this day of, 20

Registrar of Societies

Form G (2)

(Rule 8(b))

NOTIFICATION OF *CANCELLATION/SUSPENSION OF REGISTRATION

To the

I, Registrar of Societies, hereby give you notice that, in accordance with section 12 of the Societies Act, I have this day *cancelled/suspended your registration under the said Act on the grounds that—

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

Dated at this day of, 20

Registrar of Societies

*Delete whichever is not applicable

Form H

(Rule 11)

NOTIFICATION OF CHANGE OF OFFICERS OR TITLE OF ANY OFFICER

TO THE REGISTRAR OF SOCIETIES:

The Society hereby gives notice in accordance with the provisions of subsection (1) of section 17 of the Societies Act, that the following changes have been made on, 20 of the officers/titles of any officers of the said society

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

(Signed)

Officers

SCHEDULE—continued

Form I

(Rule 13)

ANNUAL RETURN

of the for the year ending 31st December, 20

Date of the annual general meeting in the year ending on 31st December, 20

Number of members of the society as at 31st December, 20

Full names, occupations and addresses of the officers as at 31st December, 20

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

If there have been any changes since the date of application for registration or the date of the last annual return, whichever is later, then specify such changes in the appropriate paragraph as under—

- (a) the name of the society?
- (b) the objects or constitution or rules of the society?.....
.....
- (c) the organization or groups of a political nature established outside Kenya of which the society is a branch or to which it is affiliated or with which it is connected?
- (d) the class or classes of persons to whom its membership is open?
- (e) the titles of its officers?
- (f) land and premises which the society owns?

Date

(Signed)

Officers

* Name of society.

**ORDER DECLARING A SOCIETY DANGEROUS
TO THE GOOD GOVERNMENT OF THE REPUBLIC**

[L.N. 42/2002.]

ORDER IN TERMS OF SECTION 4(1)(II)

Mungiki Movement,
Jeshi la Mzee,
Jeshi La Embakasi,
Jeshi la King'ole,
Baghdad Boys,
Chinkororo,
Amachuma,
Banyamulenge,
Talibans,
Dallas Muslim Youth,
Runyenjes Football Club,
Kaya Bombo Youth,
Sakina Youth,
Charo Shutu,
Kuzacha,
Kamjeshi,
Jeshi la Nazir,
Kosovo Boys.
