

## CHAPTER 201

### REGISTRATION OF ASSOCIATIONS ACT

[ 16<sup>th</sup> May, 1959 ]

#### ARRANGEMENT OF SECTIONS

#### SECTION

Act 9 of 1959.  
Act 3 of 1963.  
Act 14 of 1963.  
Act 32 of 1964.  
Act 95 of 1975.  
Act 72 of 1976.  
Act 23 of 1976.  
S.I. 61 of 1988 .  
S.I. 41 of 1991.

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Short title.  
3/23/1976.

1. This Act may be cited as the Registration of Associations Act.

Interpretation.

2. In this Act-

“association” means two or more persons who have agreed to contribute by their knowledge, energy, fortune or other lawful means or by a combination of any of such means towards the attainment of a common object which shall not be pecuniary gain to themselves and which shall not be contrary to law, morality and public policy and, where the context so requires, means a registered association:

Provided that mutual aid societies which may be formed for the purpose of providing assistance in a variety of forms to their members, their families and dependents shall be deemed to be association;

“officer” means any chairman, treasurer, secretary or member of the committee of management of an association or an auditor of the association;

“Registered association” means an association registered under this Act;

“Registrar” means the Registrar of Associations appointed under this Act;

“Secretary”, in relation to an association, includes any officer of the association or other person performing the duties of secretary.

Incorporation:  
Registration  
Essential.

3(1) A registered association shall be a body corporate having perpetual succession and a common seal, and power in its Corporate name to acquire, hold, and dispose of property, Movable or immovable, and generally to do all such acts and Things as bodies corporate may do and perform.

It shall sue and be sued in its corporate name and service of Process on the secretary of the association shall be deemed to Be service on the association.

(2) No association shall be a body corporate unless its Secretary causes it to be registered in the manner hereinafter Provided.

4(1) The secretary of an association seeking registration under This Act shall make application in writing to the Registrar in that behalf and shall furnish to the Registrar the following items Information certified true under his hand, that is to say:-

Applications for registration and disposal thereof. S.I. 95/1975. 3/23/1976.

- (a) The name, place of office and objects of the association;
  - (b) The name, occupations and addresses of the officers and Members of the association for the time being;
  - (c) The resolution of the members of the association appointing the officers;
  - (d) The rules of association.
- (2) The Registrar, after considering the application and information furnished by the secretary, may-
- (a) Register the association by entering its name in a register to be known as the Register of Associations (hereinafter referred to as “the register”) and deliver to the applicant a certificate in the form set out in schedule A; or
  - (b) request as a condition precedent to registration that the books of the association be kept in English or French or Creole and that any alterations which, in his opinion, is necessary be made to the rules of the association; or
  - (c) refuse registration.

The Registrar shall advise the applicant of his decision by registered letter in every case:

Provided that within two months of date of the Registrar’s letter, an appeal shall lie to the Minister against a decision of the Registrar under either paragraph (b) or paragraph (c) of this subsection.

5(1) The rules of every association seeking registration under this Act shall contain provision in respect of the several matters mentioned in schedule B, and shall, on the association being registered, become the rules of the registered association.

Rules. 3/23/1976.

(2) Where not less than three-fifths of the total number of members of any registered association are present in person or by proxy at a general meeting of members of the association convened in that behalf, it shall be lawful for two-thirds of the number of members present in person or by proxy at such meeting to add to, alter or otherwise amend the rules of the association:

Provided that a certified copy of the minutes of proceedings Held at such general meeting shall be submitted to Registrar, and that no addition to, alteration or amendment of, the rules of the association shall have effect except with the approval of the Registrar signified under his hand in the form set out in schedule C.

(3) A copy of the rules so approved shall be filed with the Registrar.

Membership of  
Minors.

6(1) The rules of a registered association may provide for the Admission of a person under twenty-one years of age as a member

(2) Anything to the contrary in any enactment notwithstanding, any such member may, if he is over sixteen years of age by himself, and if he is under that age by his parent or guardian, execute all instruments and give all acquaintances necessary to be executed or given under the rules:

Provided that such member shall not be an officer of the association and shall not have the right to vote.

Rights of  
Members.

7(1) Every registered association shall deliver to every member on Payment of a sum of one rupee, a copy of the rules of the association.

(2) Every registered association shall supply gratuitously to every member or person interested in its fund, on his application, either-

(a) a copy of the last annual return of the association; or

(b) a copy of a balance sheet or other document duly audited containing the same particulars regarding the receipts and expenditure, funds and effects of the association which are contained in the annual return.

8. A member or person having an interest in the fund of a registered association may inspect the book at all reasonable hours at the registered office of the association, except that the person shall not, unless he is an officer of the association, or is specially authorized by a resolution of the association to do so, have the right to inspect the loan or debit account of any other member without the written consent of that member.

Inspection of books.

9 (1) Anything to the contrary in any enactment notwithstanding a member of a registered association, not being under the age of sixteen years, may, by writing under his hand delivered at or sent to the registered office of the association, or made in a book kept at that office, nominate a person to whom any sum of money payable by the association on the death of that member, shall be paid at his decease.

Power of member to dispose of sum payable at his death by nomination.

(2) The person so nominated must not be an officer or servant of the association, unless that officer or servant be the husband, wife, father, mother, child, brother, sister, nephew or niece of the nomination.

(3) A nomination so made may be revoked and varied in writing in a manner similar to that provided in subsection (1) by any similar document under the hand of the nominator, delivered, sent, or made as aforesaid.

(4) The marriage of a member of an association shall operate as a revocation of any nomination theretofore made by that member under this section.

10. The rules of any association may require all or any of those officers who are appointed to any office involving the receipt or management of monies collected on behalf of the association, before they take upon them the duties devolving upon their office, to become bound with one or more sureties for the just execution of such office, and for rendering a true account according to the rules and regulations of the association. The bonds shall be filed with the Registrar without fee and in case of forfeiture shall be handed over to the treasurer or other appropriate officer of the association for such suitable legal action as may be deemed advisable. Such bonds shall not be subject to stamp duty.

Sureties.

11. The rules for the time being of any registered association shall bind the association and every member thereof and any person claiming through such member to the same extent as if such member or person has subscribed his name thereto:

Provided that no person shall be made liable for debts contracted after he has ceased to be a member of the association.

12(1) The secretary of every registered association shall, before the thirty-first day of January in each year, or when and as often as so requested by the Registrar, furnish to the Registrar, a return of the name and addresses of the officers of the association, and an audited account of the yearly revenue and expenditure, and of the assets and liabilities, of the association in such form as the Registrar may require:

Provided that any change occurring in the place of office or Among the officers of a registered association shall, from time, be notified to the Registrar within fourteen days of such change.

(2) Non compliance with the provisions of subsection (1) shall be an offence, and the secretary of the registered association concerned shall, on conviction, be liable to a fine not exceeding twenty-five rupees for every day during which the default continues.

13. Any person may-

- (a) on payment of a fee of two rupees inspect the rules of any association in the custody of the Registrar;
- (b) on payment of a fee of three rupees, obtain a certificate of registration of any association;
- (c) on payment of a fee of three rupees per page of part of a page, obtain a copy or extract of the rules of an association or of any other document or part of any other document which the Registrar may reasonably deliver to be certified by the Registrar.

14. Where not less than three-fifths of total number of members of any registered association are present in person or by proxy at a general meeting of the members of two-thirds of the number of members present in person or by proxy at such meeting to decide that such association-

- (a) shall be dissolved and thereupon it shall be dissolved and all the property of that association shall become vested in the Registrar who shall sell or otherwise deal with such property so as to meet; as far as possible, all the debts and liabilities of the association, and then transfer the remaining property, if any, to such registered association or other charitable institution as may have been designated in the decision made at the general meeting that the association be dissolved or, in the absence of such designation, to such registered association or charitable institution as the Minister may select; or
- (b) shall be amalgamated, either wholly or partially, with any registered association:

Provided that the person who last held the office of secretary of The dissolved association shall within one month of its dissolution furnish to the Registrar a certified copy of the minutes of proceedings held at such general meeting, a detailed statement of the assets and liabilities of association together with a declaration signed by him that the provisions of this Act have been complied with.

Non compliance with this proviso shall be an offence and the secretary of the registered association concerned shall, on conviction, be liable to a fine not exceeding five hundred rupees and to imprisonment not exceeding six months:

Provided also that the decision to amalgamate shall be of no effect without the approval of the Registrar signified under his hand in the form set out in schedule D.

#### 15(1) The Registrar-

- (a) may, if he has reasonable grounds to believe that the registration of an association under this Act has been obtained by fraud or mistake, or that a registered association exists for an illegal purpose, or has willfully infringe any way misapplied its funds, or is not functioning; and
- (b) shall, up the written application of one-tenth of the total number of the member of a registered association,

call for all accounts, books and documents relating to such association and institute an inquiry into the affairs and conduct of such association, whether relating to matters which occurred before or after the coming into force of this Act, and may hear evidence on oath in connection with such inquiry.

(2) The provision of section 12, 13, 14 and 15 of the Commissions of Inquiry Act shall, for the purpose of such inquiry, apply mutatis mutandis.

(3) The Registrar shall thereafter draw up and forward a report of his findings, together with his recommendations, to the Minister who may make such order in the matter as he may think fit.

(4) Without prejudice to the provision of the preceding subsections, The Registrar may at any reasonable time, either by himself or through An officer deputed by him in that behalf. Check the book of any registered Association and its bank and cash balances.

(5) Any person who-

(a) for the purposes of obtaining the registration of association willfully make any statement or furnishes any information to the Registrar which is false in any material particular, or

(b) being an officer of an association is a party to or assists in the conducting of association for any purpose other than those provided by the rules thereof ; or

(c) being an officer of an association willfully infringes any of the rules of the association,

shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred rupees.

16(1) The Registrar may, when and as often as he may deem necessary, call upon the secretary, or treasurer or other office-bearer of any association, to produce to him at such time and place as he may determine any book or document in the custody of such secretary, treasurer or other office-bearer, as the case may be.

(2) Non-compliance with the provision of subsection (1) shall be an offence and the secretary, treasurer, or other office-bearer concerned shall, on conviction, be liable to a fine not exceeding five hundred rupees and to imprisonment not exceeding three

months.

17(1) In the event of the Registrar being satisfied, as the result of any investigation into the affairs and conduct of a registered association, that the association should be struck off the register, he shall, with the approval of the Minister cause a notice to be served upon the secretary of the association informing him that he intends to strike the association off the register for reason to be set out in the notice.

(2) The association may, within a period of two months after the receipt by its secretary of such notice from the Registrar appeal to the Supreme Court against the decision to order the striking of the association off the register and show cause why the name of the association should not be struck off, and on any such appeal the Supreme Court may make such order as it shall think fit.

(3) If within two months of the receipt by the secretary of an association of the above mentioned notice from the Registrar, the association has not appealed to the Supreme Court, or if any appeal made by the association under subsection (2) has been dismissed, the Registrar shall strike the association off the register.

18. On the striking of an association off the register, all the property of that association shall become vested in the Registrar who shall use such property towards meeting, as far as possible, all the debts and liabilities of the association and then transfer the remaining property, if any, to such registered association or charitable institution as the Minister may select.

19. The President may appoint a fit and proper person to be the Registrar of Association and may, for the purposes of this Act appoint other persons to assist him.

20(1) To meet the expenses incurred in carrying out the purposes of this Act, every registered association shall pay to the principal Secretary of the Ministry of Finance on or before the fifteenth day of March in every year such percentage of the profits of the association for the preceding year not exceeding one half per centum as shall be fixed by the Registrar.

Provided that no such contribution shall be payable by an association whose profits for the previous year does not exceed one thousand rupees:

Provided further that it shall be lawful for the Registrar to exempt any association from the payment of such contribution if, in his opinion, undue hardship would result from such payment.

(2) Any contribution due by an association may be sued for and recovered by the Registrar by civil action.

21. A certificate under the hand of the registrar as to the name of the officers and members of the association and as to any other fact required by this Act to be registered shall be sufficient evidence of the facts stated therein unless the contrary be shown.

22. Subject to the proviso to the definition of “association ” in section 2, this Act shall not affect the provisions of any enactment relating to-

- (a) companies or partnership (including “ societies ” ) of any nature;
- (b) co-operative societies;
- (c) trade unions.

23. Every default under this Act constituting an offence, if continued, shall constitute a new offence in every week during which the default continues.

24. The Minister may make regulations for carrying the provisions of this Act into effect and more particularly, without prejudice to the generality of the foregoing power, may make regulations adding to, altering or amending the schedules to this Act.

## SCHEDULE A

(Section 4)

I hereby certify that the ..... (name of association) association has this day been registered under the provisions of the Registration of Association Act.

Date this ..... Day of .....19....

.....

Registrar

SCHEDULE B

(Section 5)

Matters to be provided for by the rules of associations registered under the Act-

1. the corporate name and place of business of the association;
2. the objects of the association;
3. the admission, rejection, and removal of members;
4. the mode of holding meetings and the right and mode of voting at such meeting;
5. the appointment and removal of members of the committee of management and of auditors;
6. the investment of the funds, if any, the keeping of accounts and the audit of such accounts at least once a year.
7. the inspection of the book of the association by any person having an interest in the funds of the association;
8. the fines and forfeitures which may be imposed on any members of the association.

SCHEDULE D

(Section 5)

I do hereby certify that these rules amending the rules of the.....(name of registered association) were made in compliance with the procedure laid down in the Registration of Association Act, and have been approved by me.

Date this.....day of .....19....

.....  
Registrar

SCHEDULE D

(Section 14)

I hereby certify that the..... Association and  
the..... Association, being associations registered  
under the provisions of the Registration of Association Act, have  
been amalgamated in accordance with provisions of section 14  
of the Act.

Date this ..... day of ..... 19.....

.....  
Registrar