



## **SUING A COMPANY IN TANZANIA**

### **INTRODUCTION**

According to the Companies Act, R.E 2002 since a company is a legal entity it can sue or be sued. Henceforth when it comes to suing a company certain procedures must be followed to legalize the procedure before the court.

### **PROCEDURES OF SIDING A COMPANY IN TANZANIA**

They are major things one must consider before Suing the company in Tanzania;

- Pecuniary Jurisdiction- This is the amount of money on which the company sues a company upon knowing the amount one issuing hence one can know what proper court to go to.
- Territorial Jurisdiction- This merely looks upon where the conflict happened within the United Republic of Tanzania (Mainland),

This categorization is based on the scope of activities a Non-Governmental Organization intends to cover; be it at a district level, regional level, national level, or an international level. For registration of Non-Governmental Organizations at the Regional and District levels, the Registrar appoints public officers in the respective Districts or Regions whose powers include registration of Non-Governmental Organizations in their respective regions or districts and advancing certificates of registration or certificate of compliances (see sections 22(2)(a) and (b) of the Non-Governmental Organizations Act). A Non-Governmental Organization is registered at a national level if its activities cover more than one region and involve an international Non-Governmental Organization.

### **REGISTRATION PROCESS**

According to section 12 of the Non-Governmental Organizations Act, any group of persons to form a Non-Governmental Organization may apply to the Registrar of Non-Governmental Organizations for such registration through the NGO A Form No. 1 as prescribed in the Non-Governmental Organizations Regulations, 2004. The term group of persons refers to not more than five members and may include several Non-Governmental Organizations. The application may be in English or Kiswahili; and where the language used in the application and other consequential forms is neither English nor Kiswahili, a translation must accompany the same.

Applications to the Registrar must be accompanied by;



- A copy of the constitution of the Non-Governmental Organization
- Minutes containing full names and signature of founder members
- Personal particulars of an office bearer, meaning the chairperson, secretary, and treasurer
- Address and physical location of the head office of the Non-Governmental Organization
- An application fee of Tshs. 25,000/=
- Any other particulars or information as may be required by the Registrar

Within one month the Registrar sends all applications and his recommendations to the Non-Governmental Organizations Coordination Board. In its determination, the Board may either refuse or approve the application as per section 14 of the Non-Governmental Organizations Act. If the Board refuses the approval, the applicants may appeal to the Minister responsible for Non-Governmental Organizations and if the appeal is unsuccessful they may apply for the Board to review their initial refusal. If however, the application has been allowed, the Registrar issues a certificate of registration. The certificate of registration expires after every ten years; therefore a renewal application must be filed to the Registrar six months before every expiration date. If the Non-Governmental Organizations Coordination Board is satisfied with the application the certificate shall be renewed. Nonetheless, when the employees of a Non-Governmental Organization are foreign nationals the Board shall make a recommendation to the Civil Service Department which shall further forward its opinion to the Director of Immigration Services for the issuance of work permits.

### **EFFECT OF REGISTRATION**

The certificate of registration serves as conclusive evidence that the Non-Governmental Organization has been authorized to operate as it has specified in its Constitution.

### **SUSPENSION OF REGISTRATION**

Certificates of registration may be suspended/canceled if;

- The Non-Governmental Organization has ceased to exist
- The Non-Governmental Organization operates invariance to its constitution
- The National Council for Non-Governmental Organizations has submitted, to the satisfaction of the Board recommendation for its suspension or cancellation



Upon the cancellation or suspension of the Non-Governmental Organization by the Board, the Registrar shall notify the Non-Governmental Organization, for the Non-Governmental Organization to stop its operations and to remove the Non-Governmental Organization from the register. A Non-Governmental Organization that is aggrieved by the Board's decision may apply for the same to be reviewed or further appeal to the Minister responsible for Non-Governmental Organizations.