



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



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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.