

Zambia

## Clubs' Registration Act, 1926

### Chapter 162

Legislation as at 31 December 1996

FRBR URI: /akn/zm/act/1926/20/eng@1996-12-31

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PDF created on 21 February 2024 at 16:07.

*Collection last checked for updates: 31 December 1996.*

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## Zambia

# Clubs' Registration Act, 1926

## Chapter 162

Commenced on 1 January 1927

*[This is the version of this document at 31 December 1996.]*

*[20 of 1926; 36 of 1933; 23 of 1936; 60 of 1953; 34 of 1958; 30 of 1961; 7 of 1963; 57 of 1964; 27 of 1966; 33 of 1966; 24 of 1977; 12 of 1992; 7 of 1993; 2 of 1994; 13 of 1994; Government Notices 304 of 1964; 497 of 1964; 502 of 1964; Statutory Instrument 91 of 1965]*

**An Act to provide for the registration and control of clubs situated within Zambia; and to provide for matters incidental thereto or connected therewith.**

### 1. Short title

This Act may be cited as the Clubs' Registration Act.

### 2. Interpretation

In this Act, unless the context otherwise requires—

"**club**" means any community or society consisting of not less than twenty-five members who assemble or meet together in pursuit of a common object;

"**club premises**" means any building, room or meeting place where members of a club or their guests assemble;

"**intoxicating liquor**" means any spirit, wine, ale, beer, porter, cider, perry, hop-beer or any liquor containing more than two per centum of alcohol and any other liquor which the Minister may from time to time declare, by statutory notice, to be an intoxicating liquor within the meaning and operation of this definition;

"**officer of a club**" means a person taking part in the direction or management of a club irrespective of whether he acts in an honorary or paid capacity;

"**secretary**" means any officer of a club or other person performing the duties of a secretary;

"**unregistered club**" means a club which requires under this Act to be registered but is not registered or in respect of which the registration has been cancelled or has not been renewed in accordance with subsection (2) of section six.

*[As amended by No. 7 of 1963 and G.N. No. 304 of 1964]*

### 3. Every club where intoxicating liquor is habitually sold, to be registered

The secretary of every club which occupies a house or part of a house or other premises which are habitually used for the purposes of a club and in which any intoxicating liquor is supplied to members or their guests shall make application to the District Secretary of the District in which the club premises are situate to be registered in accordance with the terms and provisions of this Act. In the case of a club which is open on the commencement of this Act, such application shall be made within six weeks thereafter, and in the case of a new club requiring registration which is about to be opened after the commencement of this Act, such application shall be made before the opening of the club.

#### 4. Registration does not constitute club premises licensed premises, etc.

The registration of a club under this Act shall not constitute the club premises "licensed premises" or authorise any sale of intoxicating liquor thereon which would otherwise be illegal under any written law.

#### 5. Application for registration

Any application to the District Secretary for registration of a club shall be accompanied by an affidavit containing the particulars set out in Form 1 in the Schedule signed by the secretary.

#### 6. Mode of registration

- (1) Upon consideration of the application the District Secretary if satisfied as to the bona fides of the club shall, subject to the provisions of subsection (3), in his discretion grant the same and shall issue a Certificate of Registration in Form 2 in the Schedule and thereupon the club shall be deemed to be duly registered.
- (2) The secretary of every club shall, in the month of December in the year in which the club was first registered under this Act and in the month of December of every year subsequent to that year, make application to the District Secretary for renewal of the Certificate of Registration, together with a statement showing the number of members of the club at the date of the application and any alteration made in the club rules since the club was first registered or during the preceding year, as the case may be. Upon consideration of the application the District Secretary shall, subject to the provisions of subsection (3), in his discretion grant the application and renew the Certificate of Registration.
- (3) The District Secretary shall not—
  - (a) register or renew any registration of any club unless he is satisfied—
    - (i) that the club is managed by a committee of its members;
    - (ii) that such committee holds regular meetings of which proper minutes are kept;
    - (iii) that the election of such members is either by the committee or by all members of the club;
    - (iv) that a register of members and a register of guests and proper accounts are kept;
    - (v) that no profit from the supply of liquor by the club accrues to any individual;
  - (b) save with the approval in writing of the Minister in any particular case, register or renew the registration of any club if the annual subscription payable by each ordinary member thereof is more than thirty-two fee units.
- (4) An appeal against the refusal of the District Secretary to grant any application under this section shall lie to the High Court which may reverse such decision where it is satisfied that the District Secretary ought to have granted the application.

*[As amended by No. 7 of 1963 and, Nos. 27 and 33 of 1966, and Act [No. 13 of 1994](#)]*

#### 7. Registration fees

- (1) Subject to the provisions of subsection (2), the fees payable on the original registration and on renewal of such registration shall be as follows:

	<b>Fee units</b>
For a membership of 25-100	200
For a membership of 100-200	200
For a membership of 200-300	300
For a membership of 300-400	400
For a membership of 400-500	500
For a membership of over 500	600

- (2) The Minister may, by statutory notice, where he considers that it is in the circumstances equitable so to do, authorise an original registration or a renewal of such registration in any particular case at such fee as is specified in such notice:

Provided that the powers of the Minister under this subsection shall not extend to any club where the membership thereof is in excess of one hundred.

*[Amended by Act [No. 7 of 1963](#) 12 of 1992 and Act [No. 13 of 1994](#)]*

## **8. Grounds for cancellation of registration**

- (1) When a club has been registered in pursuance of this Act, a District Secretary on complaint in writing by any person may, if he thinks fit, make an order cancelling the registration of any club on all or any of the following grounds:
- (a) that the club has ceased to exist, or that the number of members is less than twenty-five; or
  - (b) that it is not conducted in good faith, or that it is kept or habitually used for any unlawful purpose; or
  - (c) that there is frequent drunkenness on the club premises; or
  - (d) that illegal sales of intoxicating liquor have taken place on the club premises; or
  - (e) that persons who are not members are habitually admitted to the club merely for the purpose of obtaining intoxicating liquor; or
  - (f) that persons are admitted to membership of the club within a period of less than forty-eight hours from the time of making application for such membership; or
  - (g) that guests are habitually admitted to the club without their names and addresses having been entered in the register of guests; or
  - (h) that the conditions of admission to membership of the club are unduly restrictive; or
  - (i) that persons are denied admission to membership of the club solely on the ground of their race.

- (2) An appeal against any order made under this section shall lie to the High Court which may reverse such order.

*[As amended by No. 34 of 1958, No. 30 of 1961 and No. 27 of 1966]*

## **9. Permit for supply of intoxicating liquor for consumption off club premises**

- (1) No registered club shall supply any intoxicating liquor for consumption off the club premises otherwise than in accordance with a permit issued by the District Secretary:

Provided that nothing in this subsection shall apply to any supply of intoxicating liquor authorised under the provisions of a retail liquor licence issued under the Liquor Licensing Act.

*[Cap. 167]*

- (2) Every permit issued under this section shall expire on the 31st December in the year in which it was issued, and may thereupon be renewed.
- (3) Application for a permit under this section and for any renewal thereof shall be made in such form and manner as may be prescribed, and such permit may be issued or renewed, as the case may be, at the discretion of the District Secretary, subject to such conditions as he may impose, on the payment of seven hundred and fifty fee units or such lesser sum as the Minister may direct in any particular case.
- (4) If any intoxicating liquor is supplied in any registered club in contravention of the provisions of this section, then any person so supplying such liquor and every officer of such club shall be guilty of an offence and shall be liable to a fine not exceeding one thousand five hundred penalty units:

Provided that in the case of an officer of a registered club, it shall be a defence for such officer to prove that such supply was made without his knowledge or consent.

*[No. 34 of 1958 as amended by G.N.No. 304 of 1964 and Act No. 13 of 1994]*

## **10. Sale or supply of intoxicating liquor by an unregistered club**

- (1) If any intoxicating liquor be supplied or sold to any member or guest on the premises of an unregistered club, the person or persons supplying or selling such liquor or authorising the supply or sale of the same shall be liable on conviction to imprisonment with or without hard labour for a term not exceeding one month or to a fine not exceeding one thousand five hundred penalty units, or to both.
- (2) If any intoxicating liquor is kept for supply or sale on any unregistered club premises, every officer and member of such club shall be liable on conviction to a fine not exceeding three hundred penalty units, unless he prove to the satisfaction of the Court that such liquor was so kept without his knowledge or against his consent.

*[As amended by Act No. 13 of 1994]*

## **11. Registers of members and guests**

- (1) Every registered club shall keep on the club's premises a register of members and a register of guests.
- (2) A member introducing a guest, or the secretary when guests have been invited on the invitation of the club, shall cause to be entered in the register of guests the name and address of any such guest.

*[No. 30 of 1961]*

## 12. Power of entry of club premises

- (1) Any police officer of or above the rank of Assistant Superintendent and, where there is no police station within ten miles of the club premises, any Administrative Officer may, at any time during such hours as the premises of a registered club are open to members, enter upon the premises and make inquiries for the purpose of this Act and may—
  - (a) call for and inspect the register of members and the register of guests;
  - (b) inspect the club premises; and
  - (c) take the names and addresses of any persons found on the club premises.
- (2) Any person who, having been required under the powers conferred by subsection (1) to give his name and address, fails to give the same or gives a false name or address shall be guilty of an offence and liable to a fine not exceeding three hundred penalty units.
- (3) Any person having charge of the register of members or the register of guests who refuses or fails to produce the same on demand to any person authorised to call for the same under the provisions of subsection (1) shall be guilty of an offence and liable to a fine not exceeding seven hundred and fifty penalty units.

*[No. 30 of 1961 as amended by G.N.No. 502 of 1964 and Act [No. 13 of 1994](#)]*

## 13. Search warrant

- (1) If a magistrate is satisfied by information on oath that there is reasonable ground for supposing that any registered club is so managed or carried on as to constitute a ground for cancelling its registration, or that any intoxicating liquor is sold or supplied, or kept for sale or supply, on the premises of an unregistered club, he may grant a search warrant to any police officer of or above the rank of Sub Inspector named therein.
- (2) A search warrant granted under this section shall authorise the police officer named therein to enter the club, if need be by force, and to inspect the premises of the club, to take the names and addresses of any persons found therein, and to seize any books and papers relating to the business of the club.

*[As amended by No. 36 of 1933 S.I. No. 91 of 1965 and Act [No. 24 of 1977](#)]*

## 14. Regulations

- (1) The Minister may, by statutory instrument, make regulations as to all or any of the following matters:
  - (a) the hours of opening or closing of club premises;
  - (b) the hours during which intoxicating liquor may or may not be supplied to members or their guests;
  - (c) the form and manner in which application for a permit under section nine or for any renewal thereof shall be made;
  - (d) the manner and form in which applications for registration or renewal thereof shall be made and the manner of hearing such applications;
  - (e) the surrender of cancelled or determined Certificates of Registration.

Regulations made under the provisions of paragraph (a) or (b) shall apply either to all clubs or to such clubs only as may be specified therein.

- (2) The regulations may prescribe penalties, including revocation of registration, for any contravention thereof or failure to comply therewith, not exceeding a fine of one thousand five hundred penalty units or in default of payment imprisonment not exceeding six months with or without hard labour.

*[As amended by No. 34 of 1958, G.N. No. 304 of 1964 and Act [No. 13 of 1994](#)]*

## Prescribed Forms

### The Clubs' Registration Act

#### Form 1 (Section 5)

#### Application for registration

I, \_\_\_\_\_ of \_\_\_\_\_.

make oath and says as follows:

1. I am the duly appointed Secretary of a Club known as \_\_\_\_\_.
2. The number of members of such Club at the date of this application \_\_\_\_\_.
3. The objects of the Club are \_\_\_\_\_.
4. The Club premises are situate at \_\_\_\_\_.
5. The paper writing hereunto annexed marked "A" contains a true copy of the Rules of the Club.
6. I have been authorised by the members to make application for registration of the Club.

Sworn at \_\_\_\_\_

this \_\_\_\_\_ day of \_\_\_\_\_

Before me:

\_\_\_\_\_

Magistrate

*[As amended by No. 36 of 1933]*

#### Form 2 (Section 6)

### *The Clubs' Registration Act*

#### Certificate of registration

IT IS HEREBY CERTIFIED that registration of the Club known as \_\_\_\_\_

with its premises situate at \_\_\_\_\_

has this day been <sup>\*(1)</sup> effected in accordance with the provisions of the Clubs'

\_\_\_\_\_ renewed

Registration Act.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
District Secretary,

\_\_\_\_\_  
DISTRICT

*\*Strike out whichever word is appropriate.*

This Certificate lapses if not renewed during the month of December in every year.

*[As amended by No. 33 of 1966]*