

**COMMUNITY BASED NATURAL RESOURCES
MANAGEMENT ACT, 2025**

No. 18



of 2025

ARRANGEMENT OF SECTIONS

SECTION

PART I — Preliminary Provisions

1. Short title and commencement
2. Interpretation
3. Application of Act

*PART II — Establishment and Functions of Community Based
Natural Resources Management Department*

4. Establishment of Department
5. Functions of Department
6. Staff of Department
7. Powers of Director

PART III — Registration of Community Based Organisations

8. Registration
9. Register
10. Application for registration
11. Notice of application to be published
12. Registration requirements
13. Refusal of registration
14. Issuance of certificate of registration
15. Suspension or cancellation of registration

*PART IV — Liabilities of, and Proceedings by or Against
Community Based Organisations*

16. Proceedings by or against Community Based Organisation

PART V — Establishment of National Board

17. Establishment of the National Board
18. Composition of the National Board
19. Functions of the National Board

PART VI — *Board Membership of Community Based Organisation*

20. Board of Community Based Organisation
21. Qualification for membership
22. Disqualification, removal and suspension from membership
23. Confidentiality

PART VII — *Technical Advisory Committee of Community Based Organisation*

24. Establishment of Technical Advisory Committees
25. Functions of Technical Advisory Committees
26. General meetings of Technical Advisory Committees
27. Voting rights of members of Technical Advisory Committee

PART VIII — *Funds and Property of Community Based Organisations*

28. Funds and property of Community Based Organisation

PART IX — *Financial Provisions*

29. Accounts and reports
30. Annual report

PART X — *Miscellaneous Provisions*

31. Protection from personal liability
32. Dispute resolution
33. Offences and penalties
34. Regulations
35. Transitional provisions

An Act to provide for the implementation of the Community Based Natural Resources Management (CBNRM) approach for the sustainable use of natural resources including cultural heritage by communities, and for matters connected or incidental thereto.

Date of Assent: 17.10.2025

Date of Commencement: ON NOTICE

ENACTED by the Parliament of Botswana.

PART I — *Preliminary Provisions*

1. This Act may be cited as Community Based Natural Resources Management Act, 2025, and shall come into operation on such date as the Minister may, by Order published in the *Gazette*, appoint. Short title and commencement
2. In this Act, unless the context otherwise provides — Interpretation
- “Board” means the Board of the Community Based Organisation established under section 20;
- “community” means a group of people bound together by a social and economic relations based on shared interests for purposes of this Act, the community may consist of diverse groups, living in one or more settlements, with varied socio-economic interests and capabilities, but sharing an interest in management and sustainable use of natural resources in their common area;
- “Community Based Organisation” means an organisation registered under this Act, whose objective is to promote and advance the well-being of members of a community by enhancing or promoting the economic, environmental, social and cultural development for the interest of the community;
- “Department” means the Department of Community Based Natural Resources Management established under section 4.
- “Director” means the Director of the Department appointed under section 6;
- “National Board” means the National Community Based Natural Resources Management Board established under section 17;
- “natural resource” means a biological or genetic resource in any form, and includes cultural and associated traditional knowledge and monument as defined under the Monument and Relics Act; and Cap. 59:03
- “Technical Advisory Committee” means the Committee established under section 24.
3. This Act shall not apply to the following natural resources — Application of Act
- (a) land; and Cap. 66:01
- (b) minerals as defined in the Mines and Minerals Act.
- PART II — *Establishment and Functions of Community Based Natural Resources Management Department***
4. (1) There is hereby established a Department, to be known as the Department of Community Based Natural Resources Management. Establishment of Department
- (2) The Department shall be a public office, and accordingly, the provisions of the Public Service Act shall apply to the Department and its officers. Cap. 26:01
5. The Department shall — Functions of Department
- (a) coordinate registration of Community Based Organisations;
- (b) oversee the sustainable management and utilisation of natural resources by Community Based Organisations;
- (c) facilitate activities of the Technical Advisory Committee;

- (d) facilitate capacity building within Community Based Organisations on management, budget and fundraising techniques to empower them to deliver on their mandate;
- (e) promote and encourage the conservation of natural resources by the Community Based Organisations;
- (f) enhance the relationship between the management of protected areas and the management of natural resources by communities;
- (g) promote communication, education and public awareness on community based natural resources management;
- (h) develop and issue, and amend and update from time to time a standardised model constitution which shall be used by a Community Based Organisation to develop its own constitution; and
- (i) oversee Community Based Organisations to ensure that they are operated and managed in a transparent, accountable, participatory and non-discriminatory manner.

Staff of
Department

6. (1) The Department shall consist of the Director and such other officers as may be necessary for the proper performance of the functions of the Department.

(2) Subject to the laws governing the public service, there shall be appointed a Director and such other officers of the Department as may be deemed necessary.

(3) The Director shall be responsible for the direction, management and administration of the Department.

Powers of
Director

7. Without prejudice to the generality of section 6 (3), the Director may —

- (a) require in writing, any Community Based Organisation to produce within a specified time, all books, records, returns, reports, data electronically stored or otherwise, and any other document connected to the activities of the said Community Based Organisation;
- (b) authorise any officer of the Department, the Technical Advisory Committee or any other relevant officer to conduct an inquiry or investigation under this Act;
- (c) require any Community Based Organisation, within a specified time to provide any information or to answer any question which he or she may consider necessary in connection with an inquiry or investigation which he or she is empowered to conduct under this Act;
- (d) delegate any of his or her functions relating to Community Based Organisations to any public officer;
- (e) request for a hunting quota on behalf of a Community Based Organisation from the Director responsible of wildlife and national parks, having satisfied himself or herself that the Community Based Organisation complies with this Act; and
- (f) do such other things as are necessary for the carrying out of his or her functions under this Act.

PART III — *Registration of Community Based Organisations*

8. Every Community Based Organisation shall be registered in accordance with this Act. Registration

9. (1) The Director shall keep and maintain a register of Community Based Organisations, containing the following information — Register

- (a) the name and area within which a Community Based Organisation operates;
- (b) the activities of a Community Based Organisation;
- (c) the registered Board of a Community Based Organisation for the particular term of office of the Community Based Organisation;
- (d) any information presented to the Department by a Community Based Organisation pursuant to this Act;
- (e) a detailed inventory of the assets of a Community Based Organisation; and
- (f) any other information that the Department may require.

(2) A register kept under this section shall be open to public inspection during ordinary business hours.

(3) A person may, upon payment of a prescribed fee —

- (a) inspect the register, with the exception of the Community Based Organisation's confidential information;
- (b) require to be supplied with a certificate, duly certified by the Department, showing the subsisting entries in the register relating to any Community Based Organisation registered under this Act; or
- (c) require to be supplied with a copy of, or an extract from, any document filed with the Department duly certified by the Department to be a true copy or extract, as the case may be, with the exception of confidential information as provided under paragraph (a).

(4) A copy of an entry in or extract from the register kept and maintained by the Director in accordance with this section, purporting to be certified under the hand of the Director or any other officer as may be appointed by the Director to be a true copy, shall be prima facie evidence of the facts stated on that copy.

10. (1). An application for registration shall be in a prescribed form and shall be accompanied by — Application
for registration

- (a) a prescribed fee;
- (b) three copies of the constitution of the Community Based Organisation;
- (c) a list of the full names of the Board; and
- (d) a written statement setting out, in respect of the Community Based Organisation —
 - (i) its name and postal address and the location of its principal office,
 - (ii) the date of its formation,
 - (iii) the titles, full names, ages, postal and residential addresses and occupations of its officers who are signatories to the application,
 - (iv) the boundaries of the geographical area in respect of which the application for registration is based, and

(v) the natural resource to be used or exploited.

(2) The Director may, after receiving an application under subsection (1), request such other information from the Community Based Organisation within 14 days of receipt of the application.

(3) A Community Based Organisation registered under this Act shall make an application for renewal of its registration on an annual basis and such application shall be accompanied by —

- (a) a prescribed fee;
- (b) list of Board;
- (c) term of office of the Board;
- (d) an audited financial report;
- (e) Community Based Organisation status report;
- (f) minutes of the annual general meeting inclusive of attendance list; and
- (g) list of the Community Based Organisation's assets.

Notice of application to be published

11. (1) The Director shall cause a notice of every application for registration made under section 10 to be published in the *Gazette*, 14 days after receipt of the application.

(2) A notice referred to in subsection (1) shall set out particulars required to be provided for under section 10 (1) (d) and shall request any person who objects to the registration of the Community Based Organisation to notify the Director in writing of the objection, together with the grounds for such an objection within 14 days as shall be specified in the notice.

Registration requirements

12. (1) The Director shall, after considering any objection received under section 11, and after making such inquiries in the matter as he or she thinks fit —

- (a) register the Community Based Organisation and issue a certificate of registration in such form as may be prescribed; or
- (b) refuse to register the Community Based Organisation due to any of the reasons set out under section 13.

(2) A certificate of registration issued under this Act shall, for all purposes, unless the registration of the Community Based Organisation to which the certificate relates to is proved to have been cancelled in terms of section 15, be conclusive evidence that the Community Based Organisation is duly registered in accordance with this Act.

Refusal of registration

13. (1) The Director may refuse to register a Community Based Organisation where —

- (a) the application for registration does not comply with the requirements of this Act;
- (b) the objectives of the proposed Community Based Organisation contravenes any written law;
- (c) the Community Based Organisation has contravened any provision of this Act or any other law;
- (d) the applicant has given false or misleading information in any material particular to the application;

- (e) the name of the proposed Community Based Organisation is similar to the name of another institution, organisation or entity and is likely to mislead the public as to its true identity;
 - (f) the identified natural resource is being used by another Community Based Organisation;
 - (g) any proposed person is already a member of another Community Based Organisation; or
 - (h) the application or registration may pose a threat or disruption of public peace and social structures.
- (2) Where the Director has refused registration of a Community Based Organisation, he or she shall, within 14 days of the decision, notify the Community Based Organisation of the reasons for such refusal.
- 14.** (1) Upon registering a Community Based Organisation, the Director shall issue a certificate of registration to the Community Based Organisation in such form as may be prescribed.
- (2) A registered Community Based Organisation shall, upon issuance of a certificate of registration, be a body corporate with perpetual succession capable, in its name, of —
- (a) suing and being sued;
 - (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;
 - (c) entering into contracts; and
 - (d) doing or performing all such other things or acts necessary for proper performance of its functions under this Act, which may lawfully be done or performed by a body corporate.
- (3) A registered Community Based Organisation shall remain in operation or existence, unless —
- (a) the registration is cancelled under section 15;
 - (b) it is voluntarily deregistered; or
 - (c) it is declared insolvent.
- 15.** (1) The Director shall suspend or cancel the registration of a Community Based Organisation, where —
- (a) there is contravention of this Act or any other law; or
 - (b) activities are carried out in a manner which is contrary to the Community Based Organisation's constitution.
- (2) Where a certificate of registration has been suspended under subsection (1), the Director shall —
- (a) in writing, notify the Community Based Organisation within seven days from the date of the suspension;
 - (b) give the Community Based Organisation 14 days to comply with this Act; or
 - (c) order the Community Based Organisation to temporarily cease its operations.
- (3) Where a certificate of registration has been cancelled under subsection (1), the Director shall —
- (a) remove the name of such Community Based Organisation from the register; or

Issuance of
certificate
of registration

Suspension or
cancellation of
registration

(b) order the Community Based Organisation to cease its operations.

PART IV — *Liabilities of and, Proceedings by or Against Community Based Organisation*

Proceedings
by or against
Community
Based
Organisation

16. (1) A registered Community Based Organisation may sue or be sued under its registered name or a name under which it operates or is generally known.

(2) A registered Community Based Organisation whose registration under this Act has been cancelled in terms of section 15 may sue or be sued under the name by which it was registered.

(3) Execution for any money recovered from a registered Community Based Organisation in civil proceedings may be issued against any property belonging to or held in trust for the registered Community Based Organisation.

(4) Subject to subsection (3), any fine ordered to be paid by a registered Community Based Organisation may be recovered by attachment and sale of any property belonging to or held in trust for the registered Community Based Organisation.

PART V — *Establishment of the National Community Based Natural Resources Management Board*

Establishment
of the National
Board

17. There is hereby established a National Community Based Natural Resources Management Board.

Membership of
members of
the National
Board

18. (1) The Minister shall appoint the following persons to be members of the National Board —

- (a) four members from a Community Based Organisations;
- (b) four members from the public and private sector and civil society with the requisite skills, experience and competence relevant to community development, environmental conservation, cultural heritage, tourism and community based natural resources management; and
- (c) a legal practitioner.

(2) The Minister shall appoint the Chairperson and the members shall appoint the Vice chairperson from amongst themselves.

(3) A member of the National Board shall be appointed in accordance with the prescribed procedures and shall hold office for a term of three years and shall be eligible for re-appointment for a further term of atleast three years.

(4) The Department responsible for community based natural resources management shall serve as secretariat of the National Board.

(5) The Director for the Department responsible for community based natural resources management shall be an ex-officio member of the National Board.

Functions of
the National
Board

19. The National Board shall —

- (a) advise the Minister on —
 - (i) matters relating to the general supervision and management of natural resources by communities,
 - (ii) measures necessary to secure or promote the sustainable management of natural resources by communities, and

- (iii) means of stimulating public interests in the sustainable management of natural resources by communities;
- (b) set performance targets and design programmes aimed at facilitating sustainable growth and development of community based natural resources management;
- (c) resolve disputes in terms of section 32;
- (d) perform any such task related to sustainable management of natural resources as assigned to it from time to time by the Minister; and
- (e) submit to the Minister a full report on its activities, four times in a calendar year.

PART VI — *Board Membership of Community Based Organisation*

20. (1) There shall be a Board of a Community Based Organisation appointed by members of a community or communities which constitute the Community Based Organisation.

Board of
Community
Based
Organisation

(2) The Board of a Community Based Organisation shall, in consultation with the Technical Advisory Committee, appoint a general manager to run the affairs of the Community Based Organisation.

21. (1) A person shall be qualified for appointment as a board member of a Community Based Organisation, if the person —

Qualification
for membership

- (a) is a citizen and is 18 years and above;
- (b) is a resident or has been residing for a period of at least five years in an area within which the Community Based Organisation is operating;
- (c) has a minimum qualification of Junior Certificate or the equivalent and at least five years' experience and knowledge in matters relating to Community Based Organisation's finance and management;
- (d) is not holding a public office; and
- (e) is not holding any position in any village development committees.

(2) Notwithstanding subsection (1) (c), a Community Based Organisation may recommend to the Director for endorsement, a person to be a Board member of the Community Based Organisation.

(3) A person qualified for appointment as a member of the Board of a Community Based Organisation shall be vetted for security clearance.

(4) A Board member of a Community Based Organisation shall hold office for a term of three years, renewable for one term only.

(5) A member of the National Assembly, Councillor, *Kgosi*, a chairperson of a village development committee or a ward development committee shall be an *ex-officio* member of the Board of a Community Based Organisation and shall have no voting rights.

22. (1) A person shall not be appointed to be a member or be qualified to continue to hold office, where the person —

Disqualification,
removal and
suspension
from
membership

- (a) has, in terms of a law in force in any country —
 - (i) been adjudged or otherwise declared bankrupt and has not been discharged, or

- (ii) made assignment, arrangement or composition with, his or her creditors, which has not been rescinded or set aside;
- (b) has, within a period of 10 years immediately preceding the date of his or her appointment, been convicted —
 - (i) of a criminal offence within Botswana, or
 - (ii) outside Botswana, of an offence which if committed in Botswana, would have been a criminal offence, and sentenced by a court of competent jurisdiction to imprisonment for a term of six months or more without the option of a fine, whether that sentence has been suspended or not, and for which he or she has not received a free pardon;
- (c) is a member of the National Assembly, a Councillor in a local authority, member of the *Ntlo ya Dikgosi*, *kgosi* or the holder of an office in a political party; or
- (d) is barred from practicing in his or her profession.

(2) The Director, in consultation with the Technical Advisory Committee may, in writing, suspend from office a Board member of a Community Based Organisation against whom criminal proceedings are instituted for an offence in respect of which a sentence of imprisonment may be imposed, and whilst that member is so suspended, the member shall not carry out any duties or be entitled to any remuneration or allowances as a member.

(3) The Director, in consultation with the Technical Advisory Committee shall remove a Board member of the Community Based Organisation from office, if the member —

- (a) is absent without reasonable cause from three consecutive meetings of the committees of which he or she has had notice;
- (b) has been found to be physically or mentally incapable of performing his or her duties efficiently, and a medical doctor has issued a certificate to that effect;
- (c) contravenes the provisions of this Act or otherwise misconducts himself or herself to the detriment of the objectives of the Board;
- (d) has failed to comply with the provisions of section 23; or
- (e) has been convicted of an offence under this Act, or under any other Act for which he or she is sentenced to imprisonment for a term of six months or more without an option of a fine.

(4) A person who has been removed from the membership of a Community Based Organisation on a motion of no confidence shall have a grace period of three years before the person can be eligible for re-appointment as a member.

(5) A member of the National Assembly, a Councillor in a local authority, a member of the *Ntlo ya Dikgosi*, a *kgosi* or a holder of an office in a political party whose term has come to an end, shall be given a three year grace period from the end of his or her term in such office, before one can be eligible to become a member of the Board of the Community Based Organisation.

(6) Any person who was a member of the Board of a Community Based Organisation, whose term has come to end and has shown interest or is nominated to be re-elected into office, but has failed to account for the funds, assets or property of the Community Based Organisation while in office, shall not be eligible for election or nomination as a member of the Community Based Organisation.

(7) For purposes of subsection (3) (c), “misconduct” includes any act done without reasonable excuse by a member which —

- (a) amounts to a failure to perform in a proper manner any duty imposed on the member as such;
- (b) is prejudicial to the efficient carrying out of the functions of the community based organisation; or
- (c) tends to bring the community based organisation into disrepute.

23. (1) A member of the National Board, Board member of a Community Based Organisation and any other person assisting, shall observe and preserve the confidentiality of all matters coming before it, and such confidentiality shall subsist even after the termination of their terms of office or their mandates.

Confidentiality

(2) Any person under subsection (1) to whom confidential information is revealed to, shall not disclose that information to any other person unless, he or she is required to do so in terms of any written law or for purposes of any judicial proceedings in the interest of the public to do so.

(3) Any person who contravenes the provisions of this section commits an offence and is liable to a fine not exceeding P2 000, or to imprisonment for a term not exceeding six months, or to both.

PART VII — *Technical Advisory Committees of Community Based Organisations*

24. (1) The Department shall, for the purpose of performing its functions, establish a Technical Advisory Committee.

Establishment of Technical Advisory Committee

(2) The Technical Advisory Committee established under subsection (1), shall be appointed from persons with specialised skills in entrepreneurship, environmental management or conservation, financial management and project management and such persons shall not be members of the Department.

(3) The Technical Advisory Committee shall consist of at least 14 members —

- (a) the office of District Commissioner, which act as the Chairperson;
- (b) two members from the private sector;
- (c) the following members from public service, appointed by the Director, representing offices responsible for —
 - (i) community based natural resource management, which shall be the secretariat,
 - (ii) physical planning,
 - (iii) wildlife,

- (iv) forestry resources,
- (v) museums and monuments,
- (vi) tourism,
- (vii) environmental protection,
- (viii) land management,
- (ix) economic planning,
- (x) agriculture, and
- (xi) any other department or organisation as may be considered necessary.

Functions of
Technical
Advisory
Committee

25. The functions of the Technical Advisory Committee shall be to —

- (a) advise on the formation of a Community Based Organisation;
- (b) offer technical support and advice to Community Based Organisations;
- (c) facilitate capacity building of Community Based Organisations;
- (d) resolve conflicts through mediation or negotiations with Community Based Organisations;
- (e) undertake annual audits on the sustainable management of natural resources;
- (f) oversee election of members of the Board of a Community Based Organisation;
- (g) oversee procurement processes of a Community Based Organisation including asset disposal;
- (h) oversee and reviewing of contractual agreements;
- (i) oversee tender processes and award;
- (j) oversee development and implementation of land use management plans;
- (k) oversee development and implementation of urban or village development plans; and
- (l) submit a full report to the Department, on the activities of a Community Based Organisation.

General
meetings of
Technical
Advisory
Committee

26. A Technical Advisory Committee established under section 25 shall meet at least four times a year.

Voting rights
of members of
Technical
Advisory
Committee

27. (1) The quorum at any meeting of a Technical Advisory Committee shall be a simple majority of its members.

(2) A decision of a Technical Advisory Committee on any question shall be by the majority of the members present and voting at the meeting and, in the event of an equality of votes, the Chairperson shall have a casting vote in addition to his or her deliberative vote.

(3) A decision of a Technical Advisory Committee shall not be rendered invalid by reason of a vacancy on the Technical Advisory Committee or the fact that a person who was not entitled to sit as a member did so sit.

(4) A Technical Advisory Committee may invite any person whose presence it deems necessary, to attend and participate in the deliberations of a meeting of the Technical Advisory Committee, but such person shall have no vote.

PART VIII — *Funds and Property of Community Based Organisations*

- 28.** (1) A Community Based Organisation's income shall include —
- (a) funds generated from the activities of the Community Based Organisation;
 - (b) grants;
 - (c) all monies from any other source provided for or donated or lent to the Community Based Organisation; and
 - (d) membership fees where applicable.
- (2) A Community Based Organisation may own and manage its property and assets.
- (3) A Community Based Organisation shall, in consultation with the local community and the Technical Advisory Committee, develop and implement a village development plan in line with the District and the National Development Plan and any other development projects.
- (4) A Community Based Organisation shall ensure inclusive participation of the community members in decision making, good governance and equality, and shall provide platform for consultation with traditional leaders and the community.
- (5) A community within which a Community Based Organisation is operating, shall —
- (a) have access to information in relation to the property and funds of a Community Based Organisation; and
 - (b) in consultation with the Technical Advisory Committee, following proper laid down rules, may, recommend to the Director for the removal of any member of the Board, who misappropriates or misuse the property of a Community Based Organisation.

Funds and
property of
Community
Based
Organisation

PART IX — *Financial Provisions*

- 29.** (1) A Community Based Organisation shall keep and maintain proper accounts and records of accounts in respect of every financial year relating to its assets, liabilities, income and expenditure, and shall prepare, in each financial year, a statement of such accounts and shall on a quarterly basis, report its financials to the Technical Advisory Committee.
- (2) The accounts of a Community Based Organisation in respect of each financial year shall, within three months of the end of the financial year, be audited by an auditor appointed by the Community Based Organisation, in consultation with the Technical Advisory Committee and the Community Based Organisation shall incur the costs of the auditor.

Accounts and
reports

(3) The auditor shall report in respect of the accounts for each financial year, in addition to any other matter on which the auditor deems it pertinent to comment on, whether or not —

- (a) the auditor has received all the information and explanation which, to the best of the auditor's knowledge and belief, were necessary for the performance of the auditor's duties;
- (b) the accounts and related records of the Community Based Organisation have been properly kept;
- (c) the Community Based Organisation has complied with all the financial provisions of this Act with which it is its duty to comply with; and
- (d) the statement of accounts prepared by the Community Based Organisation was prepared on a basis consistent with that of the preceding year and represents a true and fair view of the transactions and financial affairs of the Community Based Organisation.

(4) The auditor's report and a copy of the audited accounts shall, within 14 working days of completion, be forwarded to the Community Based Organisation and to the Technical Advisory Committee by the auditor.

(5) Where it is determined that there is misappropriation of the funds of a Community Based Organisation, the Community Based Organisation shall, with the guidance of the Technical Advisory Committee, open a temporary holding bank account for depository and holding of all investment monies and assets of the Community Based Organisation and the District Commissioner shall authorise for the release of the funds.

Annual report

30. (1) A Community Based Organisation shall, within a period of four months after the end of the financial year or within such longer period as the Minister may approve, submit, to the National Board, a comprehensive report on the operations of the Community Based Organisation during that year, together with the auditor's report and the accounts audited under section 29.

(2) The Minister shall lay the annual report of the National Board in Parliament, within four months of its submission.

PART X — *Miscellaneous Provisions*

Protection from personal liability

31. No matter or thing done or omitted to be done by a member of the Department or by the Technical Advisory Committee shall, if the matter or thing is done or omitted to be done in good faith in the course of the performance of the functions, render that member liable to an action, claim or demand.

Dispute resolution

32. (1) In the event of a dispute arising within a Community Based Organisation or with a third party, a complaint may be lodged with the Technical Advisory Committee within a period of 30 days.

(2) In accordance with the provisions of section 25 (d), the Technical Advisory Committee shall resolve the dispute under subsection (1) and shall render a decision on the complaint lodged to it within 14 days.

(3) Any person aggrieved by a decision made by the Technical Advisory Committee under subsection (2) may, within 21 days of such decision, appeal to the National Board.

(4) A person aggrieved by the decision of the National Board made under subsection (3) may, within 30 days of the decision, appeal to the Minister.

(5) A person aggrieved by the decision of the Minister made under subsection (4) may, within 30 days of the decision, appeal to the High Court.

33. (1) A person who —

- (a) forges or utters any document for the purposes of registration;
- (b) makes a false statement in respect of an application for registration;
- (c) makes any material false statement in any document submitted to the Department;
- (d) embezzles, misappropriates by way of taking Community Based Organisation money or assets that were entrusted to him or her and illegally uses the money or assets for a different purpose than for the intended purpose;
- (e) fraudulently claims to have registered a Community Based Organisation under this Act;
- (f) signs any contract on behalf of a Community Based Organisation, without the knowledge of the Technical Advisory Committee; or
- (g) that facilitates or misrepresent the Community Based Organisation in bad faith and in contravention of this Act or any other law,

commits an offence and is liable to a fine not exceeding P1000 000, or to imprisonment for a term not exceeding 10 years, or to both.

(2) The Minister may impose on any person who brings the name of the Community Based Organisation into disrepute or negatively influences the decisions of the Board of a Community Based Organisation, an administrative fine of P10 000 and for a second or subsequent offence to a fine of P20 000.

(3) The Minister may revoke user rights given to a Community Based Organisation, where the Community Based Organisation contravenes the provisions of this Act.

34. The Minister shall make regulations for the better carrying out of the provisions of this Act and for any other matter required or permitted to be prescribed under this Act.

35. (1) Every Community Based Organisation which has been operating before the commencement of this Act shall be deemed to have been registered under this Act and shall have up to 12 months from the commencement of this Act to register with the Director.

Offences and penalties

Regulations

Transitional provisions

A.190

(2) Every Community Based Organisation registered under the Trust Property Control Act, shall be deemed to be a Community Based Organisation under this Act and shall register with the Director within 12 months failing which it shall be null and void.

(3) All the funds, assets and other property, movable and immovable, which immediately before the commencement of this Act, were vested in a Community Based Organisation shall continue to be vested in the Community Based Organisation:

Provided that the trust property of the Community Based Organisation registered under the Trust Property Control Act or any other body shall vest in the Community Based Organisation and continue to be administered and disposed by the Board in accordance with the provisions of this Act.

(4) All rights, powers, liabilities and duties, whether arising under any written law or otherwise, which immediately before the commencement of this Act were vested in, imposed on or enforceable by or against a Community Based Organisation, shall continue to be vested in, imposed on, or be enforceable by or against the Community Based Organisation.

(5) All actions, suits or legal proceedings by or against a Community Based Organisation may be continued or prosecuted by or against the Community Based Organisation in its own name and no such suit, action or legal proceedings shall be affected by the coming into operation of this Act.

PASSED by the National Assembly this 6th day of August, 2025.

DR. GABRIEL G. G. MALEBANG,
Clerk of the National Assembly.