

Malawi

## Protected Places and Areas Act Chapter 14:04

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Protected Places and Areas Act  
Contents

1. Short title ..... 1

2. Interpretation ..... 1

3. Authorization of guards and watchmen ..... 1

4. Protected places ..... 1

5. Protected areas ..... 2

6. Publication of orders ..... 2

7. Measures for protection of protected place or area ..... 2

8. Safeguarding of information ..... 3

9. Regulations ..... 3

10. Powers of arrest ..... 3

11. Application to Government ..... 3

# Malawi

## Protected Places and Areas Act

### Chapter 14:04

Commenced on 15 June 1960

*[This is the version of this document at 31 December 2014.]*

*[Note: This version of the Act was revised and consolidated in the Fifth Revised Edition of the Laws of Malawi (L.R.O. 1/2018), by the Solicitor General and Secretary for Justice under the authority of the Revision of the Laws Act.]*

#### **An Act to Make Provision for the Control of the Entry of Persons into Certain Places and for the Control of the Movements and Conduct of Persons within Certain Areas and to Provide for Matters Connected Therewith**

#### **1. Short title**

This Act may be cited as the Protected Places and Areas Act.

#### **2. Interpretation**

In this Act, unless the context otherwise requires—

“**authorized officer**” means—

- (a) any police officer of or above the rank of Inspector Grade II;
- (b) any administrative officer;
- (c) any person performing the duties of a guard or watchman in a protected place or a protected area authorized in that behalf under [section 3](#);
- (d) any other person or class of persons declared by the Minister, in his discretion, by notice published in the *Gazette* to be such either generally or in respect of any specified place or area or classes of place or area;

“**premises**” includes any land in Malawi and any building or structure on such land;

“**protected area**” means any area declared to be a protected area under [section 5](#) and includes any building or structure on any land within such area;

“**protected place**” means any premises declared to be a protected place under [section 4](#).

#### **3. Authorization of guards and watchmen**

Any administrative officer or any police officer of or above the rank of Assistant Superintendent may authorize in writing any person performing the duties of a guard or a watchman in a protected place or a protected area to exercise the powers of an authorized officer in such place or area.

#### **4. Protected places**

- (1) If, in regard to any premises, it appears to the Minister to be necessary or expedient that special precautions should be taken to prevent the entry of unauthorized persons, he may, in his discretion, by order declare those premises to be a protected place for the purposes of this Act; and so long as the order is in force no person shall be in those premises unless he is in possession of a permit issued by such authority or person as may be specified in the order, or has received the permission of an authorized officer on duty at those premises to enter them.

- (2) Where under this section any person is granted permission to be in a protected place, that person shall, while acting under such permission, comply with such directions for regulating his conduct as may be given by the authority or person granting the permission, and an authorized officer or any person authorized in that behalf by the occupier of the premises may search any person entering, or seeking to enter, or being in a protected place, and may detain any such person for the purpose of searching him.
- (3) If any person is in a protected place in contravention of this section or, while in such place, fails to comply with any directions given under this section, he shall be liable to a fine of £1,000 and to imprisonment for five years, and he may in addition be removed from the place by an authorized officer or by any person authorized in that behalf by the occupier of the premises.
- (4) Permits issued under subsection (1) shall be in such form as the authority or other person issuing them may determine.
- (5) An authorized officer may exempt any person or any class of persons from complying with this section.

## 5. Protected areas

- (1) If, in regard to any area it appears to the Minister to be necessary or expedient that special measures should be taken to control the movements and conduct of persons, he may, in his discretion, by order declare such area to be a protected area.
- (2) Any person who is in any protected area shall comply with such directions regulating his movements and conduct as may be given by an authorized officer, and an authorized officer may search any person entering, or seeking to enter, or being in a protected area, and may detain any such person for the purpose of searching him.
- (3) If any person while in a protected area fails to comply with any direction given under subsection (2), he shall be liable to a fine of £1,000 and to imprisonment for five years, and he may in addition be removed from the area by an authorized officer.

## 6. Publication of orders

An order made under this Act shall come into force upon the date of its publication in the *Gazette* and, within seven days of such publication, it shall also be published in a newspaper circulating in Malawi:

Provided that failure to publish an order in a newspaper shall not invalidate such order nor shall it be a defence to any charge under [section 4](#) or [section 5](#).

## 7. Measures for protection of protected place or area

- (1) The Permanent Secretary may, by notice in writing to the occupier of any protected place or protected area, direct such occupier at his own expense to take such measures for the better protection of the place or area as the Permanent Secretary may consider reasonably necessary.
- (2) Any occupier aggrieved by directions given by the Permanent Secretary under subsection (1) may, within fourteen days next after receiving such directions, appeal to the Minister. On any such appeal the Minister may revoke or vary the directions given by the Permanent Secretary, and notice in writing of such revocation or variation shall be given by the Permanent Secretary to the occupier concerned.
- (3) If an occupier fails or refuses within a reasonable time to comply with directions given under subsection (1), or where such directions have been varied by the Minister, with the directions as so varied, the Permanent Secretary may cause such measures to be taken and may recover the expenses incurred in so doing from the occupier concerned.

## 8. Safeguarding of information

- (1) The Minister, in his discretion, may, by notice in writing, require an occupier of any protected place or area to take such steps as the Minister, in his discretion, may deem necessary in the public interest for the safeguarding of information relating to such place or area, or for the security of any classified information or document which may be furnished to such occupier in his capacity as such, by any public officer.
- (2) Any person who fails to comply with any of the requirements of a notice issued to him under subsection (1) shall be liable to a fine of £50 and to imprisonment for six months.

## 9. Regulations

- (1) The Minister, in his discretion, may make regulations requiring the erection by persons specified in such regulations or in any order made thereunder of warning notices at or near the site of protected places and protected areas, and such other regulations as may be necessary or expedient for carrying out the objects of this Act.
- (2) Any person who contravenes or fails to comply with any regulations made under this section shall be liable to a fine of £25 and to imprisonment for three months.

## 10. Powers of arrest

A police officer may arrest without warrant any person reasonably suspected of committing an offence contrary to any of the provisions of this Act or any regulations made thereunder.

## 11. Application to Government

The provisions of this Act, other than sections 7, 8 and 9, shall bind the Government.