

Malawi

Forfeiture Act

Act 1 of 1966

Legislation as at 25 January 1966

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Forfeiture Act
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Malawi

Forfeiture Act

Act 1 of 1966

Assented to on 25 January 1966

Not commenced

[This is the version of this document as it was from 25 January 1966 to None.]

An Act to empower the Minister to declare certain persons subject to forfeiture: to provide for the forfeiture and disposition of the property of such

persons: to provide that such persons shall be disabled to sue for or alienate property and to enforce judgments: to provide for indemnity of any person disposing or otherwise dealing with such property: and for matters incidental thereto and connected therewith

ENACTED by the Parliament of Malawi

1. Short title

This Act may be cited as the Forfeiture Act, 1966.

2. Power to declare certain persons subject to forfeiture

If the Minister is satisfied that any person is, or has been, acting in a manner prejudicial to the safety or the economy of the State or subversive to the authority of the lawfully established Government, irrespective of whether that person be within or without Malawi, he may by Order, which shall be published in the Gazette, declare such person to be subject to forfeiture.

3. Person subject to forfeiture disabled to sue for or to alienate property, etc.

No action at law or suit in equity for the recovery of any property, debt or damage whatsoever, nor any proceedings for the purpose of enforcing any judgment debt, nor any distress, shall be brought, instituted or levied by any person subject to forfeiture, and every such person shall be incapable of alienating or charging any property or of making any contract relating to property of any kind whatsoever.

4. Property of person subject to forfeiture to vest in Registrar General

- (1) Immediately upon the publication of a declaration under the provisions of section 2, all the real and personal property, including chattels real, to which a person thereby declared to be subject to forfeiture was entitled at the date of such publication or shall afterwards become or be entitled shall, without further assurance, vest in the Registrar General for all the estate and interest of such person therein.
- (2) For the purposes of carrying out the provisions of this Act, the Minister may appoint such persons as he may think fit to act as agents of the Registrar General.

5. Disposal of property of person subject to forfeiture

- (1) The Registrar General may dispose of the property vested in him under the provisions of section 4 in the following order-
 - (a) in satisfaction of all such costs, charges and expenses as he may incur or be put to in the execution of this Act with reference to such property or with reference to any claims which may be made on such property;

- (b) in satisfaction of any debt or liability of the person subject to forfeiture which may be established to his satisfaction;
 - (c) in paying such sums as he may deem fit, for the purpose of avoidance of hardship, to any wife, child, reputed child or any other relative of the person subject to forfeiture who shall establish to the satisfaction of the Registrar General that he or she is dependent upon such person;
 - (d) in the transfer absolutely of the remainder of such property to the Government, to be used or applied for such purposes as the Registrar General may direct.
- (2) For the purposes of this Act the Registrar General shall have absolute power to let, mortgage, sell, convey, transfer and deliver any part of such property as to him shall seem fit.

6. Forfeiture Committee

- (1) The Minister may appoint a Forfeiture Committee consisting of a Chairman and such other persons as the Committee Minister may deem fit.
- (2) For the purposes of this Act the Forfeiture Committee shall exercise such functions as may from time to time be conferred upon it by the Minister.
- (3) In the execution of his functions under this Act, the Registrar General shall at all times be subject to such general or special directions as may be given to him by the Forfeiture Committee.
- (4) The Forfeiture Committee shall have power to determine its own proceedings.

7. Indemnity

No suit, prosecution or other legal proceeding shall lie, or be instituted, against any person or against the Government in respect of anything done or purported to be done under the provisions of this Act.

Passed in Parliament this nineteenth day of January, one thousand, nine hundred and sixty-six.