

Malawi

Investment Disputes (Enforcement of Awards) Act Chapter 40:01

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Malawi

Investment Disputes (Enforcement of Awards) Act

Chapter 40:01

Assented to on 29 December 1966

Commenced on 10 January 1967

[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 enforcement in Malawi of Awards of the Tribunal of the International Centre for Settlement of Investment Disputes and for purposes connected therewith and incidental thereto

1. Short title

This Act may be cited as the Investment Disputes (Enforcement of Awards) Act.

2. Interpretation

In this Act unless the context otherwise requires—

“**Award**” means an Award made in accordance with the Convention;

“**Convention**” means the Convention on the Settlement of Investment Disputes between States and Nationals of Other States dated 18th March, 1965;

“**Investment Dispute**” means a legal dispute arising directly out of an investment which is within the scope of the Convention;

“**party**” means a person who has had an Investment Dispute which has resulted in an Award;

“**Secretary General**” means the Secretary General of the International Centre for Settlement of Investment Disputes established under the Convention.

3. Binding effect of Award

Every Award shall be binding on the parties.

4. Application for registration

(1) Where an Award has been obtained, a party may apply to the High Court for registration of the Award at any time within six years after the date of the Award, or within such longer period as the High Court may in its discretion allow.

(2) An application under subsection (1) shall be accompanied by—

- (a) a copy of the Award certified by the Secretary General;
- (b) a sworn statement made by the applicant or his duly authorized officer that no application is pending under Article 52 of the Convention and that enforcement of the Award has not been stayed;
- (c) if the party against whom it is sought to enforce the Award is not the Government, a statement of the property which it is proposed should be the subject of proceedings for enforcement.

- (3) In any case where any document required to be furnished under subsection (2) is in a foreign language, it shall be the duty of the applicant to produce a translation certified as correct in such manner as may be approved by the Court.
- (4) Where the Court is satisfied in relation to an Award of the truth of the sworn statement made in accordance with subsection (2) and—
 - (a) that the Government is a party; or
 - (b) that there is property in Malawi which can properly be the subject of execution proceedings, the Court shall direct registration of the Award.

5. Effect of registration

Where an Award is registered under [section 4](#), then—

- (a) the Award shall, as from the date of registration, have the same effect as a judgment of the High Court so far as relates to the enforcement in Malawi of pecuniary obligations imposed by the Award;
- (b) the reasonable costs of and incidental to the registration of the Award (including the cost of obtaining a certified copy thereof and of the application for registration) shall be recoverable in the like manner as if they were sums payable under the Award.

6. Rules

The Chief Justice may make rules of court prescribing the procedure to be followed and the fees to be paid in proceedings under this Act.

7. Act binding on the Government

This Act shall bind the Government.