

MALAWI GOVERNMENT

(Published 4th February, 2022)

Act

No. 1 of 2022

I assent

DR. LAZARUS MCCARTHY CHAKWERA

PRESIDENT

28th January, 2022

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title
2. Amendment of s.12 to Act No. 1 of 2018
3. Insertion of s.12A into the principal Act
4. Amendment of s.18 of the principal Act

**An Act to amend the Political Parties Act**

ENACTED by the Parliament of Malaŵi as follows—

1. This Act may be cited as the Political Parties (Amendment) Act, 2022. Short title
2. Section 12 of the Political Parties Act (hereinafter referred to as the “principal Act”) is amended by— Amendment of s.12 of Act No. 1 of 2018
  - (a) inserting a new subsection (3) immediately after subsection (2) as follows—

“(3) The manifesto of the party submitted under subsection (2) (b) (i) shall comply with the requirement in section 12A.”; and
  - (b) renumbering the current subsections (3) and (4) as subsections (4) and (5), respectively.
3. The principal Act is amended by inserting, immediately after section 12, a new section 12A as follows— insertion of s.12A into the principal Act

"Party  
manifesto to  
align to  
national  
development  
agenda

12A.—(1) The Registrar shall not register a political party unless its manifesto is aligned to the national development agenda applicable at the time of registration.

(2) A political party intending to register under this Act, shall submit its manifesto to the National Planning Commission for certification as aligned to the national development agenda:

Provided that a person intending to contest in a presidential election as an independent candidate shall, on presentation of his nomination papers, also submit to the Electoral Commission a manifesto duly certified by the National Planning Commission as aligned to the national development agenda.

(3) The National Planning Commission shall, within fourteen days of receiving an application under subsection (2), review the manifesto and serve its decision, in writing, on the political party.

(4) Where the National Planning Commission determines that the manifesto is aligned to the national development agenda, it shall certify the manifesto for registration.

(5) Where the National Planning Commission determines that the manifesto is not aligned to the national development agenda, the decision served on the political party shall include reasons for the decision.

(6) A political party that is already registered on the date this Act comes into force shall submit its current manifesto to the National Planning Commission for certification of alignment to the national development agenda.

(7) Where the National Planning Commission is satisfied that a manifesto submitted under subsection (6) is aligned to the national development agenda, the National Planning Commission shall issue a certificate of compliance.

(8) Where the National Planning Commission finds that a manifesto submitted under subsection (6) is not aligned to the national development agenda, the National Planning Commission shall give the political party twenty one days to submit a compliant manifesto.

(9) Where the National Planning Commission fails to communicate its decision within the period prescribed under subsection (3), the manifesto shall be deemed to be aligned to the national development agenda and the Registrar shall, upon being provided with evidence of the National Planning Commission's failure to comply with the subsection, register the political party.

(10) The National Planning Commission shall provide the relevant technical support to political parties in aligning their manifestos to the national development agenda.

(11) A political party aggrieved by a decision of the National Planning Commission may, within thirty days of receiving the decision, apply to the High Court for review of the decision, and the High Court shall make such order as it thinks fit.

(12) A political party in Government shall implement its manifesto so as to achieve the national development agenda.

(13) For purposes of this section, "alignment with the national development agenda" means the vision and strategies articulated in the manifesto, while outlining a unique ideology and strategies, are capable of contributing to the realization of the development goals articulated in the national development agenda."

4. Section 18 of the principal Act is amended by—

Amendment  
of s. 18 of the  
principal Act

(a) inserting new subsections (3) and (4) immediately after subsection (2) as follows—

"(3) The Registrar shall not register an amendment to the manifesto of the political party submitted under subsection (2), unless the amendment is aligned to the national development agenda applicable at the time of registration.

(4) Subsections (2), (3), (4), (5), (9), (10) and (11) of section 12A shall apply, with the necessary modifications, to registration of an amendment to a political party manifesto."; and

(b) renumbering the current subsection (3) as subsection (5).

Passed in Parliament this second day of December, two thousand and twenty one.

FIONA KALEMBA  
Clerk of Parliament

**MALAWI GOVERNMENT**

(Published 4th February, 2022)

Act

No. 2 of 2022

I assent

DR. LAZARUS MCCARTHY CHAKWERA

PRESIDENT

28th January, 2022

**ARRANGEMENT OF SECTIONS**

SECTION

1. Short title
2. Authority to borrow and receive the equivalent of SDR65,700,000
3. Application of the Financing
4. Payments charged on the Consolidated Fund
5. Exemption from taxes, charges, etc.
6. Finalization and signature of the Financing Agreement

**An Act to authorize the Government of the Republic of Malawi to borrow a credit in various convertible currencies not exceeding in the aggregate the equivalent of thirteen million, two hundred thousand Special Drawing Rights (SDR13,200,000), and to receive a grant in various convertible currencies not exceeding in the aggregate the equivalent of fifty-two million, five hundred thousand Special Drawing Rights (SDR52,500,000) from the International Development Association.**

ENACTED by the Parliament of Malawi as follows—

1. This Act may be cited as the International Development Association (Malawi Education Reform Program Project) Loan (Authorization) Act, 2022. Short title

2.—(1) The Minister of Finance, on behalf of the Government of the Republic of Malawi, (the “Government”) is hereby authorized to— Authority to borrow and receive the equivalent of SDR65,700,000

(a) borrow from the International Development Association, a credit in various convertible currencies, not exceeding in the aggregate, the equivalent of thirteen million, two hundred thousand Special Drawing Rights (SDR13,200,000) (the "Credit"); and

(b) receive from the International Development Association, a grant in various convertible currencies, not exceeding in the aggregate, the equivalent of fifty-two million, five hundred thousand Special Drawing Rights (SDR52,500,000) (the "Grant").

(2) The Credit and Grant, comprising a total sum of money, in various convertible currencies, not exceeding in the aggregate, the equivalent of sixty-five million, seven hundred thousand Special Drawing Rights (SDR65,700,000) (the "Financing"), shall be applied for the purpose specified in section 3, at the times and upon the terms and conditions which the Minister may, in his discretion, agree with the International Development Association.

(3) The terms and conditions which the Minister of Finance may agree with the International Development Association shall be reduced to writing. Such written agreement is hereinafter referred to as the "Financing Agreement".

3. The proceeds of the Financing authorized by section 2 shall be appropriated and applied for the purpose of implementing the Malawi Education Reform Program Project, and for no other purpose.

4. Any payments required to be made, from time to time, by the Government to the International Development Association under, and in accordance with, the provisions of the Financing Agreement are hereby charged on the Consolidated Fund.

5. All sums to be paid in accordance with section 4 shall, notwithstanding the provisions of any other written law, be paid without deductions for, and free from, any tax or charge whatsoever, and shall be free from all restrictions or limitations imposed by or under any written law of Malawi.

6. The Minister of Finance, or such other person as he may appoint, is hereby authorized to—

(a) settle the terms of the Financing Agreement, but not so as to affect the general purpose thereof, nor to increase the amount of the Financing;

Application of  
the Financing

Payments  
charged on the  
Consolidated  
Fund

Exemption  
from taxes,  
charges, etc

Finalization and  
signature of the  
Financing  
Agreement

(b) sign the Financing Agreement on behalf of the Government; and

(c) do such other things as may be necessary to implement the terms of the Financing Agreement.

Passed in Parliament this twenty fifth day of November, two thousand and twenty one.

FIONA KALEMBA  
*Clerk of Parliament*

**MALAWI GOVERNMENT**

(Published 4th February, 2022)

**Act**

**No. 3 of 2022**

**I assent**

DR. LAZARUS MCCARTHY CHAKWERA

PRESIDENT

28th January, 2022

**ARRANGEMENT OF SECTIONS**

**SECTION**

1. Short title
2. Authority to borrow and receive the equivalent of SDR 15,600,000 and \$485,000
3. Application of the Financing
4. Payments charged on the Consolidated Fund
5. Exemption from taxes, charges, etc.
6. Finalization and signature of the Financing Agreement

**An Act to authorize the Government of the Republic of Malawi to borrow from the International Development Association, a credit in various convertible currencies not exceeding in the aggregate, the equivalent of seven million, eight hundred thousand Special Drawing Rights (SDR7,800,000); to receive from the International Development Association, a grant in various convertible currencies not exceeding in the aggregate, the equivalent of seven million, eight hundred thousand Special Drawing Rights (SDR7,800,000); and to receive from the International Development Association, acting as the administrator of the Quality Infrastructure Investment Partnership Single-donor Trust Fund, a grant in an amount not exceeding four hundred eighty-five thousand United States Dollars (\$485,000).**

ENACTED by the Parliament of Malawi as follows—

Short title

1. This Act may be cited as the International Development Association (Additional Financing for the Southern Africa Trade and Transport Facilitation (Phase 2) Project) Loan (Authorization) Act, 2022.

Authority to borrow and receive the equivalent of SDR15,600,000 and \$485,000

2.—(1) The Minister of Finance, on behalf of the Government of the Republic of Malawi, (the “Government”) is hereby authorized to—

(a) borrow from the International Development Association, a credit in various convertible currencies, not exceeding in the aggregate, the equivalent of seven million, eight hundred thousand Special Drawing Rights (SDR7,800,000) (the “Credit”); and

(b) receive from the International Development Association, a grant in various convertible currencies, not exceeding in the aggregate, the equivalent of seven million, eight hundred thousand Special Drawing Rights (SDR7,800,000) (the “Grant”); and

(c) receive from the International Development Association, acting as the administrator of the Quality Infrastructure Investment Partnership Single-donor Trust Fund, a grant in an amount not exceeding four hundred eighty-five thousand United States Dollars (\$485,000) (the “Grant”).

(2) The Credit and Grant, comprising a total sum of money, in various convertible currencies, not exceeding in the aggregate, the equivalent of fifteen million, six hundred thousand Special Drawing Rights (SDR15,600,000); and an amount not exceeding four hundred eighty-five thousand United States Dollars (\$485,000) (the “Financing”), shall be applied for the purpose specified in section 3, at the times and upon the terms and conditions which the Minister may, in his discretion, agree with the International Development Association.

(3) The terms and conditions which the Minister of Finance may agree with the International Development Association shall be reduced to writing and such written agreement is hereinafter referred to as the “Financing Agreement”.

Application of the Financing

3. The proceeds of the Financing authorized by section 2 shall be appropriated and applied as additional financing for the Southern Africa Trade and Transport Facilitation (Phase 2) Project, and for no other purpose.

4. Any payments required to be made, from time to time, by the Government to the International Development Association under, and in accordance with, the provisions of the Financing Agreement are hereby charged on the Consolidated Fund.

Payments charged on the Consolidated Fund

5. All sums to be paid in accordance with section 4 shall, notwithstanding the provisions of any other written law, be paid without deductions for, and free from, any tax or charge whatsoever, and shall be free from all restrictions or limitations imposed by or under any written law of Malawi.

Exemption from taxes, charges, etc

6. The Minister of Finance, or such other person as he may appoint, is hereby authorized to—

Finalization and signature of the Financing Agreement

(a) settle the terms of the Financing Agreement, but not so as to affect the general purpose thereof, nor to increase the amount of the Financing;

(b) sign the Financing Agreement on behalf of the Government; and

(c) do such other things as may be necessary to implement the terms of the Financing Agreement.

Passed in Parliament this twenty fifth day of November, two thousand and twenty one.

FIONA KALEMBA  
*Clerk of Parliament*