



Malawi Independence Act 1964

1964 CHAPTER 46

An Act to make provision for and in connection with the attainment by Nyasaland of fully responsible status within the Commonwealth. [10th June 1964]

1 Fully responsible status of Malawi.

- (1) On and after 6th July 1964 (in this act referred to as “the appointed day”) the territories which immediately before the appointed day are comprised in the Nyasaland protectorate shall together form part of Her Majesty’s dominions under the name of Malawi; and on and after that day Her Majesty’s Government in the United Kingdom shall have no responsibility for the government of those territories.
- (2) No Act of the Parliament of the United Kingdom passed on or after the appointed day shall extend or be deemed to extend to Malawi as part of its law; and on and after that day the provisions of Schedule 1 to this Act shall have effect with respect to legislative powers in Malawi.
- (3) Subsection (1) of this section shall not affect the operation in Malawi of any enactment or any other instrument having the effect of law passed or made before the appointed day, or be taken to extend any such enactment or instrument to Malawi as part of its law.

2, 3. F1

Textual Amendments

F1 Ss. 2, 3 repealed by [British Nationality Act 1981 \(c. 61, SIF 87\)](#), [Sch. 9](#)

4 Consequential modification of other enactments.

(1) F2

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Malawi Independence Act 1964. (See end of Document for details)

- (2) On and after the appointed day the expression “colony” in the Army ^{M1}Act 1955, the Air Force ^{M2}Act 1955 and the Naval Discipline ^{M3}Act 1957 shall not include Malawi; and in the definitions of “Commonwealth force” in sections 225(1) and 223(1) respectively of the said Acts of 1955 and in the definition of “Commonwealth country” in section 135(1) of the said Act of 1957, at the end there shall be added the words “or Malawi”.
- (3) No Order in Council made on or after the appointed day under section 1 of the Army and Air Force ^{M4}Act 1961 shall operate to continue either of the said Acts of 1955 in force as part of the law of Malawi.
- (4) On and after the appointed day, the provisions specified in Schedule 2 to this Act shall have effect subject to the amendments respectively specified in that Schedule, . . . ^{F3}
- (5) ^{F4}
- (6) Subsection (4) of this section, Schedule 2 to this Act . . . ^{F3} shall not extend to Malawi as part of its law.

Textual Amendments

F2 S. 4(1) repealed by Interpretation Act 1978 (c. 30, SIF 115:1), **Sch. 3**

F3 Words repealed by Statute Law (Repeals) Act 1969 (c. 52). Sch. Pt. VI

F4 S. 4(5) repealed by Statute Law (Repeals, Act 1969 (c. 52), **Sch. Pt. VI**

Marginal Citations

M1 1955 c. 18(7:1).

M2 1955 c. 19(7:1).

M3 1957 c. 63(7:1).

M4 1961 c. 52(7:1).

5 ^{F5}

Textual Amendments

F5 S. 5 repealed by Statute Law (Repeals) Act 1977 (c. 18), **Sch. 1 Pt. XV**

6 ^{F6}

Textual Amendments

F6 S. 6 repealed by Family Law Act 1986 (c. 55, SIF 49:3), s. 68(2), **Sch. 2**

7 Interpretation.

- (1) In this Act “the existing Constitution Order” means the Nyasaland (Constitution) Order in ^{M5}Council 1963 as amended by the Nyasaland (Constitution) (No. 2) Order in Council 1963 and any further Order in ^{M6}Council made before the appointed day.

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(2) References in this Act to any enactment are references to that enactment as amended or extended by or under any other enactment.

Marginal Citations

M5 [S.I. 1963 No. 883](#)

M6 [S.I. 1963 No. 2092.](#)

8 Short title.

This Act may be cited as the Malawi Independence Act 1964.

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SCHEDULES

SCHEDULE 1

LEGISLATIVE POWERS IN MALAWI

- 1 The Colonial Laws Validity ^{M7}Act 1865 shall not apply to any law made on or after the appointed day by any legislature established for Malawi.

Marginal Citations

M7 1865 c. 63 (26:1).

- 2 No law and no provision of any law made on or after the appointed day by any such legislature shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any Act of the Parliament of the United Kingdom, including this Act, or to any order, rule or regulation made under any such Act, and, subject to paragraph 5 of this Schedule, the powers of any such legislature shall include the power to repeal or amend any such Act, order, rule or regulation in so far as it is part of the law of Malawi.
- 3 Any legislature established for Malawi shall have full power to make laws having extra-territorial operation.
- 4 Without prejudice to the generality of the preceding provisions of this Schedule—
- (a) sections 735 and 736 of the Merchant Shipping ^{M8}Act 1894 shall be construed as if references therein to the legislature of a British possession did not include references to any legislature established for Malawi; and
 - (b) section 4 of the Colonial Courts of Admiralty ^{M9}Act 1890 (which requires certain laws to be reserved for the signification of Her Majesty's pleasure or to contain a suspending clause), and so much of section 7 of that Act as requires the approval of Her Majesty in Council to any rules of court for regulating the practice and procedure of a Colonial Court of Admiralty, shall not apply in relation to Malawi.

Marginal Citations

M8 1894 c.60(111).

M9 1890 c.27(26:1)

- 5 Nothing in this Act shall confer on any legislature established for Malawi any power to repeal, amend or modify the constitutional provisions otherwise than in such manner as may be provided for in those provisions; and for the purposes of this paragraph “the constitutional provisions” means the following, that is to say—
- (a) this Act;

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- (b) any Order in Council revoking the existing Constitution Order and providing for a new constitution for Malawi to come into effect on the appointed day;
- (c) any law, or instrument made under a law, of any legislature established for Malawi which, being a law or instrument made on or after the appointed day, amends, modifies, re-enacts with or without amendment or modification, or makes different provision in lieu of, any provisions of this Act, of the Order in Council first mentioned in this paragraph, or of any such law or instrument previously made.

SCHEDULE 2

AMENDMENTS NOT AFFECTING THE LAW OF MALAWI

Diplomatic immunities

1 F7

Textual Amendments

F7 Sch. 2 para. 1 repealed by Finance Act 1969 (c. 32, SIF 63: 1, 2), Sch. 21 Pt. IX

2 In section 1(6) of the Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act 1952, before the words “and the Republic of Ireland” there shall be inserted the word “Malawi”.

Modifications etc. (not altering text)

C1 The text of Sch. 2 para. 2, which is spent, is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

3 F8

Textual Amendments

F8 Sch. 2 para. 3 repealed by International Organisations Act 1981 (c. 9, SIF 68:1), Sch.

Financial

- 4 In section 2 of the Import Duties Act 1958—
- (a) in subsection (4), before the words “together with” there shall be inserted the word “Malawi”, and
 - (b) in subsection (9), for the word “Nyasaland”, in each place where it occurs, there shall be substituted the word “Malawi” ;

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and in paragraph 7(a) of Schedule III to the Federation of Rhodesia and Nyasaland (Dissolution) Order in Council 1963 the words “and Nyasaland”, in the second place where they occur, shall be omitted.

Modifications etc. (not altering text)

- C2** The text of Sch. 2 paras. 4, 6(a), 7, 8 and 14 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Visiting forces

- 5 In the Visiting Forces (British Commonwealth) ^{M10}Act 1933, section 4 (attachment and mutual powers of command) shall apply in relation to forces raised in Malawi as it applies in relation to forces raised in Dominions with the meaning of the Statute of ^{M11}Westminster 1931.

Marginal Citations

- M10** 1933 c.6.
M11 1931 (22 & 23 Geo. 5 c. 4) (26.1).

- 6 In the Visiting Forces ^{M12}Act 1952—
- (a) in section 1(1)(a) (countries to which that Act applies) at the end there shall be added the words “Malawi or”;
 - (b) in section 10(1)(a) the expression “colony” shall not include Malawi, and, until express provision with respect to Malawi is made by Order in Council under section 8 of that Act (application to visiting forces of law relating to home forces), any such Order for the time being in force shall be deemed to apply to visiting forces of Malawi.

Modifications etc. (not altering text)

- C3** The text of Sch. 2 paras. 4, 6(a), 7, 8 and 14 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M12** 1952 c. 67(7:3).

Ships and aircraft

- 7 In section 427(2) of the Merchant Shipping Act 1894, as substituted by section 2 of the Merchant Shipping (Safety Convention) Act 1949, before the words “or in any” there shall be inserted the words “or Malawi”.

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Modifications etc. (not altering text)

C4 The text of Sch. 2 paras. 4, 6(a), 7, 8 and 14 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

8 In the proviso to section 6(2) of the Merchant Shipping Act 1948, at the end there shall be added the words “or Malawi”.

Modifications etc. (not altering text)

C5 The text of Sch. 2 paras. 4, 6(a), 7, 8 and 14 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

9 **F9**

Textual Amendments

F9 Sch. 2 para. 9 repealed by [Emergency Laws \(Re-enactments and Repeals\) Act 1964 \(c. 60, SIF 99:2\)](#), [Sch. 2](#)

10 **F10**

Textual Amendments

F10 Sch. 2 para. 10 repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), [Sch. 1 Pt. XV](#)

11 In the Whaling Industry (Regulation) ^{M13}Act 1934, the expression “British ship to which this Act applies” shall not include a British ship registered in Malawi.

Marginal Citations

M13 1934 c. 49(52:3).

12 **F11**

Textual Amendments

F11 Sch. 2 para. 12 repealed by [Civil Aviation Act 1971 \(c. 75\)](#), [Sch. 11](#)

Copyright

13 **F12**

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Textual Amendments

F12 Sch. 2 para. 13 repealed by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 303(2), [Sch. 8](#)

Commonwealth Institute

- 14 In section 8(2) of the Imperial Institute Act 1925, as amended by the Commonwealth Institute Act 1958 (power to vary the provisions of the said Act of 1925 if an agreement for the purpose is made with the governments of certain territories which for the time being are contributing towards the expenses of the Commonwealth Institute) at the end there shall be added the words “and Malawi”.

Modifications etc. (not altering text)

C6 The text of Sch. 2 paras. 4, 6(a), 7, 8 and 14 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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