

*Status: Point in time view as at 07/01/2003.*

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

## SCHEDULES

### SCHEDULE 1

#### LEGISLATIVE POWERS IN MALAWI

- 1 The Colonial Laws Validity <sup>M1</sup>Act 1865 shall not apply to any law made on or after the appointed day by any legislature established for Malawi.

#### Marginal Citations

**M1** 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—
- <sup>F1</sup>(a) .....
- (b) section 4 of the Colonial Courts of Admiralty <sup>M2</sup>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.

#### Textual Amendments

**F1** Sch. 1 para. 4(a) repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** (with ss. 312(1), Sch. 14 para. 1)

#### Marginal Citations

**M2** 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 ..... F2

**Textual Amendments**

**F2** 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 ..... F3

**Textual Amendments**

**F3** 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) <sup>M3</sup>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 <sup>M4</sup>Westminster 1931.

**Marginal Citations**

- M3** 1933 c.6.  
**M4** 1931 (22 & 23 Geo. 5 c. 4) (26.1).

- 6 In the Visiting Forces <sup>M5</sup>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**

- M5** 1952 c. 67(7:3).

*Ships and aircraft*

F47 .....

**Textual Amendments**

- F4** Sch. 2 para. 7 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), Sch. 12 (with ss. 312(1), Sch. 14 para. 1)

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F58 .....

**Textual Amendments**  
F5 Sch. 2 para. 8 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), Sch. 12 (with ss. 312(1), Sch. 14 para. 1)

9 ..... F6

**Textual Amendments**  
F6 Sch. 2 para. 9 repealed by Emergency Laws (Re-enactments and Repeals) Act 1964 (c. 60, SIF 99:2), Sch. 2

10 ..... F7

**Textual Amendments**  
F7 Sch. 2 para. 10 repealed by Statute Law (Repeals) Act 1977 (c. 18), Sch. 1 Pt. XV

11 In the Whaling Industry (Regulation) <sup>M6</sup>Act 1934, the expression “British ship to which this Act applies” shall not include a British ship registered in Malawi.

**Marginal Citations**  
M6 1934 c. 49(52:3).

12 ..... F8

**Textual Amendments**  
F8 Sch. 2 para. 12 repealed by Civil Aviation Act 1971 (c. 75), Sch. 11

*Copyright*

13 ..... F9

**Textual Amendments**  
F9 Sch. 2 para. 13 repealed by Copyright, Designs and Patents Act 1988 (c. 48, SIF 67A), s. 303(2), Sch. 8

*Commonwealth Institute*

F10 14 .....

**Textual Amendments**  
F10 Sch. 2 para. 14 repealed (7.1.2003) by 2002 c. 39, ss. 3, 4(2), Sch. 3

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