

SCHEDULES

SCHEDULE 1

LEGISLATIVE POWERS IN MALAWI

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

Status: This is the original version (as it was originally enacted).

SCHEDULE 2

AMENDMENTS NOT AFFECTING THE LAW OF MALAWI

Diplomatic immunities

- 1 In section 461 of the Income Tax Act 1952 (exemption from income tax in the case of certain Commonwealth representatives and their staffs)—
- (a) in subsection (2), before the words "for any state" there shall be inserted the words " or Malawi ";
- (b) in subsection (3), before the words " and ' Agent-General' " there shall be inserted the words " or Malawi ".
- 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 ".
- 3 In section 1(5) of the Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act 1961, before the words " and the Republic of Ireland " there shall be inserted the word " Malawi ".

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 ";
- 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.

Visiting forces

- 5 In the Visiting Forces (British Commonwealth) 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 within the meaning of the Statute of Westminster 1931.
- 6 In the Visiting Forces 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.

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 ".

Status: This is the original version (as it was originally enacted).

- 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 ".
- 9 In the definition of " excepted ship or aircraft" in paragraph 3 of Schedule 3 to the Emergency Laws (Repeal) Act 1959, before the words " or in any " there shall be inserted the words " or Malawi ".
- 10 The Ships and Aircraft (Transfer Restriction) Act 1939 shall not apply to any ship by reason only of its being registered in or licensed under the law of Malawi; and the penal provisions of that Act shall not apply to persons in Malawi (but without prejudice to the operation with respect to any ship to which that Act does apply of the provisions thereof relating to the forfeiture of ships).
- 11 In the Whaling Industry (Regulation) Act 1934, the expression " British ship to which this Act applies " shall not include a British ship registered in Malawi.
- 12 In section 2(7)(b) of the Civil Aviation (Licensing) Act 1960, the expression " colony " shall not include Malawi.

Copyright

- 13 If the Copyright Act 1911, so far as in force in the law of Malawi, is repealed or amended by that law at a time when sub-paragraph (2) of paragraph 39 of the Seventh Schedule to the Copyright Act 1956 (which applies certain provisions of that Act in relation to countries to which the said Act of 1911 extended) is in force in relation to Malawi, the said sub-paragraph (2) shall thereupon cease to have effect in relation thereto.

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 ".

TABLE OF STATUTES REFERRED TO IN THIS ACT

Short Title	Session and Chapter
Judicial Committee Act 1833	3 & 4 Will. 4. c. 41.
Colonial Laws Validity Act 1865	28 & 29 Vict. c. 63.
Interpretation Act 1889	52 & 53 Vict. c. 63.
Colonial Courts of Admiralty Act 1890	53 & 54 Vict. c. 27.
Merchant Shipping Act 1894	57 & 58 Vict. c. 60.
Copyright Act 1911	1 & 2 Geo. 5. c. 46.
Imperial Institute Act 1925	15 & 16 Geo. 5. c. xvii.
Indian and Colonial Divorce Jurisdiction Act 1926	16 & 17 Geo. 5. c. 40.
Statute of Westminster 1931	22 & 23 Geo. 5. c. 4.

Status: This is the original version (as it was originally enacted).

Short Title	Session and Chapter
Visiting Forces (British Commonwealth) Act 1933	23 & 24 Geo. 5. c. 6.
Whaling Industry (Regulation) Act 1934	24 & 25 Geo. 5. c. 49.
Ships and Aircraft (Transfer Restrictions) Act 1939	2 & 3 Geo. 6. c. 70.
British Nationality Act 1948	11 & 12 Geo. 6. c. 56.
Merchant Shipping (Safety Convention) Act 1949	12, 13 & 14 Geo. 6. c. 43.
Matrimonial Causes Act 1950	14 Geo. 6. c. 25.
Army and Air Force (Annual) Act 1951	14 & 15 Geo. 6. c. 24.
Income Tax Act 1952	15 & 16 Geo. 6. & 1 Eliz.2. c. 10.
Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act 1952.	15 & 16 Geo. 6 & 1 Eliz.2. c. 18.
Visiting Forces Act 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 67.
Army Act 1955	3 & 4 Eliz. 2. c. 18.
Air Force Act 1955	3 & 4 Eliz. 2. c. 19.
Copyright Act 1956	4 & 5 Eliz. 2. c. 74.
Naval Discipline Act 1957	5 & 6 Eliz. 2. c. 53.
Import Duties Act 1958	6 & 7 Eliz. 2. c. 6.
British Nationality Act 1958	6 & 7 Eliz. 2. c. 10.
Commonwealth Institute Act 1958	6 & 7 Eliz. 2. c. 16.
Emergency Laws (Repeal) Act 1959	7 & 8 Eliz. 2. c. 19.
Civil Aviation (Licensing) Act 1960	8 & 9 Eliz. 2. c. 39.
Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act 1961	9 & 10 Eliz. 2. c. 11.