

MALAWI GOVERNMENT

(Published 22nd February, 2019)

Act

No. 11 of 2019

I assent

PROF. ARTHUR PETER MUTHARIKA

PRESIDENT

19th February, 2019

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Replacement of s.6 of Cap. 15:01
3. Replacement of s.7 of the principal Act
4. Repeal of s.8 of the principal Act
5. Repeal of s.9 of the principal Act
6. Repeal of s.10 of the principal Act
7. Repeal of s.11 of the principal Act
8. Insertion of the Seventh Schedule to the principal Act

An Act to amend the Malawi Citizenship Act

ENACTED by the Parliament of Malawi as follows—

PART I—PRELIMINARY

1. This Act may be cited as the Malawi Citizenship (Amendment) Act, 2019. Short title
2. The Malawi Citizenship Act (hereinafter referred to as the “principal Act”) is amended by repealing section 6 and replacing it with a new section 6 as follows— Replacement of s.6 of Cap. 15:01

“Dual citizenship of persons of full age permitted

6.—(1) A citizen of Malawi, by birth or descent, being a person of full age and capacity, may hold the citizenship of one other country in addition to his citizenship of Malawi.

(2) Without prejudice to section 20 (1) of the Constitution, a citizen of Malawi shall not qualify to hold any office specified in the Seventh Schedule if he holds citizenship of any other country in addition to his citizenship of Malawi:

Provided that the Minister may, with approval of the Cabinet, from time to time, prescribe, an office to which this section applies.

(3) A citizen of Malawi who acquires the citizenship of another country in addition to the Malawian citizenship shall notify the Minister, in writing, of the acquisition of additional citizenship as prescribed under this Act.

(4) A citizen of Malawi who is also a citizen of any other country shall, whilst in Malawi, be subject to the laws of Malawi as any other citizen.

(5) A citizen who has lost his citizenship as a result of the law in Malawi which prohibited the holding of dual citizenship by Malawians may, on application to the Minister, be issued with a certificate of citizenship which shall be effective from the date of issue.

(6) A certificate issued under subsection (5) shall specify whether the citizenship is by birth or descent.”.

Replacement of
s.7 of the
principal Act

3. Section 7 of the principal Act is repealed and replaced with a new section 7 as follows—

“Dual
citizenship of
minors

7.—(1) Any person who, upon the attainment of eighteen years of age is a citizen of Malawi, by birth or descent, and also, to his knowledge, a citizen of another country, shall, upon his nineteenth birthday notify, in writing, the additional citizenship to the Minister as prescribed under this Act.

(2) Where any person to whom this section applies is mentally incapacitated at the beginning of the period prescribed by this section or becomes mentally incapacitated during that period, the period prescribed shall be reckoned from date upon which that person ceases to be mentally incapacitated.

(3) Where the Minister, or any public officer so authorized by the Minister, is satisfied that any person to whom this section applies, failed by reason of any circumstances not attributable to the person's own

misconduct, default or wilful neglect, within the period prescribed by subsection (1) to comply with that subsection, he may direct that a longer period shall be allowed in relation to that person as will permit that person an opportunity of complying with this section."

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| 4. Section 8 of the principal Act is hereby repealed. | Repeal of s.8 of the principal Act |
| 5. Section 9 of the principal Act is hereby repealed. | Repeal of s.9 of the principal Act |
| 6. Section 10 of the principal Act is hereby repealed. | Repeal of s.10 of the principal Act |
| 7. Section 11 of the principal Act is hereby repealed. | Repeal of s.11 of the principal Act |
| 8. The principal Act is amended, immediately after the Sixth Schedule, by inserting the following Schedule as the Seventh Schedule. | Insertion of the <i>Seventh Schedule</i> |

SEVENTH SCHEDULE

(s.6)

LIST OF OFFICES

1. President or Vice President
2. Minister
3. Speaker of the National Assembly
4. Chief Justice
5. Member of Parliament
6. Attorney General
7. Chief Secretary to the Government
8. Any office in the Malawi Defence Force
9. Office of Inspector of Police and above
10. Any office of the National Intelligence Service
11. Chief Commissioner and Commissioners of Malawi Prison Service
12. Justice of Appeal and Judges of High Court
13. Chairperson and Commissioners of the Electoral Commission
14. Chief Elections Officer

15. Principal Secretary
16. Law Commissioner
17. Ombudsman
18. Chairperson of the Human Rights Commission
19. Auditor General
20. Director of Financial Intelligence Authority
21. Director of Public Prosecutions
22. Director General or Deputy Director General of the Immigration and Citizenship Services
23. Director or Deputy Director of the Anti-Corruption Bureau
24. Director and Deputy Director of Public Procurement and Disposal of Assets"

Passed in Parliament this twelveth day of December, two thousand and eighteen.

FIONA KALEMBA
Clerk of Parliament