

[Chap1808]CHAPTER 18:08

CONTROL OF GOODS

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CONTROL OF GOODS

CONTROL OF GOODS ACT, 1968The Control of Goods Act, 1968, (28 of 1968) was assented to on the 28th of October, 1968, but only sections 4, 5 and 18 were in operation on 10th January, 1969. (See G.N. 189 of 1968). Those sections are set out below and, for convenience of reference, subsidiary legislation made under section 18 is set out immediately thereafter.

4 Registration

(1) Any person wishing to be registered as an importer or an exporter under this Act shall make application in writing addressed to the Minister, and shall supply such additional information as the Minister may require.

(2) The Minister may, at his discretion, register the applicant as an importer or exporter, as the case may be, and if he does so register the applicant shall issue him with a certificate of registration in the prescribed form.

(3) The production of a certificate of registration as an importer or exporter, as the case may be, issued under subsection (2) shall be prima facie evidence that the person named therein is so registered.

(4) Certificates issued under subsection (2) shall not be transferable without the written approval of the Minister.

(5) In the case of a certificate issued to a company or firm, a transfer of the control of the company or firm shall terminate the validity of the certificate unless the Minister otherwise orders. The decision of the Minister as to whether any transfer of the control of a company or firm has taken place shall be final and shall not be questioned in any court.

5 Cancellation of registration

The Minister, if he is satisfied that a person registered under section 4 has acted in a manner harmful to the interests of the national economy or the security of the State, may without liability for compensation, cancel such registration.

18 Regulations

The Minister may make regulations for the better carrying out of the provisions of this Act and prescribing anything required to be prescribed under this Act, and without prejudice to the generality of the foregoing such regulations may prescribe fees for the registration of importers and exporters and for the issue of import and export licences.

12 of 1954(F)

G.N. 2/1964(N)

219/1964(N)

An Act to enable the Minister to provide by regulation for the control of the distribution, disposal, purchase, and sale, and the wholesale and retail prices of any manufactured or unmanufactured commodity or of any animal or poultry specified by the Minister by order or of any class of any such commodity, animal, or poultry, for the control of imports into and exports from Malawi, and for other purposes incidental and supplementary to the foregoing.

[26TH MARCH 1954]

[Ch1808s1]1. Short title

This Act may be cited as the Control of Goods Act.

[Ch1808s2]2. Interpretation

In this Act, unless inconsistent with the context—

“animal” means any animal, poultry or fish or any class of animal, poultry or fish specified by the Minister by order published in the Gazette to be an animal for the purposes of this Act;

“commodity” means any manufactured and unmanufactured commodity or any class of a commodity specified by the Minister by order published in the Gazette to be a commodity for the purposes of this Act;

“goods” means anything capable of being imported or exported.

[Ch1808s3]3. Regulations for the control of goods

(1) Whenever it appears to the Minister necessary or expedient to control—

(a) the import into or export from Malawi of any goods;

(b) the distribution, disposal, purchase and sale, or the wholesale or retail prices of any commodity or animal and the charges which may be made—

(i) for services relating to the distribution, disposal, purchase, and sale of the commodity or animal, as the case may be; and

(ii) for delivery of any commodity or animal, the wholesale or retail prices of which are controlled under this section,

he may make such regulations as appear to him to be necessary or expedient for such purposes.

(2) Without prejudice to the generality of the powers conferred by subsection (1), such regulations may provide—

(a) for requiring persons carrying on or employed in connexion with any trade, business, undertaking, or enterprise specified in such regulations to produce to such person as may be so specified any books, accounts, or other documents relating to that trade, business, undertaking, or enterprise, and for requiring any persons to furnish to such person as may be so specified such estimates or returns as the Minister considers it desirable to obtain for the effectual exercise of any of his powers under this section;

(b) for any incidental and supplementary matters for which the Minister thinks it expedient for the purposes of the regulations to provide, including in particular the entering and inspection of premises to which the regulations relate by persons authorized in that behalf by the Minister with a view to securing compliance with the regulations.

(3) Regulations made under this section may provide for empowering the Minister or such other Minister as may be specified in such regulations to make orders—

(a) for the control to such extent as may be specified in such regulations of the import into or export from Malawi of such goods or classes of goods as may be specified in such regulations;

(b) in respect of such commodities and animals as may be specified in such regulations for any of the purposes specified in subsection (1) (b).

Any orders made in terms of this subsection may contain such incidental or supplementary provisions as appear to the specified Minister to be necessary or expedient for the purpose of such orders.

(4) Regulations and orders under this section may be made so as to apply generally or to any particular trade, business, undertaking, or enterprise, or class thereof, and either to the whole or to any part of any trade, business, undertaking, or enterprise, and so as to have effect either throughout Malawi or in any particular area therein.

(5) For the avoidance of doubt, it is hereby declared that section 4 shall not apply in relation to any order under this section.

[Ch1808s4]4. Rationing commodities and animals

Regulations made under section 3, in relation to the rationing of any commodity or animal, may—

(a) fix or provide for fixing different quantities of the commodity or animal to be obtainable in the aggregate or individually by different classes of persons;

(b) provide for methods of distribution of the commodity or animal which differentiate as between different classes of persons so far as appears to the Minister to be necessary in order to secure or permit such distribution through the usual channels and agencies through which such classes of persons normally obtain the commodity or animal.

[Ch1808s5]5. Evidence

(1) In any proceedings under this Act against any person, any statement or entry contained in any book or document kept by him or any person in his employ, or by his agent, shall be admissible in evidence as an admission of the facts set forth in that statement or entry, unless it is proved that the statement or entry was not made by that person, by any person in his employ, or by his agent.

(2) Whenever the manager, agent, or servant of any person does or omits to do anything which it would be an offence under this Act for such person to do or omit to do, such person shall be deemed himself to have done or omitted to do such thing and be liable to the penalties therefor in terms of this Act unless he proves to the satisfaction of the court that all reasonable steps were taken by him to prevent any act or omission of the kind in question:

Provided that the fact that the person issued instructions forbidding in respect of his manager, agent, or servant any act or omission of the kind in question shall not by itself be accepted as sufficient proof that he took all reasonable steps to prevent the act or omission.

[Ch1808s6]6. Penalties

Any person who contravenes or fails to comply with any regulation or order made under this Act shall be liable—

(a) for a first offence, to a fine of K200 or in default of payment to imprisonment for six months;

(b) for a subsequent offence, to a fine of K400 and to imprisonment for one year.

SUBSIDIARY LEGISLATION

CONTROL OF GOODS (IMPORT AND EXPORT) (COMMERCE) REGULATIONS

under s. 3

G.N. 23/1967

106/1991

1. Citation

These Regulations may be cited as the Control of Goods (Import and Export) (Commerce) Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“controlled goods” means any goods the import into or the export from Malawi of which is prohibited, restricted or otherwise controlled by an Order made under regulation 3.

3. Minister may make orders

(1) The Minister responsible for Trade and Industry may make Orders prohibiting, restricting, or otherwise controlling— G.N. 106/1991

(a) the import into Malawi of any goods;

(b) the export from Malawi of any goods.

(2) Without derogation from the generality of the powers conferred by subregulation (1), an Order made under this regulation may—

(a) prescribe the terms and conditions subject to which controlled goods or any class of such goods may be imported into or exported from Malawi;

(b) provide for empowering such person as may be prescribed by or under the Order—

(i) to issue licences authorizing, to such extent as may be prescribed by or under the Order, the import into or the export from Malawi of any controlled goods or any class of such goods;

(ii) to revoke any such licence issued by him in such circumstances and in such manner as may be prescribed by or under the Order.

(3) An Order made under this Regulation may make provision prohibiting, restricting or otherwise controlling the sale or distributing of, or other manner of dealing in, the goods the import or export of which is prohibited, restricted or otherwise controlled by such Order. G.N. 106/1991

4. Revocation or amendment of a licence

The Minister may revoke or amend a licence issued under any Order made under these Regulations if he considers that such revocation or amendment is necessary in the national interest.

5. Saving

Any Orders made under the Control of Goods (Import and Export) (Commerce) Regulations, 1958 (now revoked) shall, in so far as the same are not repugnant to these Regulations, remain in force as though made under these Regulations until revoked or replaced by Orders made under these Regulations. G.N. 300/1958(F)

CONTROL OF GOODS (IMPORT AND EXPORT) (COMMERCE) ORDER

under reg. 3

Of the Control of Goods (Import and Export) (Commerce) Regulations

G.N. 22/1967

79/1967

214/1967

185/1968

133/1969

23/1970

52/1970

237/1970

37/1971

56/1971

97/1972

135/1972

70/1973

173/1974

181/1974

151/1980

53/1987

85/1988

21/1991

17/1996

30/2001

18/2006

35/2007

8/2008

11/2008

18/2008

1. Citation

This Order may be cited as the Control of Goods (Import and Export) (Commerce) Order.

2. Interpretation

In this Order unless the context otherwise requires—

“sterling territory” means a state or territory specified in the First Schedule.

3. Issue of open general import licences

The Minister may, by notice published in the Gazette, issue open general import licences authorizing, subject to any other law, the import into Malawi of any goods which are the product or manufacture of a state or territory which is not a sterling territory.

4. Issue of licences

(1) The Principal Secretary may, with the approval of the Minister issue licences authorizing, subject to any other law and to any conditions endorsed on such licences—

(a) the import into Malawi—

(i) any goods which are the product or manufacture of a state or territory which is not a sterling territory, being goods in respect of which no open general import licence issued under paragraph 3 is in force;

(ii) any goods specified in the Second Schedule or any class of such goods; and

(b) the export from Malawi of any goods specified in the Third Schedule or any class of such goods.

(2) The Principal Secretary shall not issue licences authorizing the export from Malawi of any goods specified in item 1 of the Third Schedule unless he is satisfied that the import of such goods into the country of destination has been authorized by the appropriate authority of that country.

5. Prohibition of imports

(1) No person shall import into Malawi—

(a) any goods which are the product or manufacture of a state or territory which is not a sterling territory; and

(b) any goods specified in the Second Schedule or any class of such goods,

except in accordance with a licence issued in terms of paragraph 3 or 4.

(2) No person shall export from Malawi any goods specified in the Third Schedule or any class of such goods except in accordance with a licence issued in terms of paragraph 4.

6. Revocation of licences

(1) The Principal Secretary may revoke a licence issued by him in terms of paragraph 4 if the licensee has failed to comply with this Order or the conditions under which the licence was issued.

(2) A licence revoked in terms of subparagraph (1) shall be returned immediately to the issuing authority by whom such licence was issued.

7. Transfer of licence prohibited

A licence issued in terms of paragraph 4 shall not be transferred.

8. Other laws applicable

Nothing contained in this Order or in any licence issued thereunder shall exempt any person to whom such licence applies from complying with any other law controlling the import into or the export from Malawi of the goods to which such licence relates.

9. Saving

Any licences issued under the Control of Goods (Import and Export) (Commerce) Order, 1964 (now revoked) shall, in so far as the same are not repugnant to this Order, remain in force as though issued under this Order until cancelled under this Order. G.N. 130/1964(N)

FIRST SCHEDULE para. 2

STERLING TERRITORIES

1. Any Commonwealth country other than Canada, and any colony, protectorate or trust territory of such country.

2. Hashemite Kingdom of the Jordan.

3. Iceland.

4. Republic of Ireland.

5. United Kingdom of Libya.
6. Republic of South Africa.
7. State of Kuwait.
8. Western Samoa.

SECOND SCHEDULE G.N. 53/1987, 85/1988, 21/1991, 17/1996, 30/2001, 18/2006, 35/2007

GOODS FOR THE IMPORT OF WHICH A LICENCE ISSUED UNDER PARAGRAPH 4 IS REQUIRED

1. — (1) Clothing and uniforms, designed for military, naval, air force or police use.
- (2) Clothing, used, other than the personal effects of an individual.
- (3) Bell-bottom trousers.

for the purposes of this sub-item the expression “bell-bottom trousers” means any flared trousers so made that the circumference of each leg thereof measured along the bottom edge is greater than six-fifths (6/5) of the circumference of such leg measured at its narrowest point parallel to the aforesaid bottom edge.

2. Gold, including—
 - (a) any unmanufactured gold in any form whatsoever;
 - (b) any article or substance containing such unmanufactured gold;
 - (c) any article consisting of or containing gold which, although manufactured, is, as such, not a gold coin, an article of commerce, a work of art or of archaeological interest;
 - (d) gold derived from the smelting or treatment of any manufactured article containing gold.
3. Sugar.
4. Any knife having a blade which—
 - (a) opens automatically by hand pressure applied to a button, spring or other device in or attached to the handle of the knife, sometimes known as a “flick knife” or “flick gun”; or
 - (b) is released from the handle or sheath thereof by the force of gravity or the application of centrifugal force and which, when released, is locked in place by means of a button, spring, lever or other device, sometimes known as a “gravity knife”.
5. Mist nets designed or adapted, for the capture of wild birds.
6. Game traps of metal construction operated by springs.

7. The following goods originating in Zimbabwe—

- (a) asbestos;
- (b) iron ore;
- (c) Pig iron;
- (d) Chrome;
- (e) Tobacco;
- (f) Copper;
- (g) Hides, skins and leather.

8. [Deleted by G.N. 17/1996.]

9. Dieldrin.

10. Aldrin.

11. Kitchen and table salt.

12. Beer.

13. Cane Sugar.

14. Ordinary Portland Cement.

15. Wheat flour.

16. Fertilizer.

THIRD SCHEDULE G.N. 185/1968, 151/1980, 85/1988, 30/2001, 8/2008, 11/2008, 18/2008

GOODS FOR THE EXPORT OF WHICH A LICENCE ISSUED UNDER PARAGRAPH 4 IS REQUIRED

1. Implements of war (other than arms and ammunition), atomic energy materials of strategic value, and items of primary strategic significance used in the production of arms and ammunition and other implements of war, including the following metals—

- (a) beryllium;
- (b) cobalt;
- (c) tantalum;

- (d) uranium;
- (e) lithium;
- (f) columbite;
- (g) niobium (columbium);
- (h) thorium;
- (i) germanium;
- (j) titanium;
- (k) nickel,

and any materials containing such metals.

2. Petroleum products.

3. The following gemstones in the unmanufactured state—

- (a) Corundum
- (b) Garnet
- (c) Quartz
- (d) Tourmaline
- (e) Turquoise
- (f) Beryl
- (g) Zircon
- (h) Jade
- (i) Olivine
- (j) Feldspar
- (k) Topaz
- (l) Opal
- (m) Chrysoberyl
- (n) Spinel

(o) Lazurite

4. Bell-bottom trousers:

for the purposes of this item the expression “bell-bottom trousers” means any fixed flared trousers so made that the circumference of each leg thereof measured along the bottom edge is greater than six-fifths (6/5) of the circumference of such leg measured at its narrowest point parallel to the aforesaid bottom edge.

5. Scrap metal.

6. Soya Beans.

7. Rice, including—

(a) rice meals;

(b) rice bran;

(c) rice residues.

8. Raw hard round wood timbers.

OPEN GENERAL IMPORT LICENCE

under paragraph 3

of the Control of Goods (Import and Export) (Commerce) Order

G.N. 31/1967

164/1967

158/1970

2/1972

154/1975

84/1988

The Minister has issued an open general import licence in respect of and in accordance with the following—

1. Citation

This Notice may be cited as the Control of Goods (Open General Import Licence) Notice. G.N. 84/1988

2. Importation of goods

Subject to this Notice and any other written law, any person may import into Malawi—

- (a) any goods listed in the First Schedule;
- (b) any goods which are the product or manufacture of any state or territory specified in the Second Schedule; and
- (c) any goods which are the product or manufacture of a state specified in Part II of the Third Schedule but excluding the goods specified in Part I of that Schedule.

3. Meaning of "State" and "territory"

In this Notice the expressions "State" and "Territory" include a dependency of a State or territory.

4. Limited scope of this Notice

This Notice does not authorize the import into Malawi of any goods listed in the Second Schedule to the Control of Goods (Import and Export) (Commerce) Order.

FIRST SCHEDULE G.N. 84/1988

- 1. Anti-friction and lubricating grease.
- 2. Motor spirit, including aviation fuels.
- 3. Lubricating oils.
- 4. Mineral oils and fuel, illuminating, transformer and insulating types: power and illuminating paraffin.
- 5. Exposed cinematograph film.
- 6. Goods in transit through Malawi.
- 7. Used personal and household effects, excluding motor vehicles, imported by a person arriving in Malawi to take up residence or employment herein.
- 8. Goods, including motor vehicles, temporarily imported into Malawi by a bona fide tourist for his own use.
- 9. Goods not exceeding a total value of K50 accompanying a person entering Malawi and intended for the private use of such person or his family.
- 10. Any bona fide unsolicited gift not exceeding K50 in value.

11. Any goods exported from Malawi for repair and return and in respect of which a certificate to that effect has been issued by an officer of the Department of Customs and Excise.

12. Samples and advertising material intended solely for use in the taking of orders and not for sale.

SECOND SCHEDULE G.N. 158/1970, 2/1972, 84/1988

Afghanistan

Algeria

Argentina

Austria

Belgium

Bhutan

Bolivia

Brazil

Burma

Burundi

Cambodia

Cameroun

Canada

Central African Republic

Chad

Chile

Colombia

Congo (Brazzaville)

Costa Rica

Cuba

Czechoslovakia

Dahomey

Denmark

Dominican Republic

El Salvador

Finland

France

Gabon

Germany, Federal Republic of

Greece

Guatemala

Guinea

Haiti

Honduras

Hungary

Indonesia

Iran

Iraq

Israel

Italy

Ivory Coast

Japan

Korea, Republic of

Laos Peoples' Democratic Republic

Lebanon

Liechtenstein, Principality of

Luxembourg

Malagasy Republic

Mali

Mauritania

Monaco, Principality of

Morocco, Sherifian Empire of

Nepal

Netherlands, Kingdom of the

Nicaragua

Niger

Norway

Panama

Paraguay

Peoples' Republic of China

Peru

Poland

Portugal

Romania

Rwanda

San Marino

Senegal

Somalia

Spain

Sudan

Sweden

Switzerland

Taiwan

Togo

Tunisia

Turkey

United Arab Republic of Egypt

United States of America

Upper Volta

Uruguay

Vatican City

Venezuela

Viet Nam

Yugoslavia

Zaire

THIRD SCHEDULE G.N. 85/1988, 17/1996

PART I

All goods falling within the class of goods described in each of the following headings set out in the customs tariff prescribed under section 83 of the Customs and Excise Act:

Provided that where the term "ex" appears in front of any heading the goods described opposite such heading, and not all the goods falling within the class described in such heading, are specified—

Heading No. Description of Goods ex 32.13.01 Printing lithographic and ruling inks (including printers' bronzes and the like). 40.11.90 Tyres and tubes for bicycles, tricycles and the like. ex 40.14.99 Erasers. 48.01.01 Newsprint. 48.01.96 Paper and paperboard not elsewhere specified in heading 48.01 put up for sale by retail. 48.01.97 Paper and paperboard not elsewhere specified in heading 48.01 not out up for sale by retail. 48.13.99 Carbon and copying papers (including duplicator stencils) and transfer papers, cut to size, whether or not put up in boxes, not elsewhere specified in heading 48.13. 48.15.03 Gummed strip, wrappers and wrapping paper, paper wool, paper and

paperboard of a kind used in industry, not put up for sale by retail. 48.15.99Paper and paperboard cut to size or shape (excluding toilet paper) not elsewhere specified in heading 48.15. 48.16Boxes, bags and other packing containers, of paper or paperboard. 48.16.02Single-ply self-opening rectangular base kraft and imitation kraft bags and other utility bags of a kind similarly used for general purposes, carrier bags and the like. 48.16.98Other boxes, bags and other packing containers, of paper or paperboard not elsewhere specified in heading 48.16. 48.18Exercise books. 48.19Paper or paperboard labels, whether or not printed or gummed. 48.21.99Articles of paper pulp, paper, paperboard or cellulose wadding not elsewhere specified in heading 48.21. 49.09Picture postcards, Christmas and other picture greeting cards, printed by any process, with or without trimmings. 49.10.99Calendars of any kind, of paper or paperboard, including calendar blocks, not elsewhere specified in heading 49.10. 49.11.99Printed matter, including printed pictures, photographs, forms and tickets, not elsewhere specified in heading 49.11ex 50.09

55.09.02

56.07.02Blanketing, blanket cloth and sheeting of a kind, commonly used as blankets or rugs.ex 51.04

ex 54.05

ex 55.09.99

ex 56.07.99Woven canvas fabrics exceeding 10 oz. per sq. yd. 57.05Paper twine.ex 57.09.99ex 58.01Carpets, carpeting, rugs, mats and matting; made up or not: of an f.o.b. value not exceeding K3 per sq. yd.ex 60.04

ex 61.01Boys', girls' and infants' outer and under garments (shirts, shorts, vests and other garments).

62.01Travelling rugs and blankets except those containing more than 50 per centum of wool.ex 62.02.99Sheets of a kind commonly used as blankets or rugs, except those containing more than 50 per centum of wool.ex 62.04.01Tarpaulins.ex 62.04.99Tents, awnings, sunblinds 64.01.01

64.01.99

64.03Footwear.ex 68.12Pipes, piping and tubes of asbestos-cement.ex 69.11Cups, saucers, plates.ex 73.38.02Enamelware.ex 82.01Hoes or mattocks of a weight not exceeding 4 lb. each.ex 82.09Knives and scissors of all kinds, excluding penknives and table knives of an f.o.b. value exceeding 50t each.ex 82.09.99Domestic forks and spoons, excluding those of an f.o.b. value exceeding 50t.ex 83.05Staples for office stapling machines.ex 84.54Office punches, office stapling machines.ex 85.14.03Broadcast receivers and equipment or appliances consisting of such receivers combined with other apparatus, with or without cabinets and whether assembled or not.ex 98.07Hand-operated numbering stamps.ex 92.11.01

ex 92.11.99Electrical record players.ex 96.00.99Brushware excluding toothbrushes and paint brushes.

CONTROL OF GOODS (IMPORTATION OF SOAP) ORDER

under reg. 3

of the Control of Goods (Import and Export) (Commerce) Regulations

G.N. 64/1967

1. Citation

This Order may be cited as the Control of Goods (Importation of Soap) Order.

2. Interpretation

In this Order, unless the context otherwise requires—

“abrasive soap” means soap, whether in powder, paste, tablet, cake or block form, which is a mixture of soap with silica, sand, pumice-stone or other inert abrasive matter and which contains not less than twenty-five per centum of such silica, sand, pumice-stone or other inert abrasive matter as the case maybe;

“Secretary” means the Secretary for Trade and Industry;

“soap” means the product which results from the process of saponification of fats and oils—

- (a) with sodium hydroxide or potassium hydroxide; or
- (b) by the neutralization of fatty acids with sodium hydroxide or potassium hydroxide or their carbonates or bicarbonates; or
- (c) by the neutralization of fatty acids with ammonia or triethanolamine.

3. Soap content

(1) Soap in the form of bars, tablets, flakes or chips for household, laundry or toilet purposes shall contain not less than forty-five per centum of fatty acids, of which not more than one-third may be replaced by resin acids, shall not contain more than one-quarter of one per centum of free caustic alkali (calculated for this purpose as sodium hydroxide), and shall be free from any harmful ingredients.

(2) Liquid soap shall contain not less than fifteen per centum of fatty acids, of which not more than one-quarter may be replaced by resin acids, shall contain not more than one-twentieth of one per centum of free caustic alkali (calculated for this purpose as sodium hydroxide), and shall be free from any harmful ingredients.

(3) Soft soap shall contain not less than thirty-five per centum of fatty acids, of which not more than one-third may be replaced by resin acids, and shall contain not more than three-quarters of one per centum of free caustic alkali (calculated for this purpose as sodium hydroxide).

(4) The words "pure", "purest", "best", "superior", "finest", "first grade", "first quality", "No. 1 quality", "A.1 quality", "highest grade", "highest quality", or any other words indicating or suggesting special grade or quality, shall not be printed or marked on, or on the container or wrapper of, any soap which contains less than sixty-two per centum of fatty acids, of which not more than one-quarter may be replaced by resin acids, or more than one-tenth of one per centum of free caustic alkali (calculated for this purpose as sodium hydroxide):

Provided that where soap contains naphtha or carbolic acid or both these substances, the limit of sixty-two per centum for fatty acids specified in this subsection may be reduced to sixty per centum.

(5) The container or wrapper of abrasive soap which is imported for sale shall at the time of importation have prominently displayed thereon words indicating, as may be appropriate, that it is "abrasive soap", "abrasive soap powder" or "pumice soap" or that it contains abrasive matter or is intended to be used for scouring or polishing, and if no such container or wrapper is used, then such words shall be clearly and legibly stamped or embossed on each tablet, cake or block, in which such soap is imported.

4. Limit on import

(1) Except in accordance with a permit issued by the Secretary, no person shall import for sale any soap the composition of which, or the wrapping or marking of which, does not at the time when it is imported comply with paragraph 3.

(2) For the purposes of determining whether the composition of a bar of soap for household or laundry purposes complies with paragraph 3 (1) at the time when it is imported, a bar of soap for household or laundry purposes shall be deemed to weigh 2 lb. at the time when it is imported.

CONTROL OF GOODS (PRICE CONTROL) REGULATIONS

under s. 3

G.N. 59/1967

139/1971

1. Citation

These Regulations may be cited as the Control of Goods (Price Control) Regulations.

2. Interpretation

(1) In these Regulations, unless the context otherwise requires—

"controlled goods" means any commodity in respect of which an Order is made;

“dealer” means any person who carries on the business of buying and selling controlled goods;

“hire purchase agreement” and “instalment sale agreement” have the meanings assigned to them in section 2 of the Hire Purchase Act; Cap. 48:05

“inspector” means a person appointed as an inspector under these Regulations;

“Order” means an Order made by the Minister under these Regulations;

“price” includes any form of consideration;

“sell” includes—

- (a) to sell by auction; or
- (b) to offer or attempt to sell; or
- (c) to expose, display or advertise for sale; or
- (d) to sell or hire under a hire-purchase or instalment sale agreement; or
- (e) to exchange or dispose of controlled goods for any valuable consideration,

and the expressions “sale” and “seller” shall be construed accordingly.

(2) The date of sale of controlled goods which are the subject of a hire-purchase or instalment sale agreement shall be the date on which the agreement is signed by or on behalf of all the parties to the agreement and for the purposes of these Regulations the cash price shall be taken to be the price at which the seller has sold or agreed to sell such goods.

(3) For the purposes of these Regulations, the cost of controlled goods to the seller shall be determined in a manner prescribed by Order and the Minister may prescribe different methods of determining such cost in respect of different classes of controlled goods.

3. Appointment of inspectors and Price Control Board

(1) The Minister may appoint inspectors for the purposes of these Regulations.

(2) Every inspector shall be furnished with a certificate signed by the Minister, which shall state that the inspector has been appointed as an inspector under these Regulations.

(3) An inspector exercising any power or performing any duty conferred or imposed upon him by these Regulations or about to exercise or perform any such power or duty shall, on demand by any person concerned, produce the certificate referred to in subregulation (2).

(4)(a) The Minister may establish a Price Control Board and may appoint thereto such persons as he thinks fit. G.N. 139/1971

(b) Any person who sells or delivers any controlled goods and who is dissatisfied with any Order relating to such controlled goods or the delivery thereof, may apply to the Price Control Board for a review of such order.

(c) The Price Control Board shall—

(i) make a report and recommendations to the Minister on any Order reviewed under this paragraph;

(ii) when required by the Minister to do so, make recommendations on any other matter that may be referred to it by the Minister;

(iii) make recommendations to the Minister on such other matters relating to the prices of goods as, in its opinion, require particular attention.

4. Furnishing of information

(1) The Minister may, by written notice, require any person who produces or has produced, manufactures or has manufactured, deals in or has dealt in, or handles or has handled, any commodity, to furnish to the Minister or his authorized representative, from time to time, any information whatsoever available to him relating to any such commodity which he or his servant or agent has or has had in his possession or custody or over which he has or has had any control or which he is capable of producing or manufacturing.

(2) Any such person as aforesaid shall, at the request of an inspector, produce to the inspector any book, record, list or document at his disposal which relates to any such commodity, and shall furnish the inspector with such other information or explanation, either in writing or verbally, relating to such commodity, as the inspector may demand from him.

5. Examination of records

(1) An inspector may examine and make extracts from and copies of books, records, lists or documents relating to controlled goods, and may demand from any dealer or other person an explanation of any entries therein and may seize and remove any such books, records, lists or documents as, in his opinion, may afford evidence of any offence under these Regulations.

(2) An inspector may, for the purposes of examination or production as evidence, seize and remove without payment any sample or specimen of any controlled goods in the possession of any person referred to in subregulation (1).

(3) An inspector shall issue a receipt in respect of anything seized under this regulation.

(4) Anything seized in terms of this regulation shall, if circumstances permit, be returned to its owner at the conclusion of any proceedings taken or inquiry made in relation thereto.

6. Fixing of prices by Order

(1) The Minister may, by Order—

(a) fix a maximum price, a minimum price or a specified price for the sale of any commodity by persons generally, by any specified person or by any person of a specified class or group either to persons generally or to a specified person or to a person of a specified class or group;

(b) prohibit any person, any specified person or any person of a specified class or group from increasing the price charged by him for any commodity sold by him above the price ordinarily charged by him on a specified date or during a specified period for similar goods sold under similar conditions regarding delivery or payment;

(c) fix the maximum, minimum or specified charge that may be made by any person for the delivery of any commodity.

(2) Without prejudice to the generality of the powers conferred by subregulation (1), the Minister may, by Order—

(a) fix the maximum, minimum or specified price of any commodity irrespective of the cost to the seller;

(b) prescribe that the maximum, minimum or specified price shall be a specified price less a specified discount or plus a specified premium;

(c) prescribe that the maximum, minimum or specified price of any commodity shall not exceed the cost to the seller plus a stated sum or a stated percentage of such cost;

(d) prescribe that the maximum, minimum or specified price of any commodity shall not exceed the price ordinarily charged for such commodity on a specified date or during a specified period plus a stated sum or a stated percentage of such price, or less a stated sum or a stated percentage of such price.

(3) The Minister may, by Order, direct that any person or any person of a specified class or group who deals in any commodity, shall display in such manner as may be prescribed by the Minister the price at which such person offers such commodity for sale.

7. Additional powers

In addition to the powers conferred by regulation 6 the Minister may, by Order—

(a) prescribe standards of quality, composition and condition and minimum standards, for different kinds of commodities and prohibit, regulate or restrict the sale of such commodities which do not conform with such prescribed standards;

(b) prescribe the specific designation under which any particular commodity may be sold and prohibit, regulate or restrict the sale of such commodity under designations other than the prescribed designation;

(c) prohibit, regulate or restrict the charge for delivery of any commodity to purchasers and the price of sacks and containers in which such commodity is sold or delivered;

(d) provide for the prevention of the evasion of any Order.

8.

No person—

(a) who has purchased controlled goods from a dealer shall resell the said controlled goods or any portion thereof to another dealer or to a manufacturer at a price in excess of the price which the dealer who sold the controlled goods in the first instance was permitted by Order to sell such controlled goods;

(b) who has purchased any controlled goods from a dealer who ordinarily sells such controlled goods to persons who are not dealers in such controlled goods shall resell the said controlled goods or any portion thereof to any other person at a price in excess of the price at which such dealer would have been permitted by Order to sell the said controlled goods to such other person plus such charge as may be allowed by the Minister;

(c) who has re-purchased any controlled goods which have been sold by him shall resell the said controlled goods or any portion thereof to any person at a price in excess of the price at which he was permitted by Order to sell the said controlled goods in the first instance.

9. Charges for containers

The Minister may, by Order, prescribe—

(a) the amount of the deposit which any person selling any controlled goods, subject to the condition that the container of those goods is to be returned, may require in respect of any such container; and

(b) the amount which such person shall, on the return of the container, refund to the person by whom the container is returned and the conditions subject to which such refund shall become payable.

10. Furnishing of invoices

The Minister may, by Order, direct—

(a) that in respect of controlled goods the seller shall give to the purchaser at the time of the sale, or within a reasonable period thereafter, an invoice or memorandum giving, in respect of any such controlled goods, such particulars, in such manner, as may be prescribed by the Minister.

(b) that the seller shall retain a copy of such invoice or memorandum for such period as the Minister may prescribe; and

(c) that the purchaser of any controlled goods which are purchased with the object of resale, shall maintain and preserve, for such period as the Minister may prescribe, such records as will enable the cost to him of the said goods and the price at which he sold them to be readily and accurately ascertained.

11. Inducement to sell prohibited

No person shall, directly or indirectly, as an inducement to any other person to sell any controlled goods, offer, give or promise to such person any consideration in money or otherwise in addition to the price which such person is permitted by Order to charge for such controlled goods.

12. Conditional selling

(1) Save as is provided in subregulation (2) no person shall sell any controlled goods to any other person on condition that such other person purchases or acquires from him or from any other person any other goods whatsoever in addition to such controlled goods.

(2) Nothing in this regulation shall apply to any sale described in subregulation (1) if the other goods referred to in that subregulation are—

(a) goods which, according to the custom of the trade, are not sold separately from the controlled goods referred to in subregulation (1); or

(b) goods forming part of the same set of goods as such controlled goods.

13. Exemptions

The Minister may exempt any person from all or any of the provisions of any Order and the Minister may at any time, without giving any reasons therefor, withdraw any such exemption granted.

14. Refunds

If any person has received in respect of the sale by him of any controlled goods a price in excess of the price permissible for such goods under any Order the Minister may, irrespective of any action which may have been taken or which may be taken against such person under regulation 16, order him to refund to the purchaser, or, if the identity or whereabouts of the purchaser cannot readily be ascertained, to pay into the Consolidated Fund, a sum not exceeding twice the amount by which the price at which he sold the goods exceeds the controlled price.

15. Evidence

In any prosecution for the contravention of any provision of these Regulations a certificate alleging—

(a) the cost of the controlled goods to the seller thereof;

(b) the maximum charge for delivery under regulation 6 (1) (c);

(c) the price at which it was or would have been permissible for any specified person to sell such controlled goods on any specified date or during any specified period and the method by which such price was arrived at;

(d) the contents of any Order made by the Minister and not published in the Gazette;

(e) the conditions imposed by the Minister in any permission or exemption granted under these Regulations;

(f) that any controlled goods which are alleged to have been sold or purchased, as the case may be, are controlled goods of a particular class, type or description,

shall, if purporting to have been signed by or on behalf of the Minister, be admissible as prima facie evidence of the facts therein stated.

16. Offences

(1) Any person who—

(a) contravenes or fails to comply with any order or request or demand lawfully made under these Regulations;

(b) wilfully furnishes the Minister or an inspector with any incorrect or incomplete information or explanation;

(c) hinders or obstructs or delays an inspector in the performance of his duties or the exercise of his powers under these Regulations;

(d) refuses or fails to answer to the best of his knowledge any question lawfully put to him under these Regulations;

(e) fails to comply with any conditions lawfully imposed by the Minister in granting any permission or exemption under these Regulations;

(f) sells or agrees to sell any controlled goods at a price which exceeds, is less than or differs from, the appropriate price at which it is permissible for him to sell such controlled goods under any Order;

(g) renders, in respect of any controlled goods sold, an account specifying a price which exceeds the appropriate price at which it is permissible for him to sell such goods under these Regulations;

(h) makes a charge for delivery of controlled goods which exceeds the appropriate charge which it is permissible for him to make for such service under these Regulations;

(i) makes use of any art, device or contrivance which has the effect of evading these Regulations or any Order;

(j) gives to any other person in connection with any sale of controlled goods and the delivery thereof any invoice, statement of account or like document which is fictitious or false in any material particular;

(k) discloses, except to the Minister or to any person whose duty it is to deal with the subject matter of the disclosure, or when required to do so as a witness in a court of law, or for the purposes of these Regulations, any information in relation to any person or business acquired in the performance of his duties in carrying out, or in the exercise of his powers under, these Regulations;

(l) contravenes or fails to comply with any of these Regulations or any Order,

shall be guilty of an offence.

(2) Notwithstanding paragraph (1), no person who sells controlled goods under a hire-purchase agreement or instalment sale agreement shall be guilty of an offence by reason of the fact that the purchase price of the goods, as defined in the Hire-Purchase Act, exceeds, is less than or differs from, as the case may be, the appropriate price at which it is permissible to sell such controlled goods in term of any order. Cap. 48:05

17. Publication of Orders not necessary

It shall not be necessary to publish in the Gazette any Order which relates only to a particular person or persons named therein and any such Order may be conveyed to such person or persons by letter.

CONTROL OF GOODS (DETERMINATION OF COST) ORDER

under reg. 2

of the Control of Goods (Price Control) Regulations

G.N. 60/1967

1. Citation

This Order may be cited as the Control of Goods (Determination of Cost) Order.

2. Determination of cost

The cost of controlled goods shall be determined in the manner prescribed in this Order.

3. Importer's costs

(1) Where any controlled goods which have been imported from overseas are sold by the importer thereof, the cost of any unit of such goods shall be the charges necessarily incurred per unit by such importer in respect of—

(a) the free-on-board price of such goods at the port of shipment, including the charges for cables confirming the purchase, the charges for storage pending shipment, and insurance whilst so stored;

(b) the freight from the port of shipment to the port of discharge;

(c) marine and transshipment insurance from the warehouse at the port of shipment to the warehouse of the importer;

(d) the buyer's and additionally or alternatively the shipper's commission, not exceeding five per centum of the charges incurred in subparagraphs (a), (b) and (c);

(e) bank charges and bank commission;

(f) customs duty and clearing charges;

(g) landing and handling charges at port of discharge;

(h) railage and carriage costs from the port of discharge to the premises of the importer;

(i) such other charge or charges as may be authorized by the Minister in writing.

(2) Where controlled goods have been imported from elsewhere than overseas and the importer thereof sells the goods, the cost of any unit of these goods shall be the charge necessarily incurred per unit by such importer in respect of—

(a) the free-on-rail price of such goods at the place of dispatch;

(b) railage and cartage costs to the premises of the importer;

(c) insurance;

(d) customs duty and clearing charges;

(e) such other charge or charges as may be authorized by the Minister in writing.

4. Dealer's costs

Where any controlled goods are sold by a dealer who is not the manufacturer or producer of such goods, the cost of any unit of such goods shall be the price, before deduction of cash discount not exceeding 2½ per centum paid to the seller for such unit of such goods by such dealer, plus the costs of transportation, if any, ordinarily incurred on such unit of such goods from the seller's to the buyer's premises.

5. Manufacturer's costs

When any controlled goods which have been manufactured in Malawi are sold by the manufacturer thereof, the cost to the seller of such goods shall be the cost of the materials, including

packing materials, contained in such goods determined in accordance with paragraph 3 in so far as they may be applicable, plus the costs mentioned hereunder in respect of such goods—

- (a) wages and salaries incurred in the manufacture of such goods, including costs of rations, board or lodging when supplied by the manufacturer;
- (b) fuel and power used in the manufacture of such goods;
- (c) insurance, rents, rates and taxes incurred on the premises or on plant used in the manufacture of such goods;
- (d) plant and machinery maintenance incurred in the manufacture of such goods;
- (e) depreciation of plant and machinery incurred in the manufacture of such goods at the rates accepted by the Commissioner of Taxes;
- (f) such other charge or charges as may be allowed in writing by the Minister:

Provided that where such costs are not ascertainable by the direct allocation of the costs of these services, they shall be based on manufacturing operations over a continuous period of at least six months ending on a date within twelve months of the date of sale.

6. Averaging of costs

Notwithstanding paragraphs 3 and 4 a dealer who has at one time stocks on hand of controlled goods of like quality, size and nature, the costs of which differ, may average such costs by dividing the aggregate cost of the whole stock of such goods by the total number of units of such goods on hand immediately after receiving the last consignment of such goods provided that he shall—

- (a) keep a record which will show full particulars of the costs and quantities of the controlled goods upon which he determined the average cost;
- (b) preserve all records and documents upon which he relied in making the entries referred to in paragraph (a) for a period of not less than twelve months;
- (c) not alter his basis of determination of the cost of such goods without the written permission of the Minister; and
- (d) not sell any such goods at a price based on an average cost until the entries in the record have been completed.

CONTROL OF GOODS (PRICE CONTROL) (BEER PRICES) ORDER

[Revoked by G.N. 6/1985.]

CONTROL OF GOODS (DISPLAY OF PRICES) ORDER

under reg. 6

of the Control of Goods (Price Control) Regulations

G.N. 71/1979

1. Citation

This Order may be cited as the Control of Goods (Display of Prices) Order.

2. Interpretation

In this Order, unless the context otherwise requires—

“dealer” means a person who in any premises carries on the business of selling goods by retail or by wholesale;

“premises” includes any display window, shop window or show case.

3. Display of prices

A dealer who in or upon the premises upon which he carries on business offers for sale any goods whatsoever shall display the prices at which such goods are so offered by placing such prices thereon in figures clearly legible to intending purchasers viewing the goods:

Provided that the individual prices of goods of an identical kind grouped together may be indicated by single ticket.

CONTROL OF GOODS (PRICE CONTROL) (HOES PRICES) ORDER

[Revoked by G.N. 125/1985.]

CONTROL OF GOODS (PRICE CONTROL) (MATCHES PRICES) ORDER

[Revoked by G.N. 5/1985]

CONTROL OF GOODS (PRICE CONTROL) (MEAT PRICES) ORDER

G.N. 45/1980

60/1981

69/1984

110/1985

127/1985

75/1987

[Revoked by G.N. 48/1988.]

CONTROL OF GOODS (PRICE CONTROL) (MEDICINE PRICES) ORDER

[Revoked by G.N. 126/1985.]

CONTROL OF GOODS (PRICE CONTROL) (MILK PRODUCTS AND INFANT FOODS PRODUCTS PRICES)
ORDER

G.N. 113/1981

[Revoked by G.N. 84/1958.]

CONTROL OF GOODS (PRICE CONTROL) (MOTOR FUEL PRICES) ORDER

[Revoked by G.N. 79/1987.]

CONTROL OF GOODS (PRICE CONTROL) (MOTOR VEHICLE SPARE PARTS PRICES) ORDER

under reg. 6

of the Control of Goods (Price Control) Regulations

G.N. 40/1982

[Revoked by G.N. 22/1996.]

CONTROL OF GOODS (PRICE CONTROL) (PETROL PRICES) ORDER

under reg. 6

of the Control of Goods (Price Control) Regulations

1. Citation

This Order may be cited as the Control of Goods (Petrol Prices) Order.

2. Interpretation

In this Order—

“Petrol” means refined petroleum capable of being used as a motor spirit, but does not include aviation fuel supplied for use in aircraft, paraffin, distillate fuel, furnace oil or diesel oil;

“wholesale dealer” means—

- (a) Caltex Oil (Malawi) Limited;
- (b) Mobil Oil (Malawi) Pvt. Limited;
- (c) Oil Company of Malawi Limited;
- (d) Shell (Malawi) Limited; or
- (e) Total (Malawi) Limited.

3. Maximum price at which petrol is to be sold

The maximum price at which petrol may be sold by a person other than a wholesale dealer shall be the price paid to the wholesale dealer for such petrol plus— G.N. 80/1982

- (a) the cost of transport, if any, ordinarily incurred by such person in respect of such petrol;
- (b) the amount of customs duty, if any, actually paid by such person in respect of such petrol; and
- (c) four and five-tenths tambala per litre:

Provided that the maximum price for quantities of less than one litre or one gallon, as the case may be, shall be proportional to that allowed respectively for one litre, or one gallon.

4. Fractional prices

When the total price is calculated under this Order for a quantity of petrol, any fraction of one tambala outstanding which is less than half of one tambala shall be disregarded, and any fraction of one tambala which is equal or more than half of one tambala shall be taken as one tambala.

CONTROL OF GOODS (PRICE CONTROL) (PETROLEUM FUEL PRICES) ORDER

under reg. 6

of the Control of Goods (Price Control) Regulations

G.N. 79/1987

127/1987

16/1988

19/1990

74/1992

119/1992

78/1993

7/1994

28/1994

76/1994

1/1995

59/1995

19/1998

30/1999

[Revoked by G.N. 48/2000]

CONTROL OF GOODS (PRICE CONTROL) (SUGAR PRICES) ORDER

under reg. 6

of the Control of Goods (Price Control) Regulations

[Revoked by G.N. 58/1994]

CONTROL OF GOODS (FORM OF INVOICES) ORDER

under reg. 10

of the Control of Goods (Price Control) Regulations

G.N. 62/1986

1. Citation

This Order may be cited as the Control of Goods (Form of Invoices) Order.

2. Invoice of sales

(1) Every dealer who sells controlled goods in any wholesale sale shall at the time of such sale, or within seven days, furnish the purchaser with an invoice in the English language in respect of such goods, giving the following particulars—

- (a) the date of sale;
- (b) the number of quantity of the goods sold;
- (c) the type, grade, make or quality of the goods sold; and
- (d) the purchase price of the goods sold.

(2) Every dealer who sells controlled goods in any retail sale shall, if required by the purchaser at the time of sale, give to the purchaser an invoice in respect of such goods giving the following particulars—

- (a) the date of sale;
- (b) the number of quantity of the goods sold;
- (c) the type, make or quality of the goods sold; and
- (d) the purchase price of the goods sold.

3. Retention of invoice copies

The seller of any goods, whether the transaction is wholesale or retail or for cash or on credit, shall retain a copy of the invoices mentioned in paragraph 2 for a period of not less than twelve months from the date of sale.

4. Purchase of controlled goods for resale

The purchaser of any controlled goods, which are purchased with the object of resale shall maintain and preserve for a period of not less than twelve months such records and documents as will enable the cost to him of the said goods and the price at which he sold them to be readily and accurately ascertained.

CONTROL OF GOODS (IMPORT AND EXPORT) (AGRICULTURE) REGULATIONS

under s. 3

G.N. 75/1967

126/1971

125/1972

150/1973

82/1988

45/1997

1. Citation

These Regulations may be cited as the Control of Goods (Import and Export) (Agriculture) Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“controlled goods” means any goods specified in the Schedule or any class of such goods, the import into or the export from Malawi of which is prohibited, restricted or otherwise controlled by an Order made under regulation 3.

3. Orders controlling imports

(1) The Minister, after consultation with the Minister responsible for Agriculture, or the Minister responsible for Natural Resources, as the case may be, may make Orders prohibiting, restricting or otherwise controlling the import into or the export from Malawi, of any goods specified in the Schedule or any class of such goods. G.N. 82/1988

(2) Without derogation from the generality of the powers conferred by subregulation (1), an Order made under this regulation may—

(a) prescribe the terms and conditions subject to which controlled goods or any class of such goods may be imported into or exported from Malawi;

(b) provide for empowering such person as may be prescribed by the Order—

(i) to issue permits authorizing, to such extent as may be prescribed by the Order, the import into or the export from Malawi of any controlled goods or any class of such goods;

(ii) on the issue of any permit, to impose terms and conditions subject to which the controlled goods to which the permit relates or any class of such goods, may be imported into or exported from Malawi; and

(iii) to revoke any such permit issued by him in such circumstances and in such manner as may be prescribed by the Order.

(3) An Order made under this regulation may be administered by such other Minister or authority as the Minister may, in such Order, specify. G.N. 82/1988

SCHEDULE G.N. 45/1997

1. Animal semen.
2. Barley; barley malt.
3. Bees, unmanufactured beeswax, foundation comb.
4. Bones; bone meal.
5. Carcasses, portions of carcasses and offal of animals (including poultry and other birds, but excluding reptiles) and the edible products manufactured therefrom, including beef, veal, mutton, lamb, pig meat, goat meat, and canned products.
6. Compound animal foodstuffs.
7. Dairy produce, including ice cream and ice cream mix.
8. Eggs of poultry and other birds, whether in shell, pulp or dried form.
9. Fish, whether fresh or dried, including fish meal.
10. Fodder; forage.
11. Grain of any variety, including barley, beans, groundnuts, and grain meals, flours and residues.
12. Hay; grass or straw in any variety.
13. Hides and skins.
14. Sorghums, sorghum meal, sorghum malt.
15. Live animals, including poultry and other birds, but excluding reptiles.
16. Manure.
17. Meat meal, blood meal, carcass meal.
18. Oil seeds, oil meal, oil cake, and offals and residues from oil seeds.
19. Potatoes.

20. Seeds for planting in quantities exceeding 200 lb.
21. Tea.
22. Tomatoes.
23. Tobacco.
24. Unprocessed poultry feathers, which are not part of a manufactured article.
25. Used beehives, used bee-keeping accessories and appliances.
26. Used poultry crates and incubators.
27. Vaccines, toxins, sera and analogous biological products used for the diagnosis or treatment of diseases in animals.
28. Vegetable oils.
29. Citrus fruits.
30. Bananas.
31. Live fish including the eggs and spawn thereof.
32. Wild animals, wild animal trophies and wild animal products.
33. Cassava.
34. Fruit and vegetables (including lettuce, cabbage, cauliflower, rape, turnips, Chinese cabbage, fresh beans, fresh peas, green pepper, fresh chillies, onions, carrots, beetroot, radishes, tomatoes, egg plants, irish potatoes and oranges).

CONTROL OF GOODS (IMPORT AND EXPORT) (AGRICULTURE) ORDER

under reg. 3

of the Control of Goods (Import and Export) (Agriculture) Regulations

G.N. 80/1967

124/1967

141/1967

269/1969

188/1971

136/1972

83/1988

12/1994

42/1995

18/1996

1. Citation

This Order may be cited as the Control of Goods(Import and Export)Agriculture)Order

2. Interpretation

In this Order, unless the context otherwise requires—

“bee-keeping accessories and appliances” does not include any container of honey; G.N. 83/1988

“container of honey” means a bottle, can, jar or any other receptacle whatsoever which is used solely for storing or transporting honey;

“form” means a form prescribed in the Second Schedule;

“honey” includes unprocessed royal jelly;

“issuing authority” in relation to an application for the issue of a permit under the Order means the Secretary for Trade and Industry; G.N. 83/1988

“southern country” means Angola, Lesotho, Botswana, Kenya, Mozambique, Rwanda, Burundi, Congo (Kinshasa), South-West Africa, Swaziland, Tanzania, Uganda, Republic of South Africa, Zambia and Zimbabwe.

3. Import and export permits

(1) The issuing authority may issue a permit authorizing, subject to this Order and any other written law—

(a) the import into Malawi from any country, other than a southern country, of bees, honey or any container of honey, unmanufactured beeswax, foundation comb, used beehives and used bee-keeping accessories and appliances;

(b) the import into Malawi of any goods listed in Part I of the First Schedule;

(c) the export from Malawi of any goods listed in Part II of the First Schedule, on such terms and conditions as may be specified in the permit.

(2) A permit issued under this paragraph shall—

- (a) if it relates to the import of goods into Malawi, be in Form No. 1;
- (b) if it relates to the export of goods from Malawi, be in Form No. 2;

4. Goods prohibited without a permit

No person shall import any bees, honey or any container of honey, unmanufactured beeswax, foundation comb, used beehives or used bee-keeping accessories and appliances into Malawi from any country other than a southern country except under and in accordance with the terms and conditions of a Permit issued under paragraph 3.

5. Scheduled goods require a permit

(1) Subject to subparagraph (2), no person shall import into Malawi any goods listed in Part I of the First Schedule except under and in accordance with the terms and conditions of a permit issued under paragraph 3.

(2) Subparagraph (1) shall not apply in relation to—

(a) any goods which are in the course of transit through Malawi to a place beyond the borders thereof;

(b) any goods not exceeding 10 lb. in weight or K4 in value which are imported into Malawi by an individual residing in Malawi for his personal domestic consumption and not for sale or disposal to any other person;

(c) any goods not exceeding 10 lb. in weight or K4 in value which are imported into Malawi as a bona fide gift from a person residing outside Malawi to a person residing in Malawi.

6. Limitation on exports

(1) Subject to subparagraph (2), no person shall export from Malawi any goods listed in Part II of the First Schedule except under and in accordance with the terms and conditions of a permit issued under paragraph 3.

(2) Subparagraph (1) shall not apply in relation to any goods which are in the course of transit through Malawi to a place beyond the borders thereof.

7. Application

An application for the issue of a permit under this Order shall be made in writing and, subject to paragraph 8, shall be addressed to: Secretary for Trade and Industry, P.O. Box 30366, Lilongwe 3. G.N. 83/1988

8. Issue of permit

Where a permit is required in accordance with this Order and also in accordance with any written law in force relating to the import of animals or infectious things pertaining to animals (hereinafter in this paragraph referred to as a specified law) to authorize the import into Malawi of the same goods—

(a) an application for the issue of a permit in terms of this Order shall be deemed to be an application for the issue of a permit in terms of a specified law;

(b) if the issuing authority issues a permit he shall thereupon forward the permit and the application to the appropriate person authorized to issue a permit in terms of a specified law to be dealt with by such person in accordance with such law unless—

(i) the issuing authority is satisfied that the person authorized to issue a permit in terms of a specified law has already issued a permit which is in force; or

(ii) the applicant specifically requests otherwise;

(c) the issuing authority shall not issue a permit under this Order if he is satisfied that the person authorized to issue a permit in terms of a specified law has already refused to issue a permit;

(d) if the issuing authority issues a permit under this Order after being furnished with a permit issued by the person authorized to issue a permit in terms of a specified law he shall thereupon forward both permits to the applicant.

9. Application of other laws

Nothing contained in this Order or in any permit issued thereunder shall exempt the holder of such permit from complying with any other written law controlling the import into or the export from Malawi of the goods to which such permit relates.

FIRST SCHEDULE

PART I

GOODS FOR THE IMPORT OF WHICH A PERMIT ISSUED UNDER PARAGRAPH 3 IS REQUIRED G.N. 83/1988, 42/1995

1. Beans, excluding—

(a) seed beans in quantities of less than 200 lb.;

(b) beans which are tinned, bottled or otherwise preserved.

2. Compound products containing flour, meal, residues and other preparations of a kind suitable only for use as animal feedstuffs, but excluding—

(a) chemical additions to animal feedstuffs;

- (b) antibiotic growth stimulants;
- (c) inert fillers;
- (d) trace elements;
- (e) synthetic animal feedstuffs;
- (f) bird seed;
- (g) cat and dog feeds; and
- (h) salt lick for cattle.

3. Eggs of poultry, whether in shell, pulp or dried form; eggs of wild birds.

4. Groundnuts.

5. Maize, including—

- (a) dried maize, on or off the cob;
- (b) crushed maize; or
- (c) samp;

but excluding green maize on the cob.

6. Maize meal, including—

- (a) maize grits;
- (b) maize cones;
- (c) hominy chop;
- (d) maize offals; or
- (e) processed maize meal with or without additives.

7. Live poultry, including day-old chicks.

8. Rice, in the grain.

9. Live fish, including the eggs and spawn thereof.

10. Wild animals, wild animal trophies and wild animal product.

PART II

GOODS FOR THE EXPORT OF WHICH A PERMIT ISSUED UNDER PARAGRAPH 3 IS REQUIRED G.N. 12/1994,
18/1996

1. Peas, excluding dolichos beans, velvet beans, chick peas and cow peas.
2. Bean meal.
3. Sorghum meal or sorghum malt.
4. Maize, including—
 - (a) dried maize, on or off the cob;
 - (b) crushed maize; or
 - (c) samp;

but excluding green maize on the cob.

5. Maize meal, including—
 - (a) maize grits;
 - (b) maize cones;
 - (c) hominy chop; or
 - (d) maize offals.
6. Munga or munga meal (millets).
7. Rupoko meal and grams, excluding green grams and black grams
8. Oil meal, oil cake and oil seeds, excluding sesame seeds
9. Rice in the grain.
10. Seeds for planting in quantities of more than 200 lb.
11. Tobacco.
12. Live fish, including the eggs and spawn thereof.
13. Wild animals, wild animal trophies and wild animal products.
14. Tea.
15. Cassava.

SECOND SCHEDULE

FORM OF PERMITS

Form No. 1

IMPORT PERMIT

ISSUED IN TERMS OF THE CONTROL OF GOODS (IMPORT AND EXPORT) (AGRICULTURE) ORDER

No IN EXERCISE of the powers conferred upon the issuing authority by the Control of Goods (Import and Export) (Agriculture) Order (Cap. 18:08 p. 28) is hereby authorized, subject to that Order and any other written law, to import into Malawi

..... fromon the following terms and conditions— 1. 2. This permit is valid untilDate

Issuing Authority

Form No. 2

EXPORT PERMIT

ISSUED IN TERMS OF THE CONTROL OF GOODS (IMPORT AND EXPORT) (AGRICULTURE) ORDER

No IN EXERCISE of the powers conferred upon the issuing authority by the Control of Goods (Import and Export) (Agriculture) Order (Cap. 18:08 p. 28) is hereby authorized, subject to that Order and of any other written law, to export from Malawi on the following terms and conditions— 1.

..... 2. This permit is valid untilDate

Issuing Authority

CONTROL OF GOODS (IMPORT OF RADIOACTIVE SUBSTANCES) REGULATIONS

under s. 3

G.N. 76/1967

1. Citation

These Regulations may be cited as the Control of Goods (Import of Radioactive Substances) Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“radioactive substance” means any substance which consists of or contains any radioactive chemical element whether natural or artificial and whose specific activity exceeds 0.002 of a microcurie per gramme of parent radioactive chemical element of substance and which has a total activity of more than 0.1 microcurie;

“appropriate designation”, in relation to a substance, constituent or ingredient, means the accepted scientific name or other name descriptive of the nature of the substance, constituent or ingredient.

3. Open import licences

The Minister may, by notice published in the Gazette, issue open import licences authorizing, subject to any other law, the import into Malawi of any radioactive substance.

4. Restriction on import of radioactive substance

No person shall import into Malawi any radioactive substance unless—

(a) he is authorized to do so in terms of an open import licence issued in terms of regulation 3; or

(b) he has obtained a licence to do so from the Secretary for Economic Affairs,

and there is clearly and legibly written on the container in which the substance is placed or on a label affixed thereto—

(i) the appropriate designation of the substance or of each of the active constituents thereof or of each of the ingredients of which it has been compounded; and

(ii) if the appropriate designation of each of the active constituents or the ingredients is written on the container or label, the appropriate quantitative particulars of such constituents or ingredients.

5. Application for licence

Applications for the issue of a licence in terms of regulation 4 (b) shall contain the following information—

(a) name and address of the importers;

- (b) purpose for which the radioactive substance is to be used (medical, research, industrial or educational);
- (c) description of use to be made of radioactive substance;
- (d) name and address of person or persons responsible for using radioactive substance;
- (e) qualifications of person or persons responsible for using radioactive substance;
- (f) appropriate designation of radioactive substance;
- (g) physical state of radioactive substance (liquid, gas or solid);
- (h) activity in millicuries on arrival in Malawi;
- (i) radiation at surface of the container;
- (j) whether source of radiation is sealed or unsealed;
- (k) type of radiation;
- (l) half-life;
- (m) place of origin, e.g. Harwell, etc.;
- (n) port and date of arrival in Malawi;
- (o) mode of transport and number of vehicle if by road;
- (p) address of place where radioactive substance is to be used;
- (q) proposed means of final disposal.

CONTROL OF GOODS (IMPORT AND EXPORT) (COMMERCE) REGULATIONS

G.N. 107/1991

CONTROL OF GOODS (IMPORT OF COSMETICS) ORDER

under reg. 3

of the Control of Goods (Import and Export) (Commerce) Regulations

1. Citation

This Order may be cited as the Control of Goods (Import of Cosmetics) Order.

2. Interpretation

In this Order—

“cosmetic” means any skin care or skin lightening preparation and any complexion creams.

3. Prohibition of imports of cosmetics

No person shall import into Malawi or sell or offer for sale or distribute or otherwise deal in—

- (a) any cosmetic with a level of hydroquinone above 2 per cent mass to mass;
- (b) any cosmetic the use of which is prohibited, restricted or otherwise controlled in the country of export or manufacture;
- (c) any cosmetic, except in a properly sealed container on which there is marked, clearly and legibly in the English language—
 - (i) the ingredients contained in such cosmetic and the percentage or volume level of each of the ingredients;
 - (ii) a certificate of quality issued in respect of such cosmetic by a recognized standards board or similar authority of the country of export or manufacture;
 - (iii) the date of expiry of the quantity in the container.

CONTROL OF GOODS (CONTROL OF DISTRIBUTION OF COMMODITIES) REGULATIONS

under s. 3(b)

G.N. 12A/1994

1. Citation

These Regulations may be cited as the Control of Goods (Control of Distribution of Commodities) Regulations.

2. Control of distribution of commodities

The Minister of Trade and Industry may make orders for the control of the distribution of any commodity in Malawi.

CONTROL OF GOODS (CONTROL OF DISTRIBUTION OF COMMODITIES) REGULATIONS

G.N. 19/1994

CONTROL OF GOODS (DISTRIBUTION OF SUGAR) ORDER

under reg. 2

[Revoked by G.N. 33/1996]

CONTROL OF GOODS (REGISTRATION) REGULATIONS

made under the Control of Goods Act, 1968

(28 of 1968)

G.N. 190/1968

1. Citation

These Regulations may be cited as the Control of Goods (Registration) Regulations.

2. Prescribed form of certificate

The certificate of registration issued under section 4 (2) of the Act shall be in the form in the Schedule hereto.

SCHEDULE

FORM I

CONTROL OF GOODS ACT, 1968

(28 OF 1968)

No.CERTIFICATE OF REGISTRATION AS AN IMPORTER/EXPORTER This is to Certify that I,, Minister of Trade and Industry, in exercise of the powers conferred by section 4 of the Control of Goods Act, 1968, (28 of 1968) have registered as an importer/exporter. This Certificate is issued subject to the following conditions: 1. The holder shall produce this Certificate, upon request, to any officer of the Customs. 2. This Certificate does not exempt the holder from compliance with any law relating to, or controlling, the import into or export from Malawi of any goods. 3. This Certificate does not, per se, entitle the holder to the grant of any licence to import into or export from Malawi any goods.4. The holder shall notify the Secretary for Trade and Industry immediately of any transfer of the control of the business in respect of which this Certificate is issued, or of any change in the partners or directors of the said business.Given at this day of 19.....Signed

Minister of Trade and Industry