MALAWI GOVERNMENT

(Published 4th February, 2022)

Act

No. 1 of 2022

I assent

DR. LAZARUS MCCARTHY CHAKWERA
PRESIDENT
28th January, 2022

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title
2. Amendment of s.12 to Act No. 1 of 2018
3. Insertion of s.12A into the principal Act
4. Amendment of s.18 of the principal Act

An Act to amend the Political Parties Act

ENACTED by the Parliament of Malawi as follows—

1. This Act may be cited as the Political Parties (Amendment) Act, 2022. Short title

2. Section 12 of the Political Parties Act (hereinafter referred to as the "principal Act") is amended by— Amendment of s.12 of Act No. 1 of 2018

(*a*) inserting a new subsection (3) immediately after subsection (2) as follows—

"(3) The manifesto of the party submitted under subsection (2) (*b*) (i) shall comply with the requirement in section 12A."; and

(*b*) renumbering the current subsections (3) and (4) as subsections (4) and (5), respectively.

3. The principal Act is amended by inserting, immediately after section 12, a new section 12A as follows— Insertion of s.12A into the principal Act

"Party manifesto to align to national development agenda

12A.—(1) The Registrar shall not register a political party unless its manifesto is aligned to the national development agenda applicable at the time of registration.

(2) A political party intending to register under this Act, shall submit its manifesto to the National Planning Commission for certification as aligned to the national development agenda:

Provided that a person intending to contest in a presidential election as an independent candidate shall, on presentation of his nomination papers, also submit to the Electoral Commission a manifesto duly certified by the National Planning Commission as aligned to the national development agenda.

(3) The National Planning Commission shall, within fourteen days of receiving an application under subsection (2), review the manifesto and serve its decision, in writing, on the political party.

(4) Where the National Planning Commission determines that the manifesto is aligned to the national development agenda, it shall certify the manifesto for registration.

(5) Where the National Planning Commission determines that the manifesto is not aligned to the national development agenda, the decision served on the political party shall include reasons for the decision.

(6) A political party that is already registered on the date this Act comes into force shall submit its current manifesto to the National Planning Commission for certification of alignment to the national development agenda.

(7) Where the National Planning Commission is satisfied that a manifesto submitted under subsection (6) is aligned to the national development agenda, the National Planning Commission shall issue a certificate of compliance.

(8) Where the National Planning Commission finds that a manifesto submitted under subsection (6) is not aligned to the national development agenda, the National Planning Commission shall give the political party twenty one days to submit a compliant manifesto.

(9) Where the National Planning Commission fails to communicate its decision within the period prescribed under subsection (3), the manifesto shall be deemed to be aligned to the national development agenda and the Registrar shall, upon being provided with evidence of the National Planning Commission's failure to comply with the subsection, register the political party.

(10) The National Planning Commission shall provide the relevant technical support to political parties in aligning their manifestos to the national development agenda.

(11) A political party aggrieved by a decision of the National Planning Commission may, within thirty days of receiving the decision, apply to the High Court for review of the decision, and the High Court shall make such order as it thinks fit.

(12) A political party in Government shall implement its manifesto so as to achieve the national development agenda.

(13) For purposes of this section, "alignment with the national development agenda" means the vision and strategies articulated in the manifesto, while outlining a unique ideology and strategies, are capable of contributing to the realization of the development goals articulated in the national development agenda.".

Amendment of s.18 of the principal Act

4. Section 18 of the principal Act is amended by—

(*a*) inserting new subsections (3) and (4) immediately after subsection (2) as follows—

"(3) The Registrar shall not register an amendment to the manifesto of the political party submitted under subsection (2), unless the amendment is aligned to the national development agenda applicable at the time of registration.

(4) Subsections (2), (3), (4), (5), (9), (10) and (11) of section 12A shall apply, with the necessary modifications, to registration of an amendment to a political party manifesto."; and

(*b*) renumbering the current subsection (3) as subsection (5).

Passed in Parliament this second day of December, two thousand and twenty one.

FIONA KALEMBA
Clerk of Parliament