**(Published 20th May, 2022)**

**Act**

**No. 13 of 2022**

I assent

DR. LAZARUS MCCARTHY CHAKWERA
PRESIDENT
12th May, 2022

ARRANGEMENT OF SECTIONS

SECTION
1. Short title and commencement
2. Amendment of s. 45 of Cap. 58:01
3. Amendment of s. 49 of the principal Act
4. Amendment of s. 71 of the principal Act
5. Amendment of s. 108 of the principal Act
6. Amendment of s. 134 of the principal Act
7. Replacement of s. 139 of the principal Act

**An Act to amend the Registered Land Act**

ENACTED by the Parliament of Malawi as follows—

Short title and commencement

**1.** This Act may be cited as the Registered Land (Amendment) Act, 2022, and shall come into force on a date appointed by the Minister by notice published in the *Gazette*.

Amendment of s. 45 of Cap. 58:01

**2.** The Registered Land Act (hereinafter referred to as the "principal Act") is amended, in section 45, by deleting subsection (2) and substituting therefor the following new subsection (2)—

"(2) Where a lessee continues to occupy the land after the termination of the lease, acceptance of payment of rent which accrued after the termination of the lease shall not constitute acceptance of a periodic lease, tenancy or any other lease by the lessor.".

Amendment of s. 49 of the principal Act

**3.** Section 49 of the principal Act is amended by deleting subsection (3) and substituting therefor the following new subsection (3)—

"(3) A lessor shall not be deemed to have waived his right of forfeiture by reason only that he accepted payment of rent which became due after the breach of agreement or condition which entitled the lessor to forfeit the lease, unless the lessor, with full knowledge of the breach, has taken any other positive action showing an intention to treat the lease as subsisting.".

Amendment of s. 71 of the principal Act

**4.** Section 71 of the principal Act is amended, in subsection (1), by inserting the words "upon recommendation of a registered Government valuer" immediately after the words "the Registrar may".

Amendment of s.108 of the principal Act

**5.** Section 108 of the principal Act is amended, in subsection (1), by deleting the words "twenty-one years" and substituting therefor the words "eighteen years".

Amendment of s. 134 of the principal Act

**6.** Section 134 of the principal Act is amended, in the proviso to subsection (1), by inserting the word "estate" immediately after the word "customary".

Replacement of s.139 of the principal Act

**7.** Section 139 of the principal Act is repealed and replaced with the following new section 139—

"Rectification by court

**139.**—(1) Subject to subsection (2), the court may order rectification of the register by directing that any registration be cancelled or amended where it is satisfied that any registration, including a first registration, has been obtained, made or omitted by fraud, corrupt practice or mistake.

(2) The register shall not be rectified so as to affect the title of a proprietor who is in possession or is in receipt of the rents or profits and acquired the land, lease or charge for valuable consideration, unless such proprietor had knowledge of the omission, fraud, corrupt practice or mistake in consequence of which the rectification is sought, or caused such omission, fraud, corrupt practice or mistake or substantially contributed to it by his act, neglect or default.".

Passed in Parliament this twenty eighth day of March, two thousand and twenty-two.

FIONA KALEMBA
*Clerk of Parliament*