(Published 20th May, 2022)

Act

No. 14 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. 2 of Cap. 58:04
3. Insertion of s. 3A into the principal Act
4. Replacement of s. 10 of the principal Act

An Act to amend the Lands Acquisition and Compensation Act

ENACTED by the Parliament of Malawi as follows—

Short title and commencement

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

Amendment of section 2 of Cap. 58:04

2. The Lands Acquisition and Compensation Act (hereinafter referred to as "the principal Act") is amended, in section 2, by inserting therein, in the correct alphabetical order, the following new definitions—

""customary estate" has the meaning assigned thereto in the Customary Land Act"; Cap. 59:01

""customary land" has the meaning assigned thereto in the Land Act"; Cap. 57:01

""injurious affection" means the reduction in the market value of a remaining piece of land caused by the acquisition of land, or

by the construction of works on the acquired land, or use of the acquired land for construction works";

""private developer" means any person, organization or body corporate other than a Government entity"; and

""severance" means the act of severing a piece of land from a larger tract of land, resulting in the loss of market value of the severed land;".

Insertion of s. 3A into the principal Act

3. The principal Act is amended by inserting, immediately after section 3, a new section 3A as follows—

"Acquisition of customary land by a private developer

3A. Subject to any written law, where a private developer acquires customary land or a customary estate, the private developer shall—

(*a*) pay compensation, to be assessed by a valuer appointed by the Minister; and

(*b*) pay the costs of the valuer.".

4. Section 10 of the principal Act is repealed and replaced with the following new section 10—

Assessment of compesation

10.— (1) Appropriate compensation of any acquisition of land by Government shall be assessed by a valuer appointed by the Minister.

(2) Where a person is dissatisfied with the appointment of a valuer by the Minister, the person may appoint a licensed valuer of his choice, provided that the costs of the valuer shall be paid by the person that appoints the valuer.

(3) An assessment of compensation shall be calculated based on any of the following grounds—

(*a*) loss of occupational rights;

(*b*) loss of land;

(*c*) loss of structure;

(*d*) loss of business;

(*e*) relocation costs;

(*f*) loss of good will;

(*g*) costs of professional advice;

(*h*) nuisance;

(*i*) injurious affection;

(*j*) severance;

(*k*) loss or reduction of tenure; or

(*l*) disturbance, if it is not too remote and is a natural and reasonable consequence of the disposition of the land.".

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

FIONA KALEMBA
Clerk of Parliament