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Act

No. 24 of 2022

I assent

DR. LAZARUS MCCARTHY CHAKWERA
PRESIDENT
12th May, 2022

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Amendment of s. 4 of the National Children's Commission Act, 2019
3. Amendment of s. 5 of the Principal Act
4. Amendment of s. 6 of the Principal Act

An Act to amend the National Children's Commission

ENACTED by the Parliament of Malawi as follows—

Short title

1. This Act may be cited as the National Children's Commission (Amendment) Act, 2022.

Amendment of s.4 of the National Children's Commission Act No. 12 of 2019

2. The National Children's Commission Act, 2019 (hereinafter referred to as the "principal Act"), is amended, by repealing section 4 and substituting therefor the following new section as section 4—

"Composition of the Commission

"4.— (1) The Commission shall consist of—

(*a*) five (5) members, at least two (2) of whom shall be women, appointed by the President as follows—

(i) two (2) members nominated by local non-governmental organizations engaged in child affairs;

(ii) one (1) member from the private sector with demonstrated interest in, or working on, issues related to child affairs, nominated by the Malawi Confederation of Chambers of Commerce and Industry; and

(iii) two (2) members nominated by umbrella religious bodies; and

(*b*) the following as *ex-officio* members—

(i) the Secretary responsible for Children affairs;

(ii) the Secretary to the Treasury; and

(iii) the Executive Secretary of the Malawi Human Rights Commission.

(2) The appointment of Members of the Commission under subsection (1) (*a*) shall be confirmed by the Public Appointments Committee of the National Assembly.

(3) The Minister shall publish names of all members of the Commission, as first constituted, and every change in the membership, in the *Gazette*.

(4) Notwithstanding any other provisions in this section, the Commission shall co-opt two (2) children, a male and female, to be members of the Commission for a renewable term of one (1) year.

(5) Children co-opted by the Commission under subsection (4), shall not be below the age of sixteen (16) or above the age of eighteen (18) and shall have no voting powers."

Amendment of s. 5 the principal Act

3. The principal Act is amended, by repealing section 5, and substituting therefor the following new section as section 5—

"Chairperson and Vice Chairperson

5.—(1) The President shall appoint a Chairperson of the Commission from among the members nominated under section 4 (1) (*a*).

(2) The members shall, at their first meeting, elect a Vice-Chairperson from among their number, other than an *ex-officio* member."

Amendment of s. 6 of the principal Act

4. The principal Act is amended, by repealing section 6, and substituting therefor the following new section as section 6—

Eligibility for nomination or appointment

"6.—A person, other than an *ex officio* member, shall not be qualified for appointment or nomination as a member of the Commission if he—

(*a*) Does not possess

(i) a minimum educational qualification of a Bachelor's degree from a recognized and reputable educational institution; and

(ii) experience and expertise in a field relevant to the functions and responsibilities of the Commission.

(*b*) is an officer, member or employee in a public institution;

(*c*) is not a citizen of Malawi; and

(*d*) would for any other reason be disqualified by law from serving as a director of a company or as a trustee."

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

FIONA KALEMBA
Clerk of Parliament