MALAWI GOVERNMENT

(Published 27th January, 2023)

Act

No. 1 of 2023

I assent

DR. LAZARUS MCCARTHY CHAKWERA
PRESIDENT
21st January, 2023

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Authority to borrow and receive the equivalent of UA 48,180, 000
3. Application of the Financing
4. Repayments charged on the Consolidated Fund
5. Exemption from taxes, charges, etc.
6. Finalization and signature of the Agreement

An Act to authorize the Government of the Republic of Malawi to borrow from the African Development Fund, a credit in various convertible currencies, not exceeding in the aggregate, the equivalent of one million, six hundred forty thousand Units of Account (UA 1,640,000) and to receive a grant from the African Development Fund in various convertible currencies, not exceeding in the aggregate, the equivalent of forty-six million, five hundred forty thousand Units of Account (UA 46,540,000)

ENACTED by the Parliament of Malawi as follows—

1. This Act may be cited as the African Development Fund Short title

(Sub-Regional Transport and Trade Facilitation Project) Loan (Authorization) Act, 2023.

Authority to borrow and receive the equivalent of UA 48,180,000

2.—(1) The Minister of Finance, on behalf of the Government of the Republic of Malawi (the "Government), is hereby authorized to—

(*a*) borrow from the African Development Fund, a credit in various convertible currencies, not exceeding in the aggregate, the equivalent of one million, six hundred forty thousand Units of Account (UA 1,640,000) (the "Credit"); and

(*b*) receive from the African Development Fund, a grant in various convertible currencies, not exceeding in the aggregate, the equivalent of forty-six million, five hundred forty thousand Units of Account (UA 46,540,000) (the "Grant").

(2) The credit and the grant, comprising a total sum of money, in various convertible currencies, not exceeding in the aggregate, the equivalent of forty-eight million, one hundred eighty thousand Units of Account (UA 48,180,000) (the "Financing"), shall be applied for the purpose specified in section 3, at the times and on the terms and conditions which the Minister may, in his discretion, agree with the African Development Fund.

(3) The terms and conditions which the Minister, may agree with the African Development Fund shall be reduced to writing and such written agreement is hereinafter referred to as the "Financing Agreement".

Application of the Financing

3. The proceeds of the Financing authorized by section 2 shall be appropriated and applied for the purpose of providing financing for the SADC Sub-Regional Transport and Trade Facilitation Project, and for no other purpose.

Repayments charged on the Consolidated Fund

4. Any payments required to be made, from time to time, by the Government to the African Development Fund, under and in accordance with the provisions of the Financing Agreement, are hereby charged on the Consolidated Fund.

Exemption from taxes, charges, etc.

5. All sums to be paid in accordance with section 4 shall, notwithstanding the provisions of any other written law, be paid without deductions for, and free from, any tax or charge whatsoever, and shall be free from all restrictions or limitations imposed by or under any written law of Malawi.

Finalization and signature of the Agreement

6. The Minister of Finance or such other person as the Minister may appoint, is hereby authorized to—

(*a*) settle the terms of the Financing Agreement, but not so as

to affect the general purpose thereof, nor to increase the amount of the Financing;

(*b*) sign the Financing Agreement on behalf of the Government; and

(*c*) do such other things as may be necessary to implement the terms of the Financing Agreement.

Passed in Parliament this thirtieth day of November, two thousand and twenty two.

FIONA KALEMBA
Clerk of Parliament