

Malawi

Preservation of Public Security Act Chapter 14:02

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Malawi

Preservation of Public Security Act Chapter 14:02

Commenced on 15 June 1960

[This is the version of this document at 31 December 2014.]

[Note: This version of the Act was revised and consolidated in the Fifth Revised Edition of the Laws of Malawi (L.R.O. 1/2018), by the Solicitor General and Secretary for Justice under the authority of the Revision of the Laws Act.]

An Act to make provision for the Preservation of Public Security and for matters incidental thereto

1. Short title

This Act may be cited as the Preservation of Public Security Act.

2. Interpretation

In this Act, unless the context otherwise requires—

“public security” includes the securing of the safety of persons and property, the maintenance of supplies and services essential to the life of the community, the prevention and suppression of violence, intimidation, disorder and crime, the maintenance of the administration of justice and the prevention and suppression of mutiny, rebellion and concerted defiance of and disobedience to lawfully constituted authority and the laws in force in Malawi;

[17 of 1992]

[21 of 1993]

3. Public security relations

- (1) If at any time the Minister is satisfied that it is necessary for the preservation of public security so to do, he may, by notice published in the *Gazette*, declare that the provisions of subsection (2) shall come into operation and thereupon those provisions shall come into operation accordingly; and they shall continue in operation until the Minister, by further notice published in the *Gazette*, directs that they shall cease to have effect, whereupon they shall cease to have effect except as respects things previously done or omitted to be done.
- (2) The Minister may, for the preservation of public security by regulations—
 - (a) make provision for the prohibition of the publication and dissemination of matter which appears to him to be prejudicial to public security, and, to the extent which appears to him to be necessary for that purpose, for the regulation and control of the production, publishing, sale, supply, distribution and possession of publications;
 - (b) make provision for the prohibition, restriction and control of assemblies;
 - (c) make provision for the prohibition, restriction and control of residence, movement and transport of persons, the possession, acquisition, use and transport of movable property, and the entry to, egress from, occupation and use of immovable property;
 - (d) make provision for the regulation, control and maintenance of supplies and services;
 - (e) make provision requiring persons to do work and render services;

- (f) make provision for, and authorize the doing of, such other things as appear to him to be strictly required by the exigencies of the situation in Malawi.

[17 of 1992]

[21 of 1993]

4. Incidental and supplementary provisions in regulations

Regulations made under [section 3](#) may—

- (a) make provision for the payment of compensation and remuneration to persons affected by the regulations;
- (b) make provision for the apprehension and trial of persons offending against the regulations, and, notwithstanding section 21 (e) of the General Interpretation Act, for such penalties as the Minister may think fit for offences thereunder;

[Cap. 1:01]

- (c) make provision for amending or for suspending the operation of any law other than the Constitution;
- (d) make provision for empowering such authorities and persons as may be specified in the regulations to make orders and rules for any of the purposes for which such regulations may be made;
- (e) make provision for the delegation and transfer of powers and duties conferred and imposed by or under the regulations;
- (f) contain such other incidental and supplementary provisions as appear to the Minister to be necessary or desirable for the purposes of such regulations:

Provided that nothing in the foregoing provisions of this section or in [section 3](#) shall authorize the making of any regulations providing for the trial of persons by military courts.

5. Application and effect of regulations

- (1) Any regulation made under this Act may be made to apply to Malawi or to any part thereof, and to any person or class of persons or to the public generally.
- (2) Any regulation made under this Act, and any order or rule made under any such regulation, shall have effect notwithstanding anything inconsistent therewith contained in any law other than the Constitution, and to the extent of any such inconsistency and such law as aforesaid shall have no effect so long as such regulation, order or rule shall remain in force.

6. Proof of documents

Every document purporting to be an order, license, permit, certificate, direction, authority, or other document made, granted or issued by the Minister or any other authority or person in pursuance of this Act or any regulation made under this Act or any order or rule made under any such regulation, and purporting to be signed by or on behalf of the Minister or such other authority or person, shall be received in evidence, and shall, until the contrary is proved, be deemed to have been made, granted or issued by the Minister or that authority or person.

7. ***

[repealed by Act No. 21 of 1993]

8. ***

[repealed by Act No. 21 of 1993]

9. ***

[repealed by Act No. 21 of 1993]

10. ***

[repealed by Act No. 21 of 1993]

11. ***

[repealed by Act No. 21 of 1993]