

Malawi

National Airline Act

Chapter 70:03

Legislation as at 31 December 2014

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National Airline Act
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Malawi

National Airline Act

Chapter 70:03

Commenced on 9 August 1967

[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 provide for the Dissolution of the Central African Airways Corporation, the Replacement of the Higher Authority and the operation of Air Malawi as the National Airline of Malawi

1. Short title

This Act may be cited as the National Airline Act.

2. Interpretation

In this Act, unless the context otherwise requires—

"**Air Malawi**" means Air Malawi Limited, a company incorporated in Malawi under the Companies Act;

[Cap. 46:03]

"**the Corporation**" means the Central African Airways Corporation established under Part IV of the Federation of Rhodesia and Nyasaland (Dissolution) Order in Council, 1963*.

[G.N. 273/1963]

"**the Higher Authority**" means the Higher Authority for Civil Air Transport constituted by the said Order in Council.

* Part IV Federation of Rhodesia and Nyasaland (Dissolution) Order in Council, 1963 (G.N. 273/1963) has been revoked as respects Malawi. (See regulation 3 page 3 and G.N. 66/85.)

3. Operation of national airline of Malawi

- (1) The Minister shall take such steps, including the transfer to it of any assets and liabilities of the Corporation, as may be necessary to enable Air Malawi to operate as the national airline of Malawi independently of the Corporation.
- (2) The Minister shall, by notice published in the *Gazette*, appoint a date on which Air Malawi shall commence to operate independently of the Corporation.

4. Appointment of Commissioner

- (1) The Minister shall appoint a Commissioner, who shall hold office for such period and on such terms and conditions as the Minister thinks fit.
- (2) The functions of the Commissioner shall be—
 - (a) to carry out the functions of the Minister as a member of the Higher Authority or such body as is agreed between Malawi, Zambia and Southern Rhodesia will replace the Higher Authority;
 - (b) to represent the interest of Malawi at any meetings held in connexion with the dissolution of the Corporation; and

- (c) such other functions as the Minister may from time to time direct.
- (3) In carrying out his functions under this section the Commissioner shall be subject to any special or general directions of the Minister.

5. Regulations

The Minister may make regulations for the better carrying out of the purposes and provisions of this Act, and without prejudice to the generality of the foregoing such regulations may provide for—

- (a) the amendment of all or any of the provisions of the Central African Civil Air Transport Ordinance, the Air Services Act and the Federation of Rhodesia and Nyasaland (Dissolution) Order in Council, 1963;

[35 of 1963]

[Cap. 70:02]

[G.N. 273/1963]

[66/1985]

- (b) the use by Air Malawi of all or any of the assets of the Corporation in Malawi;
- (c) the orderly transfer of the assets and liabilities of the Corporation to Air Malawi, and the corresponding authorities established in Zambia and Southern Rhodesia;
- (d) in connexion with the transfer of assets and liabilities to Air Malawi—
 - (i) exemption from any stamp duty, fee of office or other charge;
 - (ii) endorsement by the Deeds Registrar on the title deeds of any immoveable property so transferred and in his register;
 - (iii) the substitution of Air Malawi for the Corporation in relation to any bond, charge, agreement, contract or other instrument;
- (e) the enforcement against or in favour of Air Malawi of—
 - (i) any bond, charge, agreement, contract or other instrument against or in favour of the Corporation;
 - (ii) any right of action or proceedings by or against the Corporation;
- (f) the transfer of any of the functions conferred on the Corporation or the Higher Authority by the laws referred to in paragraph (a), to any other person.