

Malawi

## Ex-Servicemen's Memorial Home Act Chapter 29:03

Legislation as at 31 December 2014

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# Malawi

## Ex-Servicemen's Memorial Home Act

### Chapter 29:03

Assented to on 31 December 1971

Commenced on 31 December 1971

*[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 establish a memorial home for distressed or disabled Malawi ex-servicemen and their families, to incorporate a board of Trustees for the purpose of managing, maintaining and controlling the home, and for matters incidental thereto**

#### 1. Short title

This Act may be cited as the Ex-Servicemen's Memorial Home Act.

#### 2. Establishment of Home

- (1) There is hereby established a home to be called the Ex-servicemen's Memorial Home (hereinafter referred to as for Home) for the purpose of providing a home and assistance the distressed or disabled Malawi ex-servicemen and their families.
- (2) The Board referred to in [section 3](#) may, as and when it is considered necessary or desirable, and sufficient funds are available, establish other branches of the Home at suitable sites in Malawi, and for the purposes of this Act any reference to the Home shall be deemed to include reference to any branch or branches established under this subsection.

#### 3. Establishment of Board

- (1) For the purpose of managing and controlling the Home there is hereby established a Board of Trustees (hereinafter referred to as the Board), which shall be a body corporate by the name of "the Trustees of the Ex-Servicemen's Memorial Home", with perpetual succession and a common seal, which shall in its corporate name be capable of suing and being sued, and subject to the provisions of this Act, of purchasing, or otherwise acquiring, holding, alienating or otherwise dealing in, property, whether movable or immovable, and of doing all such acts and things as bodies corporate may by law do or perform.
- (2) The seal of the Board shall be authenticated by the signature of the Chairman, or the person for the time being performing the functions of Chairman, and one other member of the Board designated by the Board for such purpose, and any document purporting to be sealed with the said seal and so authenticated shall be admissible in evidence of the particulars stated in that document.

#### 4. Constitution and proceedings of Board

- (1) The Board shall consist of the following members—
  - (a) the Chairman of the Commonwealth Ex-Services League of Malawi, who shall be Chairman of the Board;
  - (b) the Vice-Chairman of the Commonwealth Ex-Services League of Malawi, who shall be Vice-Chairman and shall in the absence or temporary incapacity of the Chairman perform the functions of Chairman of the Board;

- (c) the Commander of the Malawi Army;
  - (d) the Accountant General;
  - (e) the Chairman of the Zomba Branch of the Commonwealth Ex-services League of Malawi;
  - (f) a member nominated by the Central Council of the Commonwealth Ex-Services League of Malawi;
  - (g) the person for the time being appointed as secretary/treasurer of the Board.
- (2) If the holder of any of the offices mentioned in subsection (1) is unwilling or unable to act, or if any such office is vacant or has been abolished, the Minister may appoint to the Board such person as he thinks fit. The Minister may at any time revoke any such appointment and shall revoke any such appointment whenever the contingency which led thereto has ceased to exist.
- (3) Three members of the Board shall form a quorum.
- (4) In the absence of the Chairman and Vice-Chairman from any meeting of the Board the members present may elect one of their number to perform the functions of Chairman at that meeting.
- (5) The Accountant General may with the approval of the Central Council of the Commonwealth Ex-Services League of Malawi appoint a suitable person to be secretary/treasurer of the Board.
- (6) The Board may regulate its proceedings in such manner as it thinks fit, but on any matter on which the votes of the Board are equally divided the Chairman or the person performing the functions of Chairman shall have a second or casting vote.

## 5. Funds and land vested in the Board

- (1) All moneys, whether represented by investments or cash, and all land and buildings which on the date of the passing of this Act were vested in the trustees appointed under the Malawi Ex-Servicemen's Memorial Home Act (repealed by this Act) are hereby vested in the Board, and all moneys or property which may hereafter be given, bequeathed or received for the purposes of this Act shall be vested in the Board.
- (2) Any moneys vested in the Board by virtue of the provisions of subsection (1) of this section and not immediately required for the exercise of any of the powers or the carrying out of any of the duties set out in [section 6](#) of this Act shall be invested by the Board in any of the investments permitted by law for the investment of trust funds with power to vary any such investment for any other so authorized.

## 6. Powers and duties of the Board

The Board shall be responsible for the general management, maintenance and control of the Home, and for that purpose may—

- (a) alter, demolish, adapt or add to any buildings forming part of the Home;
- (b) erect such additional buildings as in its discretion it considers necessary for the purposes of the Home;
- (c) furnish, equip and maintain such buildings so as to be fit for occupation;
- (d) do all such acts and things incidental to or connected with such buildings (including laying out gardens and yards, drainage and sanitary works, and insuring against fire) as it may think necessary or desirable;
- (e) enter into such contracts and employ such persons as may be necessary to do any of the things specified in paragraphs (a), (b), (c) and (d) of this section;

- (f) provide for the inmates of the Home free food, fuel, lighting, clothing, bedding, medical attention and pocket money as it thinks fit;
- (g) employ such staff on such terms and subject to such conditions as it thinks fit;
- (h) subject to the provisions of this Act, do such other things as appear to it necessary or expedient in the interests of the Home.

#### **7. Power to operate a banking account**

The Board may open, maintain and operate in its name a banking account at such bank as it may think fit.

#### **8. Expenses**

All expenses incurred by the Board in carrying the purposes of this Act into effect shall be defrayed out of the moneys vested in the Board under this Act.

#### **9. Accounts**

The Board shall cause its accounts to be drawn up annually and submitted to the Auditor General as soon as practicable after the end of each financial year.