

The Malawi Gazette Supplement, dated 23rd October, 2020, containing Regulations, Rules, etc. (No. 34A)

GOVERNMENT NOTICE NO. 85

STAMP DUTIES ACT

(CAP. 43:01)

STAMP DUTIES (EXEMPTION) NOTICE, 2020

IN EXERCISE of the powers conferred by section 88 of the Stamp Duties Act, I, FELIX MLUSU, Minister of Finance give notice as follows—

1. This Notice may be cited as the Stamp Duties (Exemption) Notice, 2020.

2. It is hereby directed that any instrument created by or in favour of any body, institution or organization created under a bilateral or multilateral treaty to which Government is a party, wherein the body, institution or organization is specifically exempt from any tax liability in member states, shall be exempt from stamp duty.

Citation

Exemption of instruments by or in favour of bilateral or multilateral institutions

Dated this 24th day of August, 2020.

(FILE NO. SUB. D. 43:01)

F. MLUSU  
*Minister of Finance*

GOVERNMENT NOTICE NO. 86

STAMP DUTIES ACT

(Cap. 43:01)

STAMP DUTIES ORDER, 2020

IN EXERCISE of the powers conferred by section 5 of the Stamp Duties Act, I, FELIX MLUSU, Minister of Finance, make the following Order—

PART I—PRELIMINARY

1. This Order may be cited as the Stamp Duties Order, 2020.

Citation

2. The Schedule to the Stamp Duties Act is hereby revoked and replaced by the following new Schedule—

Replacement of the Schedule to Cap. 43:01 sub. leg. p.40

## "SCHEDULE (SECTIONS 5, 6 (3) AND (4) 88)

## STAMP DUTIES ON INSTRUMENTS

<i>Instruments</i>	<i>Duty</i>	<i>Persons responsible for stamping</i>	<i>Time for stamping if other than that generally or specially provided in this Act</i>
Administration Bond	See Bond, etc.		
Agreement for Dissolution of Partnership	See Partnership and Conveyance, etc.		
Agreement to Divide	See Partition		
Agreement for Exchange	See Exchange of Property and Agreement and section 42		
Agreement for hire of Goods	See Agreement and section 30		
Agreement for Lease, Letting or Tenancy	See Lease		
Agreement or Contract accompanied with a deposit	See Mortgage, etc.		
Agreement for Partition	See Partition		
Agreement for Partnership	See Partnership		
Agreement to Sell Property	See Agreement and Conveyance, etc., and section 42		

<i>Instruments</i>	<i>Duty</i>	<i>Persons responsible for stamping</i>	<i>Time for stamping if other than that generally or specially provided in this Act</i>
<p>1. AGREEMENT OR ANY MEMORANDUM OF AN AGREEMENT under hand only and not otherwise specifically charged with any duty, whether the same be only evidence of a contract or obligatory upon the parties from its being a written instrument.</p>	K10,000	The person first	
<i>Exemptions—</i>			
(1) Agreement, letter or memorandum of agreement made for or relating to the sale of any goods, wares or merchandise (except as chargeable under any other heading).			
(2) Agreement or memorandum for the hire of any labourer, artificer, manufacture or menial servant.			
(3) Agreement or memorandum the matter whereof is not of the value of K10			
(4) Agreement or contract exempted under section 65 of the Employment Act.			

Instruments	Duty	Persons responsible for stamping	Time for stamping if other than that generally or specially provided in this Act
<i>Annuity—</i>			
(1) Conveyance in consideration of	<i>See</i> Conveyance, etc.		
(2) Creation of, by way of security	<i>See</i> Mortgage, etc.		
(3) Purchase of	<i>See</i> Conveyance, etc.		
(4) Instrument relating to, upon any other occasion	<i>See</i> Bond, Covenant, etc.		
2. APPOINTMENT OF A NEW TRUSTEE AND APPOINTMENT in execution of a power of any property, or of any use, share or interest in any property, by any instrument not being a will;	K10,000	The appointer	
And <i>See</i> section 46.			
3. (1) BILL OF EXCHANGE payable on demand, other than a cheque, or at sight or on presentation or within three days after date of sight. And <i>See</i> sections 31, 32, 34 and 75.	K200	All persons executing	(a) If drawn in Malawi, before execution
(2) BILL OF EXCHANGE, being a cheque drawn, on a banker payable on demand and <i>See</i> sections 31,32,34 and 75.	30t		(b) If drawn out of Malawi in accordance with section 32

<i>Instruments</i>	<i>Duty</i>	<i>Persons responsible for stamping</i>	<i>Time for stamping if other than that generally or specially provided in this Act</i>
<p><i>Exemption—</i></p> <p>Any cheque drawn on any of the official banking accounts of any government.</p>			
<p>4. (1) BILL OF EXCHANGE of any other kind whatsoever and PROMISSORY NOTE of any kind whatsoever drawn, or expressed to be payable, or actually paid or endorsed, or in any manner negotiated in Malawi—</p> <p>For every K50 and also for every fractional part of K50 of the amount or value</p> <p>And <i>See</i> sections 31 to 35 and section 75.</p>	<p>20t</p>	<p>All persons executing</p>	<p>(a) If drawn in Malawi, before execution All persons</p> <p>(b) If drawn out of Malawi in accordance with section 32</p>
<p><i>Exemption—</i></p> <p>Any cheque drawn on any of the official banking accounts of any government.</p>			
<p>5. BILL OF LADING Bond—</p> <p>(1) For securing the payment or repayment of money.</p> <p>(2) For securing the transfer or retransfer of stock.</p>	<p>K20,000</p> <p><i>See</i> Mortgage, etc.</p> <p><i>See</i> Marketable Security</p>	<p>All persons executing</p>	<p>Before executing</p>

<i>Instruments</i>	<i>Duty</i>	<i>Persons responsible for stamping</i>	<i>Time for stamping if other than that generally or specially provided in this Act</i>
(3) In relation to any annuity upon the original creation and sale thereof.	<i>See Conveyance, etc.</i>		
6. BOND, COVENANT OR SIMILAR INSTRUMENT of any kind whatsoever—			
(1) Being the only or principal or primary security for any annuity (except upon the original creation thereof by way of sale or security and except a superannuation annuity), or for sum or sums of money at stated periods, not being interest for any principle sum secured by a duly stamped instrument, nor rent reserved by a lease—			
For a definite and certain period so that the total amount to be ultimately payable can be ascertained.	The same <i>ad valorem</i> duty as a Mortgage, Bond, Debenture or Covenant for amount ( <i>See</i> Mortgage, etc.)		The obligee, covenantee, or other person taking the security.
For a term of life or any other amount any other indefinite period, for every K10 and also for any fractional part of the annuity or sum periodically payable.	K2		The obligee, covenant, or other person taking the security.

<i>Instruments</i>	<i>Duty</i>	<i>Persons responsible for stamping</i>	<i>Time for stamping if other than that generally or specially provided in this Act</i>
(2) Being a collateral or auxiliary or additional or substituted security for any of the above-mentioned purposes where the principal is duly stamped	As above ( <i>See Mortgage, etc.</i> )		
Where the total amount to be ultimately payable can be ascertained			
In any other case, for every K10, and also for any fractional part of K10.00 of the annuity or sum periodically payable.	K2	The obligee, covenantee, or other person taking the security.	
(3) Being a grant or contract for payment of a superannuation annuity, that is to say, a deferred life annuity granted or secured to any person in consideration of annual premiums payable until he attains a specified age, and so so to commence on his attaining that age.			
For every K10, and also for any fractional part of K10, of the annuity	K2	The grantor	

Instruments	Duty	Persons responsible for stamping	Time for stamping if other than that generally or specially provided in this Act
(4) Of any kind whatsoever, not specifically charged with any duty.	K10,000	The obligee, covenantee, or other person taking the security	
<i>Exemption— Rail Bond</i>			
7. CONVEYANCE OR TRANSFER ON SALE OF ANY PROPERTY Where the amount or value of the consideration			
Does not exceed K50	K5	The purchaser or transferee	
Exceeds K50 but does not exceed K100	K10		
Exceeds K100 but does not exceed K150	K20		
Exceeds K150 but does not exceed K200	K50		
Exceeds K200, for every K100 and also for any fractional part of K100	K3		
And See sections 36 to 46, 55 and 57.			
<i>Conveyance or transfer By way of security of any property of any security</i>	<i>See Mortgage etc., and Marketable Security</i>		
8. CONVEYANCE OR TRANSFER or any kind not hereinbefore described	K50,000	The purchaser or transferee	

<i>Instruments</i>	<i>Duty</i>	<i>Persons responsible for stamping</i>	<i>Time for stamping if other than that generally or specially provided in this Act</i>
9. COPY OR EXTRACT Certified to be a true copy by, or by order, of, and public officer and not charged for under any written law.	K5,000	The person for or on whose behalf the copy or extract is made.	Within thirty days of certification.
<i>Exemptions—</i>			
1. Any copy or extract which a public officer is expressly required by any written law to make and to furnish for record in any Government Department or for any public purpose.			
2. Any copy of, or extract from, any register relating to births, baptisms, marriages, adoptions, divorces, deaths or burials.			
<i>Covenant for securing the payment or repayment of money, or the transfer or retransfer of stock</i>		See Mortgage, etc.	
<i>Covenant in relation to any annuity upon the original creation and sale thereof</i>		See Conveyance, etc., and section 43	
<i>Covenant in relation to any annuity (except upon the original creation and sale thereof) or to other periodical payments</i>		See Bond, etc.	

Instruments	Duty	Persons responsible for stamping	Time for stamping if other than that generally or specially provided in this Act
<p>10. COVENANT: Any separated deed of covenant (not being an instrument chargeable with ad valorem duty as a conveyance on sale or mortgage) made on the sale or mortgage of any property, and relating solely to the conveyance or enjoyment of, or the title to, the property sold or mortgaged, or to the production of the documents of title relating thereto, or to all or any of the matters aforesaid</p>	<p>Where the <i>Ad valorem</i> duty in respect of the or mortgage money does not exceed K100</p> <p>In any other case</p>	<p>A duty equal to the amount of such <i>advalorem</i> duty</p> <p>K5,000</p>	<p>The covenantee</p>
<p><i>Counterpart Debenture for securing the payment of repayment of money, or the transfer or retransfer of stock.</i></p>	<p>See Duplicate See Marketable Security and Mortgage, etc.</p>		
<p>11. DECLARATION of any use or trust of or concerning any property by any instrument, not being a will or any instrument chargeable with ad valorem duty as a settlement.</p>	<p>K20,000</p>	<p>The declarer</p>	

<i>Instruments</i>	<i>Duty</i>	<i>Persons responsible for stamping</i>	<i>Time for stamping if other than that generally or specially provided in this Act</i>
12. DEED or other SIMILAR INSTRUMENT of any kind whatsoever not described in this Schedule and not generally or specially exempted from duty.		All persons executing	
13. DEED OF ARRANGEMENT Registered under the Deeds of Arrangement Act—			
For every K200, and also for any fractional part of K200, computed as provided by section 7 (2) of the said Act	K100	The debtor	Before registration under the said Act
<i>Deposit of Title Deeds</i>	<i>See Mortgage, etc., and section 57</i>		
<i>Draft for money</i>	<i>See Bill of Exchange</i>		
14. DUPLICATE OR COUNTERPART of any instrument chargeable with any duty—			
Where such duty does not amount to K200	The same duty as the original instrument.	The person for whose benefit the duplicate or counterpart was executed	The time allowed for stamping the original instrument
In any other case	K200		
Equitable Mortgage	<i>See Mortgage, etc., and sections 29 and 57</i>		

<i>Instruments</i>	<i>Duty</i>	<i>Persons responsible for stamping</i>	<i>Time for stamping if other than that generally or specially provided in this Act</i>
15. EXCHANGE OF PROPERTY	The same duty as on a Conveyance, etc., for a consideration equal to the value of the property of greatest value.	All persons executing	
<i>Extract</i>	<i>See Copy or extract</i>		
<i>Foreign Security</i>	<i>See Marketable Security and section 55</i>		
Further Charge or Further Security	<i>See Mortgage, etc., and section 57</i>		
16. HIRE PURCHASE AND INSTALMENT SALE AGREEMENTS			
Insurance	<i>See Policy of Insurance</i>	All persons executing	
17. LEASE OR LICENCE			
(1) For any definite term less than a year—			
Where rent does not exceed K50	K50	} The lessee or licensee	
Where rent exceeds K50, for every K50 and also for every fractional part of K50	K5		

<i>Instruments</i>	<i>Duty</i>	<i>Persons responsible for stamping</i>	<i>Time for stamping if other than that generally or specially provided in this Act</i>
(2) For any other definite term—			
For each K50 and also for every fractional part of K50 of the annual rent—		The lessee or licensee	
Where the term does not exceed 7 years	K1.20		
Where the term exceeds 7 years but does not exceed 21 years	K2		
Where the term exceeds 21 years	K1		
(3) For an indefinite term—	K50		
Where the rent does not exceed K2 per annum	K5	The lessee or licensee	
For each K50 and also for every fractional part of K50 of the annual rent	K1.50		
(4) For any other kind whatsoever not herein before described	K5000		
And See sections 47 and 54			
<i>Letter of Credit</i>	<i>See Bill of Exchange</i>		
<i>Letter of Guarantee</i>	<i>See Agreement</i>		

<i>Instruments</i>	<i>Duty</i>	<i>Persons responsible for stamping</i>	<i>Time for stamping if other than that generally or specially provided in this Act</i>
<i>Letter of Indemnity</i>	<i>See Agreement</i>		
<i>Letter or Power of Attorney</i>	<i>See Power of Attorney</i>		
<b>18. MARKETABLE SECURITY—</b>			
Transfer, assignment or disposition of a marketable security of any description:			
(1) Upon a sale thereof	<i>See Conveyance, etc.</i>		
(2) Upon a mortgage thereof	<i>See Mortgage, etc.</i>		
(3) In any other case than sale or mortgage And <i>See</i> sections 55 and 56	K500	The transferee, assignee, etc.	
<i>Marriage Settlement</i>	<i>See Settlement</i>		
<b>19. MORTGAGE, BOND, DEBENTURE OR COVENANT (not being a marketable security otherwise specifically charged with duty).</b>			
(1) Being the only or principal or primary security (other than an equitable security) for the payment or repayment of money—			
Not exceeding K1,000—			

<i>Instruments</i>	<i>Duty</i>	<i>Persons responsible for stamping</i>	<i>Time for stamping if other than that generally or specially provided in this Act</i>
Not exceeding K1,000—	K500		
For every K100 and also for every fractional part of K100 or the amount secured			
Exceeding K1,000—	K1.20		
For every K200 and also for every fractional part of K200 of the amount secured.			
(2) Being a collateral or additional or substituted security (other than an equitable mortgage), the principal security having been duly stamped			
For every K200 and also for any fractional part of K200 of the amount Secured. attorney therein).	30t		

<i>Instruments</i>	<i>Duty</i>	<i>Persons responsible for stamping</i>	<i>Time for stamping if other than that generally or specially provided in this Act</i>
(3) Being an equitable mortgage—			
Deed of pledge or hypothecation to a banking company of goods, merchandise, stocks, shares, bills, notes and other marketable securities (including power of attorney therein).	K500		
Deed of pledge or hypothecation or assignment or cession, to a banking company of policies of insurance (including power of attorney therein) of any other kind— under hand—	K500		
	50t	The mortgagee, chargee, etc.	
For every K200 and also for any K200 of the amount secured under seal.	The same <i>ad valorem</i> duty fractional part of as upon a security chargeable under Head 1 hereof		
(4) Transferred or assignment of any mortgage, bond, debenture or covenant (except a marketable security)			

<i>Instruments</i>	<i>Duty</i>	<i>Persons responsible for stamping</i>	<i>Time for stamping if other than that generally or specially provided in this Act</i>
For every K200 and also for any fractional part of K200 of the amount transferred or assigned.	50t	The Transferee	
(5) Reconveyance, release, discharge, surrender or renunciation, of any such security as aforesaid, or of the benefit thereof or of the money thereby secured—			
For every K200 and also for any charger, etc. fractional part of K200 of the total amount or value of the money at any time secured.	30t	The mortgagor, charger, etc.	
<i>Exemptions—</i>			
(1) Bond given by a public officer for the due execution of his duty.			
(2) Bond on which a fee is chargeable under the provisions of the Courts Act.			
(3) Bond given solely in relation to any payment due to the Consolidated Fund And See sections 57, 58 and 59.			

<i>Instruments</i>	<i>Duty</i>	<i>Persons responsible for stamping</i>	<i>Time for stamping if other than that generally or specially provided in this Act</i>
<i>Mortgage of Stock or Marketable Security</i>			
(1) Under hand only	See Mortgage and section 29		
(2) By Deed	See Mortgage, etc., and section 57		
20. NOTARIAL ACT OR INSTRUMENT	K20000		
<i>Order of payment of Money</i>	See Bill of Exchange		
21. PARTITION, INSTRUMENT of			
For every K200 and also for any fractional part of K200 of the amount or value of the separated share or shares of the property. And See section 60.	K10	All persons executing	
22. PARTNERSHIP			
(1) Instrument of	K10,000	All persons executing	
(2) Instrument of dissolution of, including an agreement to dissolve without consideration.	K10,000		
(3) Instrument of dissolution of, including an agreement to dissolve with consideration	See Conveyance, etc.		
<i>Pawn or pledge</i>	See Mortgage, etc.		

<i>Instruments</i>	<i>Duty</i>	<i>Persons responsible for stamping</i>	<i>Time for stamping if other than that generally or specially provided in this Act</i>
<b>23. POLICY OF INSURANCE</b>			
(1) Policy of life Insurance	40t	The insurer, or in the case of a policy issued outside Malawi and sent to the insured or his agent, the insured.	
For every K200 and also for any fractional part of K200 of the amount Insured.	K5,000		
(2) Any other policy of insurance issued for a specified period—upon the issue or the renewal or the extension thereof for any period of 12 months and also for any part thereof.	K5,000		
(3) Any other policy of insurance issued for the term of a journey or journeys	K5,000		
For each journey			
(4) Any other policy of insurance not specifically mentioned—			
Upon the issue, or the renewal of the extension thereof.			
(5) Any endorsement on a policy of the insurance—			

<i>Instruments</i>	<i>Duty</i>	<i>Persons responsible for stamping</i>	<i>Time for stamping if other than that generally or specially provided in this Act</i>
To increase the amount of insurance, or to make any other material addition to or a substantial change in the policy.	The same duty as for the issue of a new policy.	The insurer, or in the case of a policy issued outside Malawi and sent to the insured or his agent, the insured.	

*Exemptions—*

- (1) Policy of insurance on baggage or personal or personal and household effects only, if made or executed outside Malawi.

- (2) Letter or cover or engagement to issue a policy of insurance—

Provided that unless such letter or cover or engagement is duly stamped for such policy, nothing shall be claimable thereunder nor, shall it be available for any purpose except to compel the delivery of the policy therein mentioned. And See sections 61 to 63.

<i>Instruments</i>	<i>Duty</i>	<i>Persons responsible for stamping</i>	<i>Time for stamping if other than that generally or specially provided in this Act</i>
<p>24. POWER OR LETTER OF ATTORNEY or other instrument in the nature thereof other than the appointment of a proxy to vote at any meeting or revocation thereof—</p>	K 10,000	} The person executing	
<p>For the issue thereof in respect of each donor</p>	K 5,000		
<p>For the revocation thereof in respect of each person revoking</p>	See Bill of Exchange		
<p><i>Promissory Note</i></p>			
<p>25. RECEIPT given for, or upon the payment of, money, or for movable property, amounting to K4 and upwards.</p>	K 1,000	The person giving the receipt	Before being parted with by the person giving the receipt
<p><i>Exemptions—</i></p>			
<p>(1) Receipt given for or on account of any salary, payment, or wages or for or on account of any other like payments made to or for the account or benefit of any person, being the holder of an office or an employee, in respect of his office, or employment, or for or on account of money paid in respect of any pension, superannuation allowance, compassionate allowance or other like allowance.</p>			

<i>Instruments</i>	<i>Duty</i>	<i>Persons responsible for stamping</i>	<i>Time for stamping if other than that generally or specially provided in this Act</i>
<p>(2) Receipt endorsed or otherwise written upon or contained in any instrument liable to stamp duty, and duly stamped, acknowledging the receipt of the consideration money therein expressed, or the receipt, of any principal money, interest, or annuity thereby secured or therein mentioned: Provided that this exemption shall not extend to any receipt merely by reason of its being written or endorsed upon a bill of exchange or promissory note.</p>			
<p>(3) Receipt given for money deposited in any bank or with any bank or with any banker to the account of any person and for money withdrawn from a savings bank account with any bank.</p>			
<p>(4) Receipts given for money paid out of any court by way of compensation or damages.</p>			

<i>Instruments</i>	<i>Duty</i>	<i>Persons responsible for stamping</i>	<i>Time for stamping if other than that generally or specially provided in this Act</i>
(5) Receipt given for any refund from the general revenues of Malawi.			
(6) Receipts given by any ecclesiastical, charitable or educational institution of a character.			
And <i>See</i> sections 64 and 65.			
<i>Reconveyance, Release or Renunciation of any security</i>	<i>See Mortgage, etc.</i>		
26. RELEASE OR RENUNCIATION of any property or of any right or interest in any property			
(1) Upon a sale	<i>See Conveyance, etc.</i>		
(2) By way of security	<i>See Mortgage, etc.</i>		
(3) In any other case	K10,000	All persons executing	
27. REVOCATION of any use or trust or any property by any writing not being a will.	K10,000		

<i>Instruments</i>	<i>Duty</i>	<i>Persons responsible for stamping</i>	<i>Time for stamping if other than that generally or specially provided in this Act</i>
<p>28. SETTLEMENT— Any instrument, whether voluntary or upon any good or valuable consideration, other than a <i>bona fide</i> pecuniary consideration, whereby any definite and certain principal sum of money (whether charged or chargeable on any immovable property or not, or to be laid out in the purchase of immovable property or not), or any definite and certain amount of stock, or any security, is settled in any manner whatsoever—</p>	K10	The settler	
<p>For every K200 and also for any fractional part of K200 of the amount or value of the property settled or agreed to be settled.</p>			
<p>And <i>See</i> sections 66, 67 and 68.</p>	<i>See</i> Bond, etc.		
<i>Superannuation Annuity</i>			
<p>29. SURRENDER of any The surrenderee kind whatsoever not chargeable with duty as a conveyance on sale or mortgage.</p>	K10,000	The surrenderee	
<i>Temporary Occupation Licence</i>	<i>See</i> Lease		

<i>Instruments</i>	<i>Duty</i>	<i>Persons responsible for stamping</i>	<i>Time for stamping if other than that generally or specially provided in this Act</i>
<i>Transfer</i>	<i>See Conveyance, etc.</i>		
<i>Trust</i>	<i>See Declaration</i>		
<i>Voluntary Conveyance and Transfer (including assignment) operating as a Gift Inter Vivos."</i>	<i>See Conveyance</i>		

Made this 24th day of August, 2020.

(FILE NO. SUB. D. 43:01)

F. MLUSU  
*Minister of Finance*

GOVERNMENT NOTICE NO. 87

MALAWI ENGINEERING ACT

(NO. 13 OF 2019)

NOTICE OF COMMENCEMENT

IN EXERCISE of the powers conferred by section 1 of the Malawi Engineering Act, 2017, I, MOHAMMED SIDIK MIA, Minister of Transport and Public Works, appoint the 1st day of October, 2020, as the date on which the Act shall come into operation.

Made this 1st day of October, 2020.

(FILE NO. C/TP/40011/2/1)

M. S. MIA  
*Minister of Transport and  
Public Works*