

GOVERNMENT NOTICE No. 31

CUSTOMS AND EXCISE ACT

(CAP. 42:01)

CUSTOMS AND EXCISE (AMENDMENT) (NO.2) REGULATIONS, 2023.

IN EXERCISE of powers conferred by section 175 of the Customs and Excise Act, I, SOSTEN ALFRED GWENGWE, Minister of Finance and Economic Affairs, make the following Regulations—

1. These Regulations may be cited as the Customs and Excise Citation
(Amendment) (No. 2) Regulations, 2023.

2. The Customs and Excise Regulations (hereinafter referred to as the Amendment
“principal Regulation”) are amended, in Appendix A, Part I of the *Eighth* of Appendix
Schedule— A, Part I of
the *Eighth*
Schedule to
Cap. 42:01
sub. leg. p.79

(a) by inserting therein, under the heading “PLASTIC PRODUCTS
MANUFACTURING INDUSTRY”, in the correct numerical sequence,
the entries in column 1 and the corresponding entries in columns 2,3,4,
and 5, as shown hereunder—

1	2	3	4	5
3920.10.10	Other plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials of polymers of ethylene sterilized for medical use	Free	Free	16.5%
3920.10.91	Other unprinted plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials of polymers of ethylene	Free	Free	16.5%
3920.10.99	Other printed plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials of polymers of ethylene	Free	Free	16.5%
3920.20.10	Other unprinted plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials of polymers of propylene	Free	Free	16.5%
3920.20.90	Other printed plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials of polymers of propylene	Free	Free	16.5%
3920.30.10	Other unprinted plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials of polymers of styrene	Free	Free	16.5%

1	2	3	4	5
3920.30.90	Other printed plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials of polymers of styrene	Free	Free	16.5%
3920.43.10	Other unprinted plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials of polymers of vinyl chloride containing by weight not less than 6% of plasticizers	Free	Free	16.5%
3920.43.90	Other printed plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials of polymers of vinyl chloride containing by weight not less than 6% of plasticizers	Free	Free	16.5%
3920.49.00	Other plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials of polymers of vinyl chloride	Free	Free	16.5%
3920.51.10	Other unprinted plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials of acrylic polymers	Free	Free	16.5%
3920.51.90	Other printed plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials of acrylic polymers	Free	Free	16.5%
3920.59.10	Other unprinted plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials of alkyd resins	Free	Free	16.5%
3920.59.90	Other printed plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials of alkyd resins	Free	Free	16.5%
3920.61.10	Other unprinted plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials of polycarbonates	Free	Free	16.5%
3920.61.90	Other printed plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials of polycarbonates	Free	Free	16.5%
3920.62.10	Other unprinted plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials of poly (ethylene terephthalate)	Free	Free	16.5%

1	2	3	4	5
3920.62.90	Other printed plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials of poly (ethylene terephthalate)	Free	Free	16.5%
3920.63.10	Other unprinted plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials of unsaturated polyesters	Free	Free	16.5%
3920.63.90	Other printed plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials of unsaturated polyesters	Free	Free	16.5%
3920.69.10	Other unprinted plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials of other polyesters	Free	Free	16.5%
3920.69.90	Other printed plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials of other polyesters	Free	Free	16.5%
3920.71.10	Other unprinted plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials of regenerated cellulose	Free	Free	16.5%
3920.71.90	Other printed plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials of regenerated cellulose	Free	Free	16.5%
3920.73.10	Other unprinted plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials of cellulose acetate	Free	Free	16.5%
3920.73.90	Other printed plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials of cellulose acetate	Free	Free	16.5%
3920.79.10	Other unprinted plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials of other plastics	Free	Free	16.5%
3920.79.90	Other printed plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials of other plastics	Free	Free	16.5%
3920.91.10	Other unprinted plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials of poly vinyl butyral	Free	Free	16.5%

1	2	3	4	5
3920.91.90	Other printed plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials of poly vinyl butyral	Free	Free	16.5%
3920.92.10	Other unprinted plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials of polyamides	Free	Free	16.5%
3920.92.90	Other printed plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials of polyamides	Free	Free	16.5%
3920.93.10	Other unprinted plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials of amino resins	Free	Free	16.5%
3920.93.90	Other printed plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials of amino resins	Free	Free	16.5%
3920.94.10	Other unprinted plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials of phenolic resins	Free	Free	16.5%
3920.94.90	Other printed plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials of phenolic resins	Free	Free	16.5%
3920.99.10	Other unprinted plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials of other plastics	Free	Free	16.5%
3920.99.90	Other printed plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials of other plastics	Free	Free	16.5%
3923.21.10	Carrier bags with handles for packaging in industry	Free	Free	16.5%
3923.30.10	Carboys, bottles, flasks and similar articles for the industrial packaging of goods	Free	Free	16.5%
3923.50.10	Insets	Free	Free	16.5%
3923.50.90	Other stoppers, lids, caps and other closures	Free	Free	16.5%";

and

(b) by deleting, under the heading "SANITARY PRODUCTS MANUFACTURING INDUSTRY", the entries in column 1 and corresponding entries in columns 2, 3, 4 and 5.

3. The principal Regulations are amended, in Appendix A, Part II of the Eighth Schedule, by inserting therein, in the correct alphabetical order, the heading “SANITARY PRODUCTS MANUFACTURING INDUSTRY”, with the entries in column 1 and the corresponding entries in columns 2,3,4, and 5, as shown hereunder—

Amendment of Appendix A, Part II of the Eighth Schedule to the principal Regulations

1	2	3	4	5
3505.20.10	Sodium starch glycolate	Free	Free	Free
3505.20.91	Glues in liquid or paste form	Free	Free	Free
3505.20.99	Glues	Free	Free	Free
3702.39.00	Strip preformatting film	Free	Free	Free
3902.90.00	Sap absorbent polymer (colophony)	Free	Free	Free
3919.90.90	Self-adhesive plastic	Free	Free	Free
4705.00.00	Wood pulp	Free	Free	Free
4803.00.00	Paper liner	Free	Free	Free
4810.99.00	Release paper	Free	Free	Free

Made this 15th day of June, 2023.

S. A. GWENGWE
Minister of Finance and
Economic Affairs

(FILE NO.: C/RPD/6/3/25)

GOVERNMENT NOTICE NO. 32

FINANCIAL CRIMES ACT
(CAP. 7:07)

FINANCIAL CRIMES (SUPPRESSION OF TERRORIST FINANCING AND
PROLIFERATION) (AMENDMENT) REGULATIONS, 2023

IN EXERCISE of the powers conferred by section 144 of the Financial Crimes Act, I, SOSTEN ALFRED GWENGWE, Minister of Finance and Economic Affairs, make the following Regulations—

1. These Regulations may be cited as the Financial Crimes (Suppression of Terrorist Financing and Proliferation) (Amendment) Regulations, 2023. Citation

2. The Financial Crimes (Suppression of Terrorist Financing and Proliferation) Regulations (hereinafter referred to as the “principal Regulations”) are amended in regulation 2— Amendment of reg.2 to Cap 7:07 sub.leg. p. 102

(a) by inserting, in the correct alphabetical order, new definitions as follows—

““NGO” has the meaning assigned thereto under the Non-Governmental Organizations Act;

Cap. 5:05 “Non-Governmental Organizations Regulatory Authority” means the Non-Governmental Organizations Regulatory Authority established under section 6 of the Non-Governmental Organizations Act;

“Resolution 2231” means Resolution 2231 of the Security Council passed on 20th July, 2015 and its successor resolutions; and

“United Nations Consolidated List” means the United Nations Security Council Consolidated Sanctions List containing persons and entities designated by the United Nations Sanctions Committee established under Resolution 1989 of the Security Council and its successor resolutions;”;

(b) in the definition of the words—

(i) “domestic list”, by deleting the words “regulation 12” and substituting therefor the words “regulation 8”; and

(ii) “sanctions list”, by deleting the words “the 1737 sanctions lists” and substituting therefor the words “the 2231 sanctions list”.

Amendment of reg. 3 of the principal Regulations

3. Regulation 3(d) of the principal Regulations is amended by deleting the words “Resolution 1737” and substituting therefor the words “Resolution 2231”.

Amendment of reg. 5 of the principal Regulations

4. Regulation 5 of the principal Regulations is amended in—

(a) paragraph (1)(a) by—

(i) deleting the words “1737 and”; and

(ii) inserting the words “, 2231” immediately after the word “1988”; and

(b) paragraph (3) by—

(i) deleting the words “1737,”; and

(ii) inserting the words “, 2231” immediately after the word “1988”.

Amendment of reg. 6 of the principal Regulations

5. Regulation 6(2) of the principal Regulations is amended by deleting paragraph (b) and substituting therefor a new paragraph as follows—

“(b) set criteria, on the basis of reasonable grounds, for designating persons in line with Resolution 1373 as guided by the Financial Action Task Force International Standards on Combating Money Laundering and the Financing of Terrorism and Proliferation.”.

Substitution of reg. 8 of the principal Regulations

6. Regulation 8 of the principal Regulations is deleted and substituted therefor a new regulation as follows—

“Domestic list

8.—(1) A person who believes, on reasonable grounds, that another person should be declared a designated person shall submit a proposal for such designation to the Panel.

- (2) A proposal submitted under subregulation (1) shall—
- (a) comply with the criteria set out in Resolution 1373;
 - (b) not be conditional upon the existence of a criminal proceeding against the person proposed to be declared a designated person;
 - (c) contain adequate particulars of the person proposed to be declared a designated person; and
 - (d) contain a statement of case, providing as much detail as possible on the basis for the proposed declaration.
- (3) The Panel shall, in determining a proposal received under subregulation (1)—
- (a) apply an evidentiary standard of proof of “reasonable grounds”; and
 - (b) in the case of a local declaration, follow the procedure adopted under regulation 6(3).
- (4) Where after considering the proposal the Panel decides to designate the person, the Panel shall forthwith disseminate the name and particulars of the designated person to—
- (a) all reporting institutions;
 - (b) the Sanctions Committee; and
 - (c) all diplomatic representatives in Malawi.
- (5) A communication issued under subregulation (4) shall contain the following information—
- (a) in the case of a natural person—
 - (i) name, any alias, title and gender of the person;
 - (ii) place and date of birth;
 - (iii) original nationality and, where applicable, acquired nationality;
 - (iv) passport number and, where applicable, identity card number;
 - (v) contact details, including telephone and physical and postal addresses;
 - (vi) occupation;
 - (vii) a brief explanation of how the person meets the designation criteria; and
 - (viii) any other information which the Panel may consider relevant; or
 - (b) in the case of a legal entity—
 - (i) name of the entity;
 - (ii) date of establishment or incorporation;
 - (iii) country of incorporation;
 - (iv) registration number;

(v) contact details, including telephone and physical and postal addresses of the entity;

(vi) particulars and contact details, including telephone and physical and postal addresses of directors of the entity;

(vii) nature of business;

(viii) a brief explanation of how the entity meets the designation criteria; and

(ix) any other information which the Panel may consider relevant.

(6) A person who is aggrieved by a decision of the Panel under this regulation may, upon giving notice to the Panel, appeal to the High Court.”.

Amendment of reg. 9 of the principal Regulations

7. Regulation 9(2)(e) of the principal Regulations is amended by deleting subparagraph (ii) and substituting therefor a new subparagraph as follows—

“(ii) take any reasonable action as may be necessary to give effect to Resolutions 1267, 1373, 1718, 1783, 1988, 2231 and other relevant Resolutions as may be adopted by the Security Council from time to time”.

Amendment of reg. 11 of the principal Regulations

8. Regulation 11 of the principal Regulations is amended in—

(a) subregulation (3)(c) by—

(i) deleting the word “and” immediately after the word “1783” and substituting therefor the word “,”; and

(ii) inserting the words “and 2231” immediately after the word “1988”; and

(b) subregulation (6)—

(i) paragraph (a), by—

(A) deleting the word “and” immediately after the word “1783” and substituting therefor the word “,”; and

(B) inserting the words “and 2231” immediately after the word “1988”; and

(ii) paragraph (b), by

(A) deleting the word “and” immediately after the word “1783” and substituting therefor the word “,”; and

(B) inserting the words “and 2231” immediately after the word “1988”.

Insertion of reg. 12A into the principal Regulations

9. The principal Regulations are amended by inserting thereto immediately after regulation 12, a new regulation 12A as follows—

“Supervisory authorities to monitor compliance

12A. A supervisory authority shall monitor compliance with regulation 12 of each reporting institution under its jurisdiction through such means as the supervisory authority may determine appropriate, including onsite inspection and off-site surveillance.”.

10. Regulation 13 of the principal Regulations is amended by deleting the side note and substituting therefor a new side note as follows—

Amendment of reg. 13 of the principal Regulations

“Access to property frozen under domestic list”

11. Regulation 14 of the principal Regulations is deleted and substituted therefor a new regulation as follows—

Substitution of reg. 14 of the principal Regulations

“Access to property frozen under United Nations Consolidated List 14.—(1) A designated person under the United Nations Consolidated List who intends to make any payment due under a contract may submit an application to the Panel for onward transmission to the appropriate Sanctions Committee, where—

(a) the contract was entered into by the designated person prior to his being listed on the United Nations Consolidated List;

(b) the contract is not related to any of the prohibited items, materials, equipment, goods, technologies, assistance, training, financial assistance, investment, brokering or services referred to in Resolution 2231 or other relevant Resolution as may be adopted by the Security Council from time to time; and

(c) the payment is not directly or indirectly due to a person or entity subject to measures in paragraph 6 of Annex B to Resolution 2231.

(2) The Panel shall transmit an application received under subregulation (1) to the appropriate Sanctions Committee.

(3) The Panel shall, on receipt of a decision of the Sanctions Committee approving the application, inform the person in custody of the property, in writing, to implement the decision.

(4) The person in custody of the property shall, on receipt of the decision under subregulation (3)—

(a) inform the designated person or a representative of the designated person, in writing, of the decision; and

(b) pay directly to the beneficiary under the contract, the amount due as specified in the decision.

(5) A designated person who is aggrieved by a decision of the Sanctions Committee may, within twenty-one days from the date of receipt of the decision, submit his appeal to the United Nations Ombudsperson through the Panel.

(6) The Panel shall, on receipt of a decision of the United Nations Ombudsperson, transmit the decision to the aggrieved person.”

12. The principal Regulations are amended by adding thereto a new Part VII, immediately after Part VI, as follows—

Insertion of Part VII into the principal Regulations

“PART VII
 PROFILING AND SUPERVISION OF THE NGO
 SECTOR

NGO sector
 profiling, risk
 assessment,
 outreach and
 cooperation

23.—(1) The Non-Governmental Organizations Regulatory Authority shall—

(a) coordinate with other relevant authorities to profile and conduct risk assessment of the NGO sector to identify the features and types of NGOs which, by virtue of their activities or characteristics, are likely to be at risk of terrorist financing abuse;

(b) develop and implement policies to promote accountability, integrity, and public confidence in the administration and management of NGOs;

(c) undertake outreach and educational programmes, targeting NGOs and the donor community, on potential vulnerabilities of the NGO sector to terrorist financing abuse and terrorist financing risks, and measures that can be implemented to protect the sector from such abuse;

(d) work with NGOs to develop and implement best practices to address terrorist financing risks and vulnerabilities;

(e) require NGOs to conduct financial transactions through regulated financial institutions;

(f) develop and implement procedures for supervising and monitoring NGOs to reduce risk of terrorist financing abuse;

(g) monitor compliance of NGOs with the legal requirements on prevention of abuse for terrorist financing;

(h) develop and implement strategies for effective cooperation, coordination and information sharing with other relevant authorities on matters relating to prevention of abuse for terrorist financing;

(i) develop and implement a framework to guarantee full access to information on the administration and management of NGOs as may be required during the course of an investigation;

(j) establish appropriate mechanisms to ensure that, when there are reasonable grounds to suspect that a particular NGO—

(i) is involved in terrorist financing abuse or is a front for fundraising by a terrorist or terrorist organisation;

(ii) is being exploited as a conduit for terrorist financing, including for the purpose of escaping asset freezing measures, or other forms of terrorist support; or

(iii) is concealing or obscuring the clandestine diversion of funds intended for legitimate purposes, but redirected for the benefit of a terrorist or terrorist organisation,

the information is promptly shared with competent authorities; and

(k) put in place a point of contact and procedure to respond to requests for information regarding any NGO suspected of terrorist financing or involvement in any other form of terrorist support.

(2) A person who intends to access information on any NGO with respect to terrorist financing, involvement in any other form of terrorist support and proliferation financing shall submit a request to the Authority.

(3) The Authority shall develop and implement internal procedure for processing requests received under subregulation (2).”.

Made this 14th day of June, 2023.

S. A. GWENGWE
*Minister of Finance and
Economic Affairs*

(FILE NO. FIN/PFSPD/02/12

GOVERNMENT NOTICE No. 33

ROADS FUND ADMINISTRATION ACT

(CAP. 69:08)

NOTICE OF APPOINTMENT

IN EXERCISE of powers conferred by section 9(2)(a) of the Act, I, SOSTEN ALFRED GWENGWE, Minister of Finance and Economic Affairs, appoint Mr. Henry Kulikonse Kachaje to be a member of the Roads Fund Administration Board with immediate effect.

Made this 16th day of June, 2023.

SOSTEN ALFRED GWENGWE
Minister of Finance and Economic Affairs

(FILE NO.: MOF/ST/SC/40)