

Malawi

Handicapped Persons Act

Chapter 33:02

Legislation as at 31 December 2014

FRBR URI: /akn/mw/act/1971/48/eng@2014-12-31

There may have been updates since this file was created.

PDF created on 9 July 2022 at 20:41.

Collection last checked for updates: 31 December 2014.

[Check for updates](#)



About this collection

The legislation in this collection has been reproduced as it was originally printed in the Government Gazette, with improved formatting and with minor typographical errors corrected. All amendments have been applied directly to the text and annotated. A scan of the original gazette of each piece of legislation (including amendments) is available for reference.

This is a free download from the Laws.Africa Legislation Commons, a collection of African legislation that is digitised by Laws.Africa and made available for free.

www.laws.africa
info@laws.africa

There is no copyright on the legislative content of this document.

This PDF copy is licensed under a Creative Commons Attribution 4.0 License (CC BY 4.0). Share widely and freely.

Handicapped Persons Act

Contents

Part I – Preliminary	1
1. Short title	1
2. Interpretation	1
Part II – Administration	2
3. Establishment of Council	2
4. Composition of the Council	2
5. Secretary/ Registrar and officers	2
6. Tenure of office of members	3
7. Remuneration of members of the Council	3
8. Proceedings of the Council	3
9. Non-liability of members of Council	4
10. Functions of the Council	4
11. Powers of the Council	4
12. Authentication of the common seal	5
13. Annual report	5
14. Exemption from taxes	5
15. Funds of the Council	5
16. Accounts	5
17. Appointment of auditors and audit of Council's accounts	5
18. Duties of auditors	6
Part III – Registration	6
19. Registration of the handicapped	6
20. Registration of associations	6
21. Power to impose conditions	7
22. Inspection of institutions	8
23. Penalties for failing to register	8
Part IV – Miscellaneous	8
24. Restrictions on seeking subscriptions, contributions or collections	8
25. Minister may make regulations	9

Malawi

Handicapped Persons Act

Chapter 33:02

Commenced on 1 October 1972

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

[Note: This version of the Act was revised and consolidated in the Forth Revised Edition of the Laws of Malawi (L.R.O. 1/2015), 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 improvement of the care, assistance and education of handicapped persons in Malawi; to establish a Council for the handicapped; to provide for the voluntary registration of handicapped persons; to provide for the registration, direction, control and regulation of associations whose objects include the welfare of the handicapped; and further to provide for matters incidental thereto and connected therewith

Part I – Preliminary

1. Short title

This Act may be cited as the Handicapped Persons Act.

2. Interpretation

In this Act, unless the context otherwise requires—

“**association**” has the meaning assigned to it by [section 20](#);

“**authorized officer**” means a medical practitioner and any other person authorized by the Minister for the purposes of this Act;

“**Chairman**” means the Chairman of the Council appointed and designated pursuant to [section 4](#);

“**Council**” means the Malawi Council for the Handicapped established by [section 3](#);

“**the handicapped**” means those persons who, by reason of any defect or impairment of the mind, senses or body, congenital or acquired, are unable to take part in normal education, occupation and recreation, or who, by reason of any such defect or impairment, require special assistance or training to enable them to take part in normal education, occupation or recreation, and

“**handicap**” shall be construed accordingly;

“**institution**” means any land, buildings or other premises in which an association carries on work for the promotion of the welfare of the handicapped, and includes premises where the handicapped live and are cared for by any such association;

“**Minister**” means the Minister for the time being responsible for the administration of this Act;

“**Vice-Chairman**” means the Vice-Chairman of the Council elected pursuant to [section 4](#).

Part II – Administration

3. Establishment of Council

There is hereby established a Council to be known as the Malawi Council for the Handicapped (hereinafter referred to as “the Council”) which shall be a body corporate by that name with perpetual succession and common seal and shall be capable of suing and being sued, of acquiring, holding, letting and otherwise disposing of land and, subject to the provisions of this Act, of performing all such acts and things as a body corporate may by law perform.

4. Composition of the Council

- (1) The Minister shall, by notice in the *Gazette*, appoint the members of the Council.
- (2) The Council shall consist of—
 - (a) one member designated by the Minister as Chairman;
 - (b) two independent members who shall be persons with wide and specialized knowledge in the field of the handicapped;
 - (c) five other members.
- (3) The Minister may appoint to the Council such additional members, not exceeding two, as he deems essential to the Council in the exercise of its functions and powers.
- (4) The Council shall, at its first meeting, elect one of its members to be Vice-Chairman of the Council for the period ensuing from the date of that meeting to the date of its first annual general meeting, and shall, at its first annual general meeting, and at each and every annual general meeting held thereafter, elect one of its members to be Vice-Chairman of the Council for the ensuing year.

[9 of 1986]

5. Secretary/ Registrar and officers

- (1) There shall be a Secretary to the Council who shall be appointed by the Minister, and who shall be the Registrar for all of the purposes of this Act.
- (2) The Minister may appoint such other officers of the Council as he may deem necessary for the proper administration of the affairs of the Council.
- (3) The Minister shall determine the terms and conditions of appointment of the Secretary and other officers appointed pursuant to subsections (1) and (2).
- (4) The Secretary shall be the chief executive officer of the Council and shall work under the direction of, and be responsible to, the Council for the performance of any duties assigned to him by this Act or delegated to him by the Council, as the case may be.
- (5) The Secretary may delegate or assign any administrative or other duties to any officer appointed pursuant to subsection (2) and each officer so appointed shall be responsible to the Secretary for the performance of any such duties lawfully delegated or assigned to him.
- (6) The Secretary and every officer appointed pursuant to this section shall be paid such salaries and emoluments as shall be fixed by the Minister in the terms of their respective appointments, and such salaries and emoluments shall be paid to them out of the funds of the Council.

- (7) Notwithstanding the foregoing provisions of this section, the Minister may designate an officer in the public service to be the Secretary to the Council, or may designate officers in the public service to be officers of the Council, and in any such event the provisions of subsection (6) shall not apply in respect of such Secretary or officers so designated by the Minister.

6. Tenure of office of members

- (1) Members of the Council shall, subject to the provisions of this section, hold office for such period, being not more than three years, as may be specified in their respective appointments.
- (2) A retiring member shall be eligible for re-appointment.
- (3) On the expiry of the period for which a member is appointed he shall continue to hold office until his successor has been appointed, but in no case shall such further period exceed three months.
- (4) The office of a member shall be vacated—
- (a) upon his death;
 - (b) if he is absent from three consecutive meetings of the Council without the permission of the Council;
 - (c) upon the expiry of one month's notice in writing of his intention to resign his said office given by him to the Minister;
 - (d) upon the expiry of one month's notice in writing terminating his appointment to such office given to him by the Minister;
 - (e) if he becomes physically or mentally incapable of performing his duties as a member of the Council.

7. Remuneration of members of the Council

Any member of the Council who is not an officer in the public service shall be paid, out of the funds of the Council, such remuneration and allowances, if any, as the Minister may in his case fix.

8. Proceedings of the Council

- (1) The Council shall meet at such places and times as the Chairman may determine or as he may be directed by the Minister and such meetings shall be convened by notice to the members given by the Chairman.
- (2) At any meeting of the Council more than half the number of members of the Council shall constitute a quorum and all acts, matters or things authorized or required to be done by the Council shall be decided by resolution by majority vote of the members present at any such meeting.
- (3) At all meetings of the Council, the Chairman or in his absence the Vice-Chairman or, in the absence of both, such member as the members present shall elect, shall preside.
- (4) The person presiding at any meeting of the Council shall have a deliberative vote and, in the event of an equality of votes, shall also have a casting vote.
- (5) Subject to the provisions of subsection (2), no act, decision or proceedings of the Council shall be questioned on account of any vacancy in the membership thereof, or on account of the appointment of any member of the Council being defective.