

CONTROL OF GOODS (IMPORT AND EXPORT) (COMMERCE) ORDER

under reg. 3

Of the Control of Goods (Import and Export) (Commerce) Regulations
G.N. 22/1967

79/1967

214/1967

185/1968

133/1969

23/1970

52/1970

237/1970

37/1971

56/1971

97/1972

135/1972

70/1973

173/1974

181/1974

151/1980

53/1987

85/1988

21/1991

17/1996

30/2001

18/2006

35/2007

8/2008

11/2008

18/2008

1. Citation

This Order may be cited as the Control of Goods (Import and Export) (Commerce) Order.

2. Interpretation

In this Order unless the context otherwise requires—

“sterling territory” means a state or territory specified in the First Schedule.

3. Issue of open general import licences

The Minister may, by notice published in the Gazette, issue open general import licences authorizing, subject to any other law, the import into Malawi of any goods which are the product or manufacture of a state or territory which is not a sterling territory.

4. Issue of licences

(1) The Principal Secretary may, with the approval of the Minister issue licences authorizing, subject to any other law and to any conditions endorsed on such licences—

(a) the import into Malawi—

(i) any goods which are the product or manufacture of a state or territory which is not a sterling territory, being goods in respect of which no open general import licence issued under paragraph 3 is in force;

(ii) any goods specified in the Second Schedule or any class of such goods; and

(b) the export from Malawi of any goods specified in the Third Schedule or any class of such goods.

(2) The Principal Secretary shall not issue licences authorizing the export from Malawi of any goods specified in item 1 of the Third Schedule unless he is satisfied that the import of such goods into the country of destination has been authorized by the appropriate authority of that country.

5. Prohibition of imports

(1) No person shall import into Malawi—

(a) any goods which are the product or manufacture of a state or territory which is not a sterling territory; and

(b) any goods specified in the Second Schedule or any class of such goods, except in accordance with a licence issued in terms of paragraph 3 or 4.

(2) No person shall export from Malawi any goods specified in the Third Schedule or any class of such goods except in accordance with a licence issued in terms of paragraph 4.

6. Revocation of licences

(1) The Principal Secretary may revoke a licence issued by him in terms of paragraph 4 if the licensee has failed to comply with this Order or the conditions under which the licence was issued.

(2) A licence revoked in terms of subparagraph (1) shall be returned immediately to the issuing authority by whom such licence was issued.

7. Transfer of licence prohibited

A licence issued in terms of paragraph 4 shall not be transferred.

8. Other laws applicable

Nothing contained in this Order or in any licence issued thereunder shall exempt any person to whom such licence applies from complying with any other law controlling the import into or the export from Malawi of the goods to which such licence relates.

9. Saving

Any licences issued under the Control of Goods (Import and Export) (Commerce) Order, 1964 (now revoked) shall, in so far as the same are not repugnant to this Order, remain in force as though issued under this Order until cancelled under this Order. G.N. 130/1964(N)

FIRST SCHEDULE para. 2

STERLING TERRITORIES

1. Any Commonwealth country other than Canada, and any colony, protectorate or trust territory of such country.

2. Hashemite Kingdom of the Jordan.

3. Iceland.

4. Republic of Ireland.

5. United Kingdom of Libya.

6. Republic of South Africa.

7. State of Kuwait.

8. Western Samoa.

SECOND SCHEDULE G.N. 53/1987, 85/1988, 21/1991, 17/1996, 30/2001, 18/2006, 35/2007

GOODS FOR THE IMPORT OF WHICH A LICENCE ISSUED UNDER PARAGRAPH 4 IS REQUIRED

1. — (1) Clothing and uniforms, designed for military, naval, air force or police use.

(2) Clothing, used, other than the personal effects of an individual.

(3) Bell-bottom trousers.

for the purposes of this sub-item the expression “bell-bottom trousers” means any flared trousers so made that the circumference of each leg thereof measured along the bottom edge is greater than sixfifths (6/5) of the circumference of such leg measured at its narrowest point parallel to the aforesaid bottom edge.

2. Gold, including—

- (a) any unmanufactured gold in any form whatsoever;
- (b) any article or substance containing such unmanufactured gold;
- (c) any article consisting of or containing gold which, although manufactured, is, as such, not a gold coin, an article of commerce, a work of art or of archaeological interest;
- (d) gold derived from the smelting or treatment of any manufactured article containing gold.

3. Sugar.

4. Any knife having a blade which—

- (a) opens automatically by hand pressure applied to a button, spring or other device in or attached to the handle of the knife, sometimes known as a “flick knife” or “flick gun”; or
- (b) is released from the handle or sheath thereof by the force of gravity or the application of centrifugal force and which, when released, is locked in place by means of a button, spring, lever or other device, sometimes known as a “gravity knife”.

5. Mist nets designed or adapted, for the capture of wild birds.

6. Game traps of metal construction operated by springs.

7. The following goods originating in Zimbabwe—

- (a) asbestos;
- (b) iron ore;
- (c) Pig iron;
- (d) Chrome;
- (e) Tobacco;
- (f) Copper;
- (g) Hides, skins and leather.

8. [Deleted by G.N. 17/1996.]

9. Dieldrin.

10. Aldrin.

11. Kitchen and table salt.

12. Beer.

13. Cane Sugar.

14. Ordinary Portland Cement.

15. Wheat flour.

16. Fertilizer.

THIRD SCHEDULE G.N. 185/1968, 151/1980, 85/1988, 30/2001, 8/2008, 11/2008, 18/2008

GOODS FOR THE EXPORT OF WHICH A LICENCE ISSUED UNDER PARAGRAPH 4 IS REQUIRED

1. Implements of war (other than arms and ammunition), atomic energy materials of strategic value, and items of primary strategic significance used in the production of arms and ammunition and other implements of war, including the following metals—

(a) beryllium;

(b) cobalt;

(c) tantalum;

(d) uranium;

(e) lithium;

(f) columbite;

(g) niobium (columbium);

(h) thorium;

(i) germanium;

(j) titanium;

(k) nickel,

and any materials containing such metals.

2. Petroleum products.

3. The following gemstones in the unmanufactured state—

(a) Corundum

(b) Garnet

(c) Quartz

(d) Tourmaline

(e) Turquoise

- (f) Beryl
- (g) Zircon
- (h) Jade
- (i) Olivine
- (j) Feldspar
- (k) Topaz
- (l) Opal
- (m) Chrysoberyl
- (n) Spinel
- (o) Lazurite

4. Bell-bottom trousers:

for the purposes of this item the expression “bell-bottom trousers” means any fixed flared trousers so made that the circumference of each leg thereof measured along the bottom edge is greater than sixfifths (6/5) of the circumference of such leg measured at its narrowest point parallel to the aforesaid bottom edge.

5. Scrap metal.

6. Soya Beans.

7. Rice, including—

- (a) rice meals;
- (b) rice bran;
- (c) rice residues.

8. Raw hard round wood timbers.