

**LAND (DEVELOPMENT OF LAKESHORE PLOTS) G.N. 42/1988
(CONTROL) ORDER**

Under ss. 26 and 31

1. This Order may be cited as the Land (Development of Lake – Citation shore Plots) (Control) Order.

2. –(1) On the land described in the First Schedule hereto no control person shall, without the prior consent of the Minister-

- (a) enter into occupation of any plot or property;
- (b) erect a cottage or a building structure of any description whatsoever;
- (c) fence any plot, property or structure;
- (d) in respect of any rights to land, [pay compensation to a chief, village headman or other traditional authority by whatsoever title designated or to any person whomsoever; and
- (e) do or perform any thing or act 9including the clearing of grounds or the planting of trees, shrub or other vegetation) in preparation of, or connected with, the foregoing activities.

(2) The provisions of subparagraph (1) shall not apply-

- (a) to the indigenous people of Malawi living in the are in the enjoyment of their customary rights in relation to their traditional livelihood, dwelling, commerce and business and business and the sustenance of an economic and improved standard of living;
- (b) in respect of properties developed or being developed or authorized for development before the commencement of this Order;
- (c) to extensions to an existing property not exceeding 10 per cent of the area of its structure of to adjustments or repairs to an existing property:

Provided that in the case of subparagraphs (b0 and (c0, the Minister may at any time require alterations of any nature to ne made to existing developments or plans if he considers such alterations to be desirable in the public interest or for the espousing or protection of the customary rights of the indigenous people of Malawi living in the area.

(d) to the development of hotels, inns and other establishments directly related to the promotion of tourism in Malawi and if a certificate to that effect in Form 1 set out in the Second Schedule has been issued by the Department of Tourism.

3. The consent of the Minister shall be in Form II set out in the Second Schedule and shall be subject to-

- (a) the following general conditions, that is to say, that-
 - (i) the grantee shall not suffer any thing or act to be done or performed which is injurious to public safety or public health or which interferes, in any degree whatsoever, with the customary rights of the indigenous people of Malawi living in the area;

(ii) the grantee shall develop his property or otherwise carry out development work on his property or otherwise carry out development work on his property only in accordance with such specific or general recommendations of the Commissioner as he may deem necessary or relevant in regard to factors of environment, sanitation, location from the water front and customary easements;

(iii) the grantee shall at all reasonable times permit the Commissioner to enter and inspect the premises for the purposes of this Order;

(iv) any lease or other title deeds held by the grantee pertaining to the property concerned shall, for non –compliance with the provisions for the Order as determined by the Commissioner, be surrendered forthwith upon demand by the Commissioner; and

(b) such special conditions as the Minister may endorse on the consent .

4. The fees specified in the Third Schedule shall be payable in respect of the matters respectively specified in that schedule and in the case of the application fee such fee shall be non-refundable notwithstanding that the application has not been granted.

FIRST SCHEDULE

1. THE MANGOCHI LAKESHORE AREA

All that piece and parcel of land containing an area of five two seven nought (5270) hectares or thereabouts situate in the eastern and western shores of Lake Malawi in the Mangochi District the boundaries whereof are shown on the Survey Department Sketch Plan No. 220/86 and thereon edged with red colour and are otherwise described as follows:-

1. Western Lakeshore Area: From the Mangoch Township boundary along the M15 road northwards to its junction with the D110 road; thence along D110 road to its junction with S39 road; thence along the S39 road to its junction with the D231 road; thence along the D231 road to its junction with the M18 road; thence along the M18 road to the Mangochi District/Ntcheu District boundary; thence northwards along Nankolukolo Stream to the mouth of that stream.

2. eastern Lakeshore Area: From the Mangochi Township boundary along the M3 road to its junction with the S58 road; thence along the S58 road northwards to its junction with the D228 road; thence along the D228 road to its junction with the undesignated road between Makanjira and Fort Maguire Ruins and thence along that undesignated road to the said ruins.

SECOND SCHEDULE

FORM1 – FORM OF TOURISM PROMOTION CERTIFICATE

MALAWI GOVERNMENT

LAND ACT

(CAP. 57:01)

LAND 9DEVELOPMENT OF LAKE SHORE PLOTS) (CONTROL)

ORDER
(UNDER PARA. 2 (20 (d))
TOURISM PROMOTION CERTIFICATE

CERTIFICATE No.

AREA: (including the Department of Survey Sketch Plan No.)

.....

PLOT NUMBER:

ESTIMATED VALUE OF THE DEVELOPMENT: K.....

DEEDS OF TITLE HELD:

DEVELOPER – NAME:

.....

ADDRESS:

.....

Nationality :

In the case of individuals, if not Malawian, state the following passport

Details –

(i) Number:.....

(ii) Date of Expiry:

(iii) Nationality:.....

This is to certify that the development of the Plot described above is in the interest of promoting the tourist industry in Malawi and will be undertaken to establish a (state whether hotel, inn, rest-house, club or other tourist resort)

..... and that the plans have been inspected and the site visited for verification

Date signed

Chief Tourism Officer

(Official Stamp)

FORM II- FORM OF THE MINISTER’S CONSENT
MALAWI GOVERNMENT
LAND ACT
(Cap. 57:01)

LAND (DEVELOPMENT OF LAKESHORE PLOTS) (CONTROL)
ORDER

CONSENT No.....

AREA: (including the Department of Survey Sketch Plan No.)

.....

PLOT NUMBER:

Nature of Development:
.....
.....

This is certify that the Minister's consent has been granted to (name of grantee)
..... to develop, or carry out development
work on the plot described above subject to the provisions of the LAND Act and to the
general conditions stipulated in the Land (Development of Lakeshore Plots) (Control) Order,
and to the special conditions stated hereunder.

Date signed

Commissioner for Lands

9Office Stamp)

SPECIAL CONDITIONS

1.
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- 2.....
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THIRD SCHEDULE

Fees

Matter Fee

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1. On application for the Minister's consent 10 00 non-refundable
2. For the issue of Tourism Promotion Certificate 100 00
3. For the grant of the Minister's consent 75 00

Control of Land (Bua/ Rusa Development Area) Order/ Control of Land (Chifupa Ridge Tea
Area) Order