



## **MALAWI LAW COMMISSION**

### **GENERAL NOTICE**

Law Commission Act 1998  
Cap. 3:09 of the Laws of Malawi

NOTICE OF WORK PROGRAMME FOR 2009  
*Under section 7 (1) (a)*

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The Law Commission in accordance with section 7(1) (a) of Law Commission Act, 1998 and in pursuance of its powers and functions under the Act and the Constitution, hereby publishes its programme of work for the year 2009.

#### **1. LAW REFORM**

##### **1.1 ON-GOING PROGRAMMES**

###### **(a) Constitutional Review**

The Law Commission shall proceed to the next phase of this Programme and shall hold the first National Constitutional Conference in March and thereafter empanel a special Law Commission to carry out the comprehensive review of the Constitution to address the shortfalls in the Constitution as exposed since its adoption. The work of the special Commission shall take four months and shall culminate into a Law Commission Report attaching a Constitutional amendment Bill. The draft Report shall be presented to a Second National Constitutional Conference. Thereafter the Report shall be submitted to Cabinet and Parliament.

###### **(b) Gender-Related Law Reforms**

The Law Commission has reconstituted the special Commission on Gender Related Law Reforms. The new Commission shall finalise the last assignment on the programme which is the development of a gender equality statute.

**(c) Trafficking of Women and Children**

The Law Commission shall proceed to the second phase of this programme. This shall consist of the holding of a national workshop to agree on trafficking patterns in Malawi and thereafter the empanelling of a special Law Commission to develop a Report attaching Bills to address the gap created by non-existence of legislation to combat this evil practice.

**(d) Review of the Traditional Courts Act**

The special Law Commission on Criminal Justice Reforms shall finalise the review of the Traditional Courts Act during the first quarter.

**(e) Land-Related Law Reforms**

The special Law Commission on Land-related Law Reforms shall finalise the review of land related laws during the first quarter.

**(f) Education-Related Law Reforms**

The special Law Commission on Education-Related Law Reforms shall finalise its work on the review of all laws regulating education matters during the third quarter.

**1.2 NEW PROGRAMMES**

**(a) Disclosure of Assets Law**

The Law Commission shall develop a Report attaching a Bill on disclosure of assets by holders of certain offices to enable the proper implementation of section 213 of the Constitution.

**(b) HIV and AIDS Legislation**

The Law Commission shall carry out research to determine the necessity of and importance of developing a separate law on HIV and AIDS during the first quarter. Depending on the findings of the research, the Commission shall proceed to empanel a special Commission to work on the development of a Report attaching a Bill on HIV and AIDS.

**(c) Review of Law on Spent Convictions**

The special Law Commission on Criminal Justice Reforms shall develop a law to regulate spent convictions as an ancillary assignment to the Review of the Criminal Procedure and Evidence Code.

(d) Judicial Service Commission Legislation

The Law Commission will set up a special Law Commission to develop Legislation to enable the proper functioning of the Judicial Service Commission as envisaged by the Constitution.

2. **PUBLICATIONS**

The Law Commission shall publish the following during the year 2006 –

- (a) Consultation Paper on Constitution Review
- (b) Research Paper on Abortion
- (c) Research Paper on Corporate Performance and the Status of Insolvency Law in Malawi

3. **PUBLIC AWARENESS AND CIVIC EDUCATION**

The Law Commission shall continue executing its mandate of promoting awareness of the laws and the Constitution by the Public and Departments of Governments under its various law reform programmes.

For: Janet L. Banda (Mrs)  
Chief Law Reform Officer  
**THE LAW COMMISSIONER**