

The Malawi Gazette Supplement, dated 2nd June, 2023, containing  
Regulations, Rules, etc. (No. 13A)

GOVERNMENT NOTICE NO. 21

# STAMP DUTIES ACT

(CAP. 43:01)

## STAMP DUTIES (EXEMPTION) REVOCATION NOTICE, 2023

IN EXERCISE of the powers conferred by section 88 (2) of the Stamp Duties Act, I, SOSTEN ALFRED GWENGWE, Minister of Finance and Economic Affairs, give Notice as follows—

1. These Rules may be cited as the Stamp Duties (Exemption) Revocation Notice, 2023. Citation

2. The Stamp Duties (Exemption) Notice, 1992 is revoked.

Revocation of  
GN.67/1992

Made this 12th day of May, 2023.

S. A. GWENGWE  
Minister of Finance and  
Economic Affairs

(FILE NO.: C/RD/6/3/3/21)

GOVERNMENT NOTICE NO. 22

# STAMP DUTIES ACT

(CAP. 43:01)

## STAMP DUTIES (AMENDMENT) ORDER, 2023

IN EXERCISE of the powers conferred by section 5 of the Stamp Duties Act, I, SOSTEN ALFRED GWENGWE, Minister of Finance and Economic Affairs, make the following Order—

1. This Order may be cited as the Stamp Duties (Amendment) Order, 2023. Citation

2. The Schedule to the Stamp Duties Act is deleted and replaced therefor a new *Schedule*, as follows—

Replacement  
of Schedule  
to Cap. 43:01

“SCHEDULE (ss. 5, 6(3), 6(4) and 88)

## STAMP DUTIES ON INSTRUMENTS

<i>Instrument</i>	<i>Duty</i>	<i>Persons responsible for stamping</i>	<i>Time for stamping if other than that generally or specially provided in this Act</i>
Administration Bond	See Bond, etc		

<i>Instrument</i>	<i>Duty</i>	<i>Persons responsible for stamping</i>	<i>Time for stamping if other than that generally or specially provided in this Act</i>
<i>Agreement for Dissolution of Partnership</i>	<i>See Partnership and Conveyance, etc.</i>		
<i>Agreement to divide</i>	<i>See Partition</i>		
<i>Agreement for Exchange</i>	<i>See Exchange of Property and Agreement and section 42</i>		
<i>Agreement for hire of Goods</i>	<i>See Agreement and section 30</i>		
<i>Agreement for lease, letting or tenancy</i>	<i>See Lease</i>		
<i>Agreement or contract accompanied with a deposit</i>	<i>See Mortgage, etc.</i>		
<i>Agreement for partition</i>	<i>See Partition</i>		
<i>Agreement for partnership</i>	<i>See Partnership</i>		
<i>Agreement to sell property</i>	<i>See Agreement and Conveyance, etc., and section 42</i>		
1. AGREEMENT OR ANYMEMORANDUM OF AN AGREEMENT Under hand only and not otherwise specifically charged with any duty, whether the same be only evidence of a contract or obligatory upon the parties from its being a written instrument.	K10, 000	The person first executing	
Exemptions—			
(1) Agreement, letter or memorandum of agreement made for			

<i>Instrument</i>	<i>Duty</i>	<i>Persons responsible for stamping</i>	<i>Time for stamping if other than that generally or specially provided in this Act</i>
or relating to the sale of any goods, wares or merchandise (except as chargeable under any other heading).			
(2) Agreement or memorandum for the hire of any labourer, artificer, manufacture or menial servant.			
(3) Agreement or memorandum the matter whereof is not of the value of K10			
(4) Agreement or contract exempted under section 65 of the Employment Act.			
<i>Annuity</i>			
(1) Conveyance in Consideration of		See Conveyance etc	
(2) Creation of, by way of security		See Mortgage, etc	
(3) Purchase of		See Conveyance, etc	
(4) Instrument relating To, upon any other Occasion		See Bond, Covenant, etc	
2. APPOINTMENT OF A NEW TRUSTEE AND APPOINTMENT in execution of a power of any property, or of any use, share or interest in any property, by any instrument not being a will; and See section 46.	K10, 000	the appointer	

<i>Instrument</i>	<i>Duty</i>	<i>Persons responsible for stamping</i>	<i>Time for stamping if other than that generally or specially provided in this Act</i>
3.(1) BILL OF EXCHANGE payable on demand, other than a cheque, or at sight or on presentation or within three days after date of sight. And See sections 31,32,34 and 75.	K200	All persons executing	(a) If drawn in Malawi, before execution
(2) BILL OF EXCHANGE, being A cheque drawn, on A banker payable on Demand and See Sections 31,32,34 and 75	30t		(b) If drawn out of Malawi in accordance with section 32
<i>Exemption—</i>			
Any cheque drawn on any of the official banking accounts of any government.			
4. BILL OF EXCHANGE of any other kind whatsoever and PROMISSORY NOTE of any kind whatsoever drawn, or expressed to be payable, or actually paid or endorsed, or in any manner negotiated in Malawi		All persons executing	(a) If drawn in Malawi before execution
			(b) If drawn out of Malawi in accordance with section 32
For every K50 and also for every fractional part of K50 of the amount or value And See sections 31 to 35 and section 75.	20t		
<i>Exemption—</i>			
Any cheque drawn on any of the official			



<i>Instrument</i>	<i>Duty</i>	<i>Persons responsible for stamping</i>	<i>Time for stamping if other than that generally or specially provided in this Act</i>
banking accounts of any government.			
5. BILL OF LADING	K20,000	All persons	before Bond —
(1) For securing the payment or repayment of money	See mortgage, etc		
(2) For securing the transfer or retransfer of stock.	See marketable Security		
(3) In relation to any annuity upon the original creation and sale thereof.	See conveyance, etc		
6. BOND, COVENANT OR SIMILAR INSTRUMENT of any kind whatsoever—			
(1) being the only or principal or primary security for any annuity (except upon the original creation thereof by way of sale or security and except a superannuation annuity), or for sum or sums of money at stated periods, not being interest for any principle sum secured by a duly stamped instrument, nor rent reserved by a lease—			
For a definite and certain period so that the total other amount to be ultimately payable can be ascertained.	The same <i>ad valorem</i> duty as a Mortgage, Bond, Debenture or Covenant for amount (See Mortgage, etc)	The obligee, covenantee, or person taking the security.	

<i>Instrument</i>	<i>Duty</i>	<i>Persons responsible for stamping</i>	<i>Time for stamping if other than that generally or specially provided in this Act</i>
For a term of life or any other amount any other indefinite period, for every K10 and also for any fractional part of the annuity or sum periodically payable.	K2	the obligee covenant, or other person taking the security.	
(2) Being a collateral or auxiliary or additional or substituted security for any of the above-mentioned purposes where the principal is duly stamped.			
Where the total amount to be ultimately payable can be ascertained	As above (See mortgage, etc.)		
In any other case, for every K10, and also for any fractional part of K10.00 of the annuity or sum periodically payable	K2	the obligee, covenantee, or other person taking the security.	
(3) Being a grant or contract for payment of a superannuation annuity, that is to say, a deferred life annuity granted or secured to any person in consideration of annual premiums			

<i>Instrument</i>	<i>Duty</i>	<i>Persons responsible for stamping</i>	<i>Time for stamping if other than that generally or specially provided in this Act</i>
payable until he attains a specified age, and so so to commence on his attaining that age. For every K10, and also for any fractional part of K10, of the annuity	K2	the grantor	
(4) Of any kind whatsoever, not specifically charged with any duty Exemption— Rail Bond	K10,000	the obligee, covenantee, or other person taking the security	
7. CONVEYANCE OR TRANSFER ON SALE OF ANY PROPERTY NOT DESCRIBED  Where the amount or value of the consideration Does not exceed K50 Exceeds K50 but does not exceed K100 Exceeds K100 but does not exceed K150 Exceeds K150 but does not exceed K200 Exceeds K200, for every K100 and also for any fractional part of K100 And See sections 36 to 46, 55 and 57.	K5 K10 K20 K50	the purchaser or transferee	
Transfer of any motor vehicle		K50,000	The transferee
Conveyance or transfer By way of security of	See Mortgage etc and		

<i>Instrument</i>	<i>Duty</i>	<i>Persons responsible for stamping</i>	<i>Time for stamping if other than that generally or specially provided in this Act</i>
any property of any security	Marketable Security		
8. CONVEYANCE OR OR TRANSFER or any kind not hereinbefore described	K 50, 000	the purchaser or transferee	
9. COPY OR EXTRACT Certified to be a true copy by, or by order, of, and public officer not charged for under any written law.	K5000	The person for or on whose behalf the copy or extract is made.	Within thirty days of certification.
<i>Exemptions</i>			
1. Any copy or extract which a public officer is expressly required by any written law to make and to furnish for record in any Government Department or for any public purpose.			
2. Any copy of, or extract from, any register relating to births, baptisms, marriages, adoptions, divorces, deaths or burials.			
<i>Covenant for securing the payment or repayment of money, or the transfer or retransfer of stock</i>	<i>See Mortgage, etc.</i>		
<i>Covenant in relation to any annuity upon the original creation and sale thereof</i>	<i>See Conveyance etc., and section 43</i>		



<i>Instrument</i>	<i>Duty</i>	<i>Persons responsible for stamping</i>	<i>Time for stamping if other than that generally or specially provided in this Act</i>
<i>Covenant in relation to any annuity (except upon the original creation and sale thereof) or to other periodical payments</i>	See Bond, etc		
10. COVENANT: Any Separated deed of covenant (not being an instrument chargeable with <i>ad valorem</i> duty as a conveyance on sale or mortgage) made on the sale or mortgage of any property, and relating solely to the conveyance or enjoyment of, or the title to, the property sold or mortgaged, or to the production of the documents of title relating thereto, or to all or any of the matters aforesaid			
Where the <i>Ad valorem</i> duty in respect of the or mortgage money does not exceed K100	A duty equal to the amount of such <i>advalorem</i> duty	The covenantee	
In any other case	K5000		
<i>Counterpart Debenture for securing the payment of repayment of money, or the transfer or retransfer of stock</i>	See Duplicate See Marketable Security and Mortgage, etc.		
11. DECLARATION of any use or trust of or concerning any property by any instrument, not being a will or any	K20, 000	The declarer	

<i>Instrument</i>	<i>Duty</i>	<i>Persons responsible for stamping</i>	<i>Time for stamping if other than that generally or specially provided in this Act</i>
instrument chargeable with ad varoem duty as a settlement.			
12. DEED or other SIMILAR	K20, 000		All persons executing
INSTRUMENT of any kind whatsoever not described in this Schedule and not generally or specially exempted from duty.			
13. DEED OF ARRANGEMENT			
Registered under the Deeds of Arrangement Act—			
For every K200, and Also for any fractional part of K200, computed as provided by section 7 (2) if the said Act	K100	The debtor	Before registration under the said Act
<i>Deposit of title deeds</i> See Mortgage etc, and section 57			
Draft for money	See bill of exchange		
14. DUPLICATE OR			
COUNTERPART of any instrument chargeable with any duty—			
Where such duty does not amount to K200	The same duty as the original instrument	The person for whose benefit the duplicate or counterpart was executed	The time allowed for stamping the original instrument.
In any other case Equitable Mortgage	K200 See Mortgage etc, and sections 29 and 57		

<i>Instrument</i>	<i>Duty</i>	<i>Persons responsible for stamping</i>	<i>Time for stamping if other than that generally or specially provided in this Act</i>
15. EXCHANGE OF PROPERTY	The same duty as on a Conveyance, etc., for a consideration equal to the value of the property of greatest value.	All persons executing	
Extract	See Copy or Extract		
Foreign Security	See Marketable Security and Section 55		
Further Charge or Further Security	See Mortgage, etc, and sections 57		
16. HIRE PURCHASE AND INSTALMENT SALE AGREEMENTS			
Insurance	See Policy of	All persons	
Insurance	executing		
17. LEASE OR LICENCE			
(1) For any definite term less than a year—			
Where rent does not exceed K50	K50	The lessee or licensee	
Where rent exceeds K50, for every K50 and also for every fractional part of K50	K5		
(2) For any other definite term—			
For each K50 and also for every fractional part of K50 of the annual rent—		The lessee or licensee	

<i>Instrument</i>	<i>Duty</i>	<i>Persons responsible for stamping</i>	<i>Time for stamping if other than that generally or specially provided in this Act</i>
Where the term does not exceed 7 years	K1.20	}	
Where the term exceeds 7 years but does not exceed 21 years	K2		
Where the term exceeds 21 years	K1		
(3) For an indefinite term—	K50	}	The lessee or licensee  K1.50
Where the rent does not exceed K2 per annum	K5		
For each K50 and also for every fractional part of K50 of the annual Rent			
(4) For any other kind whatsoever not herein before described And See sections 47 and 54	K5000		
<i>Letter of Credit</i>	<i>See Bill of Exchange</i>		
<i>Letter of Guarantee</i>	<i>See Agreement</i>		
<i>Letter of Indemnity</i>	<i>See Agreement</i>		
<i>Letter or Power of Attorney</i>	<i>See Power of Attorney</i>		
18. MARKETABLE SECURITY			
Transfer, assignment or disposition of a marketable security of any description:			
(1) Upon a sale thereof	See Conveyance, etc		
(2) Upon a mortgage thereof	See Mortgage, etc		
(3) In any other case than sale or	K500	This transferee assignee, etc.	



<i>Instrument</i>	<i>Duty</i>	<i>Persons responsible for stamping</i>	<i>Time for stamping if other than that generally or specially provided in this Act</i>
mortgage And See sections 55 and 56			
<i>Marriage Settlement</i>	<i>See settlement</i>		
19. MORTGAGE, BOND, DEBENTURE OR COVENANT (not being a marketable security otherwise specifically charged with duty).			
(1) Being the only or principal or primary security (other than an equitable security) for the payment or repayment of money—  Not exceeding K1,000— For every K100 and K500 also for every fractional part of K100 or the amount secured  Exceeding K1,000— For every K200 and K1.20 also for every fractional part of K200 of the amount secured			
(2) Being a collateral or additional or substituted security (other than an equitable mortgage), the principal security having been duly stamped  For every K200 and 30t also for any			

<i>Instrument</i>	<i>Duty</i>	<i>Persons responsible for stamping</i>	<i>Time for stamping if other than that generally or specially provided in this Act</i>
fractional part of K200 of the amount Secured.			
(3) Being an equitable mortgage—			
deed of pledge or hypothecation to a banking company of goods, merchandise, stocks, shares, bills, notes and other marketable securities (including power of attorney therein).	K500		
deed of pledge or hypothecation or assignment or cession, to a banking company of policies of insurance (including power of attorney therein)	K500		
of any other kind— under hand—	50t	the mortgage, charge, etc	
For every K200 and also for any fractional part of K200 of the amount secured under seal	The same advalorem duty as upon a security chargeable under Head 1 hereof		
(4) Transferred or assignment of any mortgage, bond, debenture or covenant (except a marketable security)			
For every K200 and also for any fractional part of K200 of the	50t	the transferee	

<i>Instrument</i>	<i>Duty</i>	<i>Persons responsible for stamping</i>	<i>Time for stamping if other than that generally or specially provided in this Act</i>
amount transferred or assigned			
(5) Reconveyance, release, discharge, surrender or renunciation, of any such security as aforesaid, or of the benefit thereof or of the money thereby secured—			
For every K200 and also for any fractional part of K200 of the total amount or value of the money at any time secured Exemptions—	30t	The mortgagor, charger, etc.	
(1) Bond given by a public officer for the due execution of his duty.			
(2) Bond on which a fee is chargeable under the provisions of the Courts Act.			
(3) Bond given solely in relation to any payment due to the Consolidated Fund And see sections 57, 58 and 59.			
Mortgage of Stock or Marketable Security			
(1) Under hand only and section 29	See mortgage		
(2) By Deed	See mortgage,		

<i>Instrument</i>	<i>Duty</i>	<i>Persons responsible for stamping</i>	<i>Time for stamping if other than that generally or specially provided in this Act</i>
Being a movable security under the Personal Property Securities Act		etc, and section 57	
		Same rate as mortgage exceeding K10,000,000	
20. NOTARIAL ACT OR INSTRUMENT	K20000		
Order of payment of Money	See Bill of Exchange		
21. PARTITION, INSTRUMENT of For every K200 and also for any fractional part of K200 of the amount or value of the separated share or shares of the property.	K10	All persons executing	
And see section 60			
22. PARTNERSHIP			
(1) Instrument of	K50,000	} All persons executing	
(2) Instrument of dissolution of, including an agreement to dissolve without consideration	K10,000		
(3) Instrument of dissolution of, including an agreement to dissolve with consideration Pawn or pledge	See Conveyance etc.		
	See Mortgage etc		
23. POLICY OF INSURANCE			
(1) Policy of life Insurance		}	



<i>Instrument</i>	<i>Duty</i>	<i>Persons responsible for stamping</i>	<i>Time for stamping if other than that generally or specially provided in this Act</i>
For every K200 and also for any fractional part of K200 of the amount Insured	40t	The insurer, or in the case of a policy issued outside Malawi and sent to the insured or his agent, the insured.	
(2) Any other policy of insurance issued for a specified period—			
upon the issue or the K5,000 renewal or the extension thereof for any period of 12 months and also for any part thereof			
(3) Any other policy of insurance issued for the term of a journey or journeys			
For each journey	K5,000		
(4) Any other policy of insurance not specifically mentioned—			
Upon the issue, or the renewal of the extension thereof.			
(5) Any endorsement on a policy of the insurance—			
To increase the amount of insurance, or to make any other material addition to or a substantial change in the policy.		The same duty as for the issue of a new policy.	

*Exemptions—*

- (1) Policy of insurance on baggage or

<i>Instrument</i>	<i>Duty</i>	<i>Persons responsible for stamping</i>	<i>Time for stamping if other than that generally or specially provided in this Act</i>
personal or personal and household effects only, if made or executed outside Malawi.			
(2) Letter or cover or engagement to issue a policy of insurance—  Provided that unless such letter or cover or engagement is duly stamped for such policy, nothing shall be claimable thereunder nor, shall it be available for any purpose except to compel the delivery of the policy therein mentioned. And See sections 61 to 63.			
24. POWER OR LETTER OF ATTORNEY or other instrument in the nature thereof other than the appointment of a proxy to vote at any meeting or revocation thereof—  For the issue thereof in respect of each donor	K10, 000	The person executing	
For the revocation thereof in respect of each person revoking Promissory Note	K5, 000	See Bill of	
	Exchange		
25. RECEIPT given for, or upon the payment of, money, or for movable property, amounting to K4 and upwards.	K1,000	The person giving receipt	Before being parted with by the person giving the receipt

<i>Instrument</i>	<i>Duty</i>	<i>Persons responsible for stamping</i>	<i>Time for stamping if other than that generally or specially provided in this Act</i>
<i>Exemptions—</i>			
(1) Receipt given for or on account of any salary, payment, or wages or for or on account of any other like payments made to or for the account or benefit of any person, being the holder of an office or an employee, in respect of his office, or employment, or for or on account of money paid in respect of any pension, superannuation allowance, compassionate allowance or other like allowance.			
(2) Receipt endorsed or otherwise written upon or contained in any instrument liable to stamp duty, and duly stamped, acknowledging the receipt of the consideration money therein expressed, or the receipt, of any principal money, interest, or annuity thereby secured or therein mentioned:			
Provided that this exemption shall not extend to any receipt merely by reason of its being written or			

<i>Instrument</i>	<i>Duty</i>	<i>Persons responsible for stamping</i>	<i>Time for stamping if other than that generally or specially provided in this Act</i>
endorsed upon a bill of exchange or promissory note.			
(3) Receipt given for money deposited in any bank or with any bank or with any banker to the account of any person and for money withdrawn from a savings bank account with any bank.			
(4) Receipts given for money paid out of any court by way of compensation or damages.			
(5) Receipt given for any refund from the general revenues of Malawi.			
(6) Receipts given by any ecclesiastical, charitable or educational institution of a character. And See sections 64 and 65.			
Reconveyance, Release or Renunciation of any security	See Mortgage etc		
26. RELEASE OR RENUNCIATION of any property or of any right or interest in any property			
(1) Upon a sale	See Conveyance, etc		
(2) By way of security	See Mortgage, etc		
(3) In any other case	K10,000	All persons executing	



<i>Instrument</i>	<i>Duty</i>	<i>Persons responsible for stamping</i>	<i>Time for stamping if other than that generally or specially provided in this Act</i>
27. REVOCATION of any use or trust or any property by any writing not being a will.	K10,000		
28. SETTLEMENT Any instrument, whether voluntary or upon any good or valuable consideration, other than a <i>bona fide</i> pecuniary consideration, whereby any definite and certain principal sum of money (whether charged or chargeable on any immovable property or not, or to be laid out in the purchase of immovable property or not), or any definite and certain amount of stock, or any security, is settled in any manner whatsoever—			
For every K200 and also for any fractional part of K200 of the amount or value of the property settled or agreed to be settled. And See sections 66, 67 and 68.	K10	The settler	
<i>Superannuation Annuity</i>	See Bond etc		



3. The *Fifth Schedule* to the principal Rules is amended, under Alert Level 1, "*International travel and transportation from Malawi*", by deleting subparagraph (b) and replacing therefor a new subparagraph, as follows—

Amendment  
of *Fifth  
Schedule* to  
principal  
Rules

"(b) a traveller from Malawi shall comply with the health travel requirements in the country of his or her destination."

Made this 31st day of May, 2023.

(FILE NO.: MED/12)

K. K. CHIPONDA  
*Minister of Health*

