

REPUBLIC OF MALAWI BILL

EXPLANATORY NOTE

THIS Bill deals with the position that has arisen by virtue of the fact that Malawi became a Republic on 6 July 1966, while remaining a member of the Commonwealth.

Clause 1 relates to the Short Title and commencement. The Act is deemed to have come into force on 6 July 1966.

Clause 2: Subclause (1) provides that existing law shall continue to apply as if Malawi had not become a Republic, unless any such law is duly altered in the future so as not to apply.

Subclause (2) provides that the clause extends to the law of, or any part of, New Zealand or any of the territories referred to in *clause 3*.

Clause 3: Subclause (1) provides that the new Act is to be in force in Niue and in the Tokelau Islands.

Subclause (2) makes the new Act a reserved enactment in Niue. The result is that the Niue Island Assembly may not make any Ordinance that is repugnant to the new Act.

Right Hon. Mr Holyoake

REPUBLIC OF MALAWI

ANALYSIS

Title	2. Existing law to apply as if Malawi had not become a Republic
1. Short Title and commencement	3. Application of Act to Niue and Tokelau Islands

A BILL INTITULED

An Act to make provision as to the operation of the law in relation to Malawi, and persons and things in any way belonging to or connected with Malawi, in view of Malawi's
5 **having become a Republic while remaining a member of the Commonwealth**

WHEREAS on the sixth day of July, nineteen hundred and sixty-six, Malawi became a Republic while remaining a member of the Commonwealth:

10 BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title and commencement—(1) This Act may be cited as the Republic of Malawi Act 1966.

15 (2) This Act shall be deemed to have come into force on the sixth day of July, nineteen hundred and sixty-six.

2. Existing law to apply as if Malawi had not become a Republic—(1) All existing law—that is to say, all law which, whether it is a rule of law or a provision of an Act of any Parliament or a provision of any other enactment or instrument whatsoever, has come into force or been passed or made before the commencement of this Act—shall, until provision to the contrary is made by the authority having power to alter that law, have the same operation in relation to Malawi, and to persons and things in any way belonging to or connected with Malawi, as it would have had if Malawi had not become a Republic.

(2) This section extends to law of, or any part of, New Zealand or any of the territories referred to in section 3 of this Act.

3. Application of Act to Niue and Tokelau Islands—

(1) This Act shall be in force in the following territories:

- (a) Niue;
- (b) The Tokelau Islands.

(2) The First Schedule to the Cook Islands Amendment Act 1964 is hereby amended by adding the following words:

“1966, No. 00—

The Republic of Malawi Act 1966	The whole Act.”
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