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Act

No. 31 of 2025

I assent

DR. LAZARUS MCCARTHY CHAKWERA

PRESIDENT

20th June, 2025

ARRANGEMENT OF SECTIONS

SECTION

- 1. Short title
- 2. Amendment of s. 2 to Cap. 63:01
- 3. Amendment of s. 6 of the principal Act
- 4. Insertion of s. 9A into the principal Act
- 5. Insertion of s. 13A into the principal Act
- 6. Amendment of s. 46 of the principal Act
- 7. Amendment of s. 64 (1) of the principal Act
- 8. Amendment of s. 68 of the principal Act
- 9. Amendment of s. 74 of the principal Act
- 10. Amendment of s. 82 of the principal Act
- 11. Amendment of s. 83 of the principal Act

An Act to amend the Forestry Act

ENACTED by the Parliament of Malaŵi as follows—

1. This Act may be cited as the Forestry (Amendment) Act, 2025. Short title

2. The Forestry Act (hereinafter referred to as the “principal Act”) is amended, in section 2, by inserting, immediately after the definition of “customary land committee”, the following new definition— Amendment of s. 2 to Cap 63:01

“enforcement officers” means officers of the Malawi Police Service, Department of Road Traffic and Safety Services, Department of National Parks and Wildlife, Department of Fisheries, Defence Force of Malawi, Malawi Revenue Authority, Department of Immigration and Malawi Environmental Protection Authority”.

Amendment
of s. 6 of the
principal Act

3. The principal Act is amended, in section 6, by inserting new subsections (4), (5) and (6), as follows—

“(4) Subject to subsection (5), an officer exercising powers granted under section 13, may use firearms against any person—

(a) where the person is escaping or attempting to escape;

(b) who, by force, rescues or attempts to rescue, a person under lawful custody; or

(c) who, by force, prevents or attempts to prevent, his own lawful arrest or the lawful arrest of any person.

(5) For the purposes of subsection (4), an officer shall—

(a) not resort to the use of a firearm as authorized under subsection (4) (a), unless the officer has reasonable grounds to believe that he or she cannot otherwise prevent the escape and unless the officer has given warning to such person that he or she is about to use the firearm against the person and that such warning is unheeded;

(b) not resort to the use of a firearm as authorized under subsection 4 (b) and (c), unless the officer has reasonable grounds to believe that he or she or any person is in danger of grievous bodily harm and that he cannot otherwise effect the arrest or prevent the rescue; and

(c) as far as possible, use a firearm to disable and not to kill.

(6) An officer, shall, after using a firearm, make a report in the prescribed form to the Director.”.

Insertion of s.
9A into the
principal Act

4. The principal Act is amended, by inserting, immediately after section 9, a new section 9A, as follows—

“Powers of
enforcement
officers

9A—(1) An enforcement officer shall, with the express written authority of the Director, exercise powers provided for under sections 6,7,8 and 9 of this Act.

(2) Where in the circumstances, it is not practical, to obtain the express written authority of the Director, an enforcement officer shall proceed to act, but shall as soon as it is practicable, report any exercise of powers under sections 6,7,8 and 9, to the Director.”.

5. The principal Act is amended, by inserting, immediately after section 13, a new section 13A as follows—

Insertion of s. 13A into the principal Act

“Enforcement officers to conduct investigation or inquiry

13A—(1) An officer shall, in addition to powers granted under this Act or any other Act, have the power to conduct an investigation or inquiry and prepare relevant reports and materials for the prosecution of criminal proceedings.”.
6. The principal Act is amended, in section 46 by inserting, immediately after paragraph (d), a new paragraph (e) as follows—

Amendment of s. 46 of the principal Act

“(e) enter or attempt to enter into a protected area or a forest reserve.”.
7. The principal Act is amended, in section 64 (1) by inserting, immediately after paragraph (d), a new paragraph (e) as follows—

Amendment of s. 64 (1) of the principal Act

“(e) enters or attempts to enter into a protected area or a forest reserve commits an offence and shall upon conviction be liable to a fine of K3,000,000 and to imprisonment for a term of five years.”.
8. The principal Act is amended, in section 68, as follows—

Amendment of s. 68 of the principal Act

(a) in subsection (2) by deleting the figure “5,000,000” and substituting therefor the figure “10,000,000”; and

(b) in subsection (3) by—
 - (i) deleting the word ”trafficking” in paragraph (a);
 - (ii) inserting immediately after paragraph (a) a new paragraph (b) as follows—

“(b) trafficks charcoal commits an offence and shall be liable upon conviction to imprisonment for a term of ten years”; and
 - (iii) renumbering the current paragraph (b) as paragraph (c)
9. The principal Act is amended in section 74 (3) by inserting, immediately after the words “1 (a)” the words “and (f)”

Amendment of s. 74 of the principal Act
10. The principal Act is amended, in section 82 by renumbering the current provision as subsection (1) and inserting a new subsection (2) as follows—

Amendment of s. 82 of the principal Act

“(2) Any person who contravenes subsection (1) commits an offence and shall upon conviction be liable to a fine of K50,000,000 and to imprisonment for a term of twenty years”.

Amendment
of s. 83 of the
principal Act

11. The principal Act is amended, in section 83, by inserting, immediately after subsection (3), a new subsection (4), as follows—

“(4) Any person who contravenes subsection (2) commits an offence and shall upon conviction be liable to a fine of K3,000,000 and to imprisonment for a term of five years”.

Passed in Parliament this tenth day of April, two thousand and twenty-five.

FIONA KALEMBA
Clerk of Parliament