[Chap0701]CHAPTER 7:01

PENAL CODE

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An Act to establish a Code of Criminal Law

[1ST APRIL 1930]

PART I

GENERAL PROVISIONS

CHAPTER I

PRELIMINARY

[Ch0701s1]1. Short title

This Act may be cited as “The Penal Code” and hereinafter referred to as “this Code".

[Ch0701s2]2. Savings of certain laws

Nothing in this Code shall affect—

(1) the liability, trial or punishment of a person for an offence against the Common Law or against any other law in force in the Republic other than this Code; or

(2) the liability of a person to be tried or punished for an offence under the provisions of any law in force in relation to the jurisdiction of courts in respect of acts done beyond the ordinary jurisdiction of such courts; or

(3) the power of any court to punish a person for contempt of such court; or

(4) the liability or trial of a person, or the punishment of a person under any sentence passed or to be passed, in respect of any act done or commenced before the commencement of this Code; or

(5) any power of the President to grant any pardon to remit or commute in whole or in part or to respite the execution of any sentence passed or to be passed; or

(6) any of the Acts or Regulations for the time being in force for the armed forces or the police force of the Republic:

Provided that if a person commits an offence which is punishable under this Code and is also punishable under another Act or Regulation, he shall not be punished for that offence both under that Act, or Regulation and also under this Code.

CHAPTER II

INTERPRETATION

[Ch0701s3]3. General rule of construction of Code

This Code shall be interpreted in accordance with the principles of legal interpretation obtaining in England, and expressions used in it shall be presumed, so far as is consistent with their context, and except as may be otherwise expressly provided, to be used with the meaning attaching to them in English criminal law and shall be construed in accordance therewith.

[Ch0701s4]4. Interpretation

In this Code, unless the context otherwise requires—

"Act" includes any orders, rules or regulations made under the authority of any Act;

"court" means a court of competent jurisdiction;

"dangerous harm" means harm endangering life;

"dwelling-house" includes any building or structure or part of a building or structure which is for the time being kept by the owner or occupier for the residence therein of himself, his family or servants or any of them, and it is immaterial that it is from time to time uninhabited; a building or structure adjacent to or occupied with a dwelling-house is deemed to be part of the dwelling-house if there is a communication between such building or structure and the dwelling-house, either immediate or by means of a covered and enclosed passage leading from the one to the other, but not otherwise;

"felony" means an offence which is declared by law to be a felony or, if not declared to be a misdemeanour, is punishable, without proof of previous conviction, with death, or with imprisonment with hard labour for three years or more;

"grievous harm" means any harm which amounts to a main or dangerous harm, or seriously or permanently injures health or which is likely so to injure health, or which extends to permanent disfigurement or to any permanent or serious injury to any external or internal organ, membrane or sense;

"harm" means any bodily hurt, disease or disorder whether permanent or temporary;

"judicial proceeding" includes any proceeding had or taken in or before any court, tribunal, commission of inquiry, or person, in which evidence may be taken on oath, or in or before a Traditional Court, whether such court takes evidence on oath or not;

"knowingly" used in connexion with any term denoting uttering or using, implies knowledge of the character of the thing uttered or used;

"maim" means the destruction or permanent disabling of any external or internal organ, membrane or sense;

"misdemeanor" means any offence which is not a felony;

"money" includes bank notes, bank drafts, cheques and any other orders, warrants or requests for the payment of money;

"night" or "night-time" means the interval between half-past six o'clock in the evening and half-past six o'clock in the morning;

"oath" includes affirmation or declaration;

"offence" is an act, attempt or omission punishable by law;

"person" and "owner" and other like term when used with reference to property includes corporations of all kinds and any other association of persons capable of owning property, and also when so used includes the Government;

"person employed in the public service" means any person holding any of the following offices or performing the duty thereof, whether as a deputy or otherwise, namely—

(a) any civil office including the office of President, the power of appointing a person to which or of removing from which is vested in the President or in a Minister or in any public Commission or Board; or

(b) any office to which a person is appointed or nominated by Act or by election; or

(c) any civil office, the power of appointing to which or removing from which is vested in any person or persons holding an office of any kind included in either of the two last preceding paragraphs of this definition; or

(d) any office of arbitrator or umpire in any proceeding or matter submitted to arbitration by order or with the sanction of any court, or in pursuance of any Act; and the said term further includes—

(i) a member of a commission of inquiry appointed under or in pursuance of any Act;

(ii) any person employed to execute any process of a court, including a Traditional Court;

(iii) all persons employed in the armed forces or police force of the Republic;

(iv) all persons in the employment of any government department of the Republic;

(v) a person acting as a Minister of religion of whatsoever denomination, in so far as he performs functions in respect of the notification of intending marriage or in respect of the solemnisation of marriage, or in respect of the making or keeping of any register or certificate of marriage, birth, baptism, death or burial, but not in any other respect;

(vi) a person employed in the service of any Local Authority or of any board, Council, society or other authority, whether incorporated or otherwise, established by or under any Act, other than the Companies Act; Cap. 46:03

(vii) a person employed in any class of employment which may be specified as public service by the Minister by notice published in the Gazette;

(viii) a member of the National Assembly;

(ix) any Chief.

"possession", "be in possession of" or "have in possession" includes not only having in one's own personal possession, but also knowingly having anything in the actual possession or custody of any other person, or having anything in any place (whether belonging to, or occupied by oneself or not) for the use or benefit of oneself or of any other person; and if there are two or more persons and any one or more of them with the knowledge and consent of the rest has or

have anything in his or their custody or possession, it shall be deemed and taken to be in the custody and possession of each and all of them;

"property" includes anything animate or inanimate capable of being the subject of ownership;

"public" refers not only to all persons within Malawi but also to the persons inhabiting or using any particular place, or any number of such persons, and also to such indeterminate persons as may happen to be affected by the conduct in respect of which such expression is used;

"public way" includes any highway, market place, square, street, bridge or other way which is lawfully used by the public;

"public place" or "public premises" includes any public way and any building, place or conveyance to which, for the time being,the public are entitled or permitted to have access either without any condition or upon condition of making any payment, and any building or place which is for the time being used for any public or religious meetings or assembly or as an open court;

"publicly" when applied to acts done means either (a) that they are so done in any public place as to be seen by any person whether such person be or be not in a public place; or (b) that they are so done in any place not being a public place as to be likely to be seen by any person in a public place;

"utter" means and includes using or dealing with and attempting to use or deal with and attempting to induce any person to use, deal with or act upon the thing in question;

"valuable security" includes any document which is the property of any person, and which is evidence of the ownership of any property or of the right to recover or receive any property;

"vessel" includes a ship, a boat and every other kind of vessel used in navigation either on the sea or in inland waters and includes aircraft;

"wound" means any incision or puncture which divides or pierces any exterior membrane of the body, and any membrane is exterior for the purpose of this definition which can be touched without dividing or piercing any other membrane.

CHAPTER III
TERRITORIAL APPLICATION OF THIS CODE

[Ch0701s5]5. Offence committed partly within and partly beyond the jurisdiction

When an act which, if wholly done within the jurisdiction of the court, would be an offence against this Code, is done partly within and partly beyond the jurisdiction, every person who within the jurisdiction does or makes any part of such act may be tried and punished under this Code in the same manner as if such act had been done wholly within the jurisdiction.

[Ch0701s6]6. Jurisdiction and procedure in respect of certain offences committed in countries outside Malawi

(1) Any Malawi citizen being a person employed in the public service of Malawi who commits, in any other country, when acting or purporting to act in the course of his employment, any offence which, if committed in Malawi, would be punishable in Malawi, shall be guilty of an

offence of the same nature, and subject to the same punishment, as if the offence had been committed in Malawi.

(2) A person may be proceeded against, charged, tried and punished for an offence against this section in any place in Malawi in which he is apprehended or is in custody as if the offence had been committed in that place; and the offence shall, for all purposes incidental to or consequential on the trial or punishment thereof, be deemed to have been committed in that place.

CHAPTER IV
GENERAL RULES AS TO CRIMINAL RESPONSIBILITY

[Ch0701s7]7. Ignorance of law

Ignorance of the law does not afford any excuse for any act or omission which would otherwise constitute an offence unless knowledge of the law by the offender is expressly declared to be an element of the offence.

[Ch0701s8]8. Bona fide claim of right

A person is not criminally responsible in respect of an offence relating to property, if the act done or omitted to be done by him with respect to the property was done in the exercise of an honest claim of right and without intention to defraud.

[Ch0701s9]9. Intention: motive

Subject to the express provisions of this Code relating to negligent acts and omissions, a person is not criminally responsible for an act or omission which occurs independently of the exercise of his will, or for an event which occurs by accident.

Unless the intention to cause a particular result is expressly declared to be an element of the offence constituted, in whole or part, by an act or omission, the result intended to be caused by an act or omission is immaterial.

Unless otherwise expressly declared, the motive by which a person is induced to do or omit to do an act, or to form an intention, is immaterial so far as regards criminal responsibility.

[Ch0701s10]10. Mistake of fact

A person who does or omits to do an act under an honest and reasonable, but mistaken, belief in the existence of any state of things is not criminally responsible for the act or omission to any greater extent than if the real state of things had been such as he believed to exist.

The operation of this rule may be excluded by the express or implied provisions of the law relating to the subject.

[Ch0701s11]11. Presumption of sanity

Every person is presumed to be of sound mind, and to have been of sound mind at any time which comes in question, until the contrary is proved.

[Ch0701s12]12. Insanity

A person is not criminally responsible for an act or omission if at the time of doing the act or making the omission he is through any disease affecting his mind incapable of understanding what he is doing, or of knowing that he ought not to do the act or make the omission.

But a person may be criminally responsible for an act or omission, although his mind is affected by disease, if such disease does not in fact produce upon his mind one or other of the effects above mentioned in reference to that act or omission.

[Ch0701s13]13. Intoxication

(1) Save as provided in this section, intoxication shall not constitute a defence to any criminal charge.

(2) Intoxication shall be a defence to any criminal charge if by reason thereof the person charged at the time of the act or omission complained of did not know that such act or omission was wrong or did not know what he was doing, and—

(a) the state of intoxication was caused without his consent by the malicious or negligent act of another person; or

(b) the person charged was by reason of intoxication insane, temporarily or otherwise, at the time of such act or omission.

(3) Where the defence under the preceding subsection is established, then in a case falling under paragraph (a) thereof the accused person shall be discharged, and in a case falling under paragraph (b) the provisions of section 12 shall apply.

(4) Intoxication shall be taken into account for the purpose of determining whether the person charged had formed any intention, specific or otherwise, in the absence of which he would not be guilty of the offence.

(5) For the purposes of this section "intoxication" shall be deemed to include a state produced by narcotics or drugs.

[Ch0701s14]14. Immature age

A person under the age of seven years is not criminally responsible for any act or omission.

A person under the age of twelve years is not criminally responsible for an act or omission unless it is proved that at the time of doing the act or making the omission he had capacity to know that he ought not to do the act or make the omission.

A male person under the age of twelve years is presumed to be incapable of having carnal knowledge.

[Ch0701s15]15. Judicial officers

Except as expressly provided by this Code, a judicial officer is not criminally responsible for anything done or omitted to be done by him in the exercise of his judicial functions, although the act done is in excess of his judicial authority or although he is bound to do the act omitted to be done.

[Ch0701s16]16. Compulsion

A person is not criminally responsible for an offence if it is committed by two or more offenders, and if the act is done or omitted only because during the whole of the time in which it is being done or omitted the person is compelled to do or omit to do the act by threats on the part of the other offender or offenders instantly to kill him or do him grievous bodily harm if he refuses; but threats of future injury do not excuse any offence.

[Ch0701s17]17. Defence of person or property

Subject to any express provisions in this Code or any other law in operation in Malawi, criminal responsibility for the use of force in the defence of person or property shall be determined according to the principles of English common law.

[Ch0701s18]18. Use of force in effecting arrest

Where any person is charged with a criminal offence arising out of the lawful arrest, or attempted arrest, by him of a person who forcibly resists such arrest or attempts to evade being arrested, the court shall, in considering whether the means used were necessary, or the degree of force used was reasonable, for the apprehension of such person, have regard to the gravity of the offence which had been or was being committed by such person and the circumstances in which such offence had been or was being committed by such person.

[Ch0701s19]19. Compulsion by husband

A married woman is not free from criminal responsibility for doing or omitting to do an act merely because the act or omission takes place in the presence of her husband; but on a charge against a wife for any offence other than treason or murder it shall be a good defence to prove that the offence was committed in the presence of, and under the coercion of, the husband.

[Ch0701s20]20. Person not to be punished twice for the same offence

A person shall not be punished twice, either under the provisions of this Code or under the provisions of any other law, for the same offence.

CHAPTER V
PARTIES TO OFFENCES

[Ch0701s21]21. Principal offenders

When an offence is committed, each of the following persons is deemed to have taken part in committing the offence and to be guilty of the offence, and may be charged with actually committing it, that is to say—

(a) every person who actually does the act or makes the omission which constitutes the offence;

(b) every person who does or omits to do any act for the purpose of enabling or aiding another person to commit the offence;

(c) every person who aids or abets another person in committing the offence; and

(d) any person who counsels or procures any other person to commit the offence.

In the fourth case he may be charged with himself committing the offence or with counselling or procuring its commission.

A conviction of counselling or procuring the commission of an offence entails the same consequences in all respects as a conviction of committing the offence.

Any person who procures another to do or omit to do any act of such a nature that if he had himself done the act or made the omission the act or omission would have constituted an offence on his part, is guilty of an offence of the same kind, and is liable to the same punishment, as if he had himself done the act or made the omission; and he may be charged with himself doing the act or making the omission.

[Ch0701s22]22. Offences committed by joint offenders in prosecution of common purpose

When two or more persons form a common intention to prosecute an unlawful purpose in conjunction with one another, and in the prosecution of such purpose an offence is committed of such a nature that its commission was a probable consequence of the prosecution of such purpose, each of them is deemed to have committed the offence.

[Ch0701s23]23. Counselling another to commit an offence

When such a person counsels another to commit an offence, and an offence is actually committed after such counsel by the person to whom it is given, it is immaterial whether the offence actually committed is the same as that counselled or a different one, or whether the offence is committed in the way counselled or in a different way, provided in either case that the facts constituting the offence actually committed are a probable consequence of carrying out the counsel.

In either case the person who gave counsel is deemed to have counselled the other person to commit the offence actually committed by him.

[Ch0701s24]24. Offences by corporations, societies etc.

Where an offence is committed by any company or other body corporate, or by any society, association or body of persons, every person charged with or concerned or acting in, the control or management of the affairs or activities of such company, body corporate, society, association or body of persons shall be guilty of that offence and shall be liable to be punished accordingly, unless it is proved by such person that, through no act or omission on his part, he was not aware that the offence was being or was intended or about to be committed, or that he took all reasonable steps to prevent its commission.

CHAPTER VI
PUNISHMENTS

[Ch0701s25]25. Different kinds of punishment

8 of 1999The following punishments may be inflicted by a court—

(1) Death.

(2) Imprisonment.

(3) Corporal punishment.

(4) Fine.

(5) Payment of compensation.

(6) Finding security to keep the peace and be of good behaviour; or to come up for judgment.

(7) Liability to police supervision.

(8) Forfeiture.

(9) Community service.

(10) Any other punishment provided by this Code or by any law or Act.

[Ch0701s26]26. Sentence of death

(1) When any person is sentenced to death the sentence shall direct that he shall suffer death in the manner authorized by law. The manner authorized by law shall be death by hanging,

or in case of treason such other manner as the Minister may by warrant in the particular case prescribe, at such place as may be directed by the Minister and specified in the death warrant, whether within or without the prison in which the convicted person is detained.

(2) Sentence of death shall not be pronounced on or recorded against a person convicted of an offence if it appears to the court that at the time when the offence was committed he was under the age of 18 years, but in lieu thereof the court shall sentence him to be detained during the President's pleasure, and if so sentenced he shall be liable to be detained in such place and under such conditions as the President may direct, and whilst so detained shall be deemed to be in legal custody.

(3) When a person has been sentenced to be detained during the President's pleasure under the last preceding subsection, the presiding judge shall forward to the President a copy of the notes of evidence taken on the trial, with a report in writing signed by him containing any recommendation or observations on the case he may think fit to make.

(4) Where a woman convicted of an offence punishable with death is found, in accordance with section 327 of the Criminal Procedure and Evidence Code, to be pregnant, the sentence to be passed on her shall be a sentence of imprisonment for life instead of a sentence of death. Cap. 8:01

[Ch0701s27]27. Imprisonment

(1) All imprisonment shall be with or without hard labour in the discretion of the court, unless the imposition of imprisonment only without hard labour is expressly prescribed by law.

(2) A person liable to imprisonment for life or any other period may be sentenced for any shorter term.

(3) A person liable to imprisonment may be sentenced to pay a fine in addition to or instead of imprisonment.

[Ch0701s28]28. Corporal punishment

(1) A sentence of corporal punishment shall specify the number of strokes, which shall not exceed twenty-four and which shall be administered with a rod or cane to be approved by the Minister, or with such other instrument as the Minister may approve. Such sentence shall be subject to confirmation by the High Court and shall not be carried into effect until such confirmation shall have been received.

(2) No sentence of corporal punishment shall be passed upon any of the following persons:—

(a) Females.

(b) Males sentenced to death.

(c) Males whom the court considers to be more than forty-five years of age.

(3) A sentence of corporal punishment shall not be carried out except in the presence of a Government medical officer, or, if no such medical officer is available, of an administrative officer, nor before such medical or other officer has after examination certified that in his opinion the prisoner is physically fit to undergo the sentence of corporal punishment about to be inflicted upon him.

(4) The medical or administrative officer may at any time during the carrying out of the sentence of corporal punishment intervene and prohibit the remainder of the sentence from being carried out, if in his opinion the prisoner is unable to bear such sentence without risk of physical injury.

(5) No sentence of corporal punishment shall be carried out by instalments.

(6) If any person has been sentenced to corporal punishment in substitution for any other punishment to which he might have been liable, and such sentence of corporal punishment is, wholly or partially, prevented from being carried out, such person shall be kept in custody, and shall as soon as possible be taken before the court which passed sentence of corporal punishment, and such court may in its discretion either remit such sentence or pass upon such person any sentence to which he might have been liable.

(7) An offender sentenced to undergo corporal punishment may be detained in a prison or some other convenient place for such time as may be necessary for carrying the sentence into effect, or for ascertaining whether the same shall be carried into effect.

[Ch0701s29]29. Fines

11 of 1989(1) Where a fine is imposed under any law, then in the absence of express provisions relating to such fine in such law the following provisions shall apply—

(a) where no sum is expressed to which the fine may extend the amount of the fine which may be imposed is unlimited, but shall not be excessive;

(b) in the case of an offence punishable with a fine or a term of imprisonment the imposition of a fine or a term of imprisonment shall be a matter for the discretion of the court.

(2) In any case in which any person is sentenced to a fine with or without imprisonment, or is ordered to pay any costs under section 33, or is adjudged to make any compensation under section 32, or is adjudged to pay any sum under any Act, the court may—

(a) direct by its sentence that, in default of payment of the fine, costs, compensation or sum, as the case may be, the convicted person shall suffer imprisonment for a certain term, which imprisonment shall be in addition to any other imprisonment to which he may have been sentenced or to which he may be liable under a commutation of sentence; and

(b) issue a warrant for the levy of the amount on the moveable and immoveable property of the offender by distress and sale under warrant:

Provided that if the sentence directs that in default of payment of the fine, costs, compensation or sum the offender shall be imprisoned, and if such offender has undergone the whole of such imprisonment in default, no court shall issue a distress warrant unless for special reasons to be recorded in writing it considers it necessary to do so.

11 of 1989(3) In the absence of express provisions in any Act relating thereto the term of imprisonment ordered by a court in respect of the non-payment of any sum adjudged to be paid for costs under section 33 or compensation under section 32 or in respect of the non-payment of a fine or of any sum adjudged to be paid under any Act shall be such term as in the opinion of the court will satisfy the justice of the case, but shall not exceed in any case the maximum fixed by the following scale—

Amount	Maximum Period
Not exceeding K100	1 month
Exceeding K100 but not exceeding K1,000	3 months
Exceeding K1,000 but not exceeding K3,000	6 months
Exceeding K3,000 but not exceeding K5,000	8 months
Exceeding K5,000	12 months.

(4) Any term of imprisonment imposed under this section in default of the payment of any fine, costs or compensation, or of any sum adjudged to be paid under any Act, shall terminate whenever the payment is made or the sum ordered to be paid is levied by process of law.

[Ch0701s30]30. Forfeiture

When any person is convicted of an offence under any of the following sections, namely, sections 90, 91, 92, 110, 111 and 396, the court may, in addition to or in lieu of any penalty which may be imposed, order the forfeiture of any property which has passed in connexion with the commission of the offence, or, if such property cannot be forfeited or cannot be found, of such sum as the court shall assess as the value of the property; and any property or sum so forfeited shall be dealt with in such manner as the Minister may direct. Payment of any sum so ordered to be forfeited may be enforced in the same manner and subject to the same incidents as in the case of the payment of a fine.

[Ch0701s31]31. Suspension or forfeiture of right to carry on business

(1) Where a person is convicted of any offence mentioned in Chapter XXXII and such offence arose out of, or was committed in the course of, any trade or business, whether carried on by such person or not, the court by which the conviction is recorded may, in addition to any other penalty which it may impose, make an order, having effect for such period as the court may think fit, prohibiting such person from carrying on, or being concerned or employed, directly or indirectly, in carrying on, any such trade or business or any branch of any such trade or business of the same or similar character.

(2) Any person who fails to comply with an order made under subsection (1) shall be liable to a fine of £100 and to imprisonment for six months.

[Ch0701s32]32. Compensation

Any person who is convicted of an offence may be adjudged to make compensation to any person injured by his offence. Any such compensation may be either in addition to or in substitution for any other punishment.

[Ch0701s33]33. Costs

Subject to the limitations imposed by section 142 of the Criminal Procedure and Evidence Code a court may order any person convicted of an offence to pay the costs of and incidental to the prosecution or any part thereof. Cap. 8:01

[Ch0701s34]34. General punishment for misdemeanours

When in this Code no punishment is specially provided for any misdemeanour, it shall be punishable with a fine or with imprisonment for a term not exceeding two years or with both.

[Ch0701s35]35. Sentences cumulative unless otherwise ordered

Where a person after conviction for an offence is convicted of another offence, either before sentence is passed upon him under the first conviction or before the expiration of that sentence, any sentence, other than a sentence of death or of corporal punishment, which is passed upon him under the subsequent conviction, shall be executed after the expiration of the former sentence, unless the court directs that it shall be executed concurrently with the former sentence or of any part thereof:

Provided that it shall not be lawful for a court to direct that a sentence of imprisonment in default of payment of a fine shall be executed concurrently with a former sentence under section 29 (2) (a) or of any part thereof.

[Ch0701s36]36. Escaped convicts to serve unexpired sentences when recaptured

When sentence is passed under this Code on an escaped convict, such sentence—

(a) if of death, fine or corporal punishment shall, subject to this Code and of any other law, take effect immediately;

(b) if of imprisonment, shall run consecutively or concurrently, as the court shall order, with the unexpired portion of the sentence which the convict was undergoing when he escaped.

[Ch0701s37]37. Repealed by 5 of 1969

[Repealed by 5 of 1969].

PART II

CRIMES

Division I

Offences Against Public Order

CHAPTER VII

TREASON AND OTHER OFFENCES AGAINST THE GOVERNMENT'S AUTHORITY

[Ch0701s38]38. Treason

(1) Any person who—

(a) prepares, endeavours or conspires to overthrow the lawfully constituted Government by force or other unlawful means;

(b) prepares, endeavours or conspires to procure by force any alteration of the law or the policies of the lawfully constituted Government;

(c) prepares, endeavours or conspires to carry out by force any enterprise which would, if effected, usurp the executive power of the State;

(d) incites or assists any person or conspires to invade the Republic with force or unlawfully to subject any part of the Republic to armed attack by land, sea or air, or assists in the preparation of any such invasion or attack;

(e) in time of war and with intent to give assistance to the enemy, does any act which is likely to assist the enemy; or

(f) recruits or trains persons for the implementation of any of the aforementioned purposes, or participates in any such recruitment or training,

shall be guilty of treason and shall on conviction be sentenced to death.

(2) In this section, the expressions—

(a) "the lawfully constituted Government" includes the President and any Minister of the Government;

(b) "force" means either—

(i) force used in such a manner as, whether by reason of the number of persons involved or the means used or both, to imperil or be likely to imperil the safety of the State or to cause, or be likely to cause, death or grievous bodily harm or serious damage to property, or

(ii) a show of aggression calculated to arouse reasonable apprehension that force, as defined in subparagraph (i) will be used;

(c) "armed attack" shall include any unlawful use of force constituting an act of rebellion against or calculated to undermine the authority of the Government or any arm thereof.

(3) A person may be tried and punished for an offence against this section whether committed within or outside the Republic.

[Ch0701s39]39. Concealment of treason

Any person who—

(a) becomes an accessory after the fact to treason; or

(b) knowing that any person intends to commit treason, does not give information thereof with all reasonable despatch to the President, an administrative officer, magistrate, or officer of police or use other reasonable endeavours to prevent the commission of the offence,

shall be guilty of the felony termed misprision of treason and liable to imprisonment for life.

[Ch0701s40]40. Promoting war amongst Africans

Any person who, without lawful authority, carries on, or makes preparation for carrying on, or aids in or advises the carrying on of, or preparation for, any war or warlike undertaking with, for, by, or against any African chief, or with, for, by, or against any band of Africans, shall be guilty of a felony and shall be liable to imprisonment for life.

[Ch0701s41]41. Inciting to mutiny

Any person who advisedly attempts to effect any of the following purposes, that is to say—

(a) to seduce any person serving in the armed forces or the police force of the Republic from his duty and allegiance to the President; or

(b) to incite any such persons to commit an act of mutiny or any traitorous or mutinous act; or

(c) to incite any such persons to make or endeavour to make a mutinous assembly,

shall be guilty of a felony, and shall be liable to imprisonment for life.

[Ch0701s42]42. Aiding soldiers or policemen in acts of mutiny

Any person who—

(a) aids, abets, or is accessory to, any act of mutiny by; or

(b) incites to sedition or to disobedience to any lawful order given by a superior officer,

any non-commissioned officer or private of the military forces of the Republic or any police officer, shall be guilty of a misdemeanour.

[Ch0701s43]43. Inducing soldiers or policemen to desert

Any person who, by any means whatever, directly or indirectly—

(a) procures or persuades or attempts to procure or persuade to desert; or

(b) aids, abets, or is accessory to the desertion of; or

(c) having reason to believe he is a deserter, harbours or aids in concealing,

any non-commissioned officer or private of the said military forces, or any police officer, shall be guilty of a misdemeanour and shall be liable to imprisonment for six months.

[Ch0701s44]44. Aiding prisoners of war to escape

Any person who—

(a) knowingly and advisedly aids an alien enemy of the Republic, being a prisoner of war in the Republic, whether such prisoner is confined in a prison or elsewhere or is suffered to be at large on his parole, to escape from his prison or place of confinement, or, if he is at large on his parole, to escape from the Republic shall be guilty of a felony and shall be liable to imprisonment for life;

(b) negligently and unlawfully permits the escape of any such person as is mentioned in the last preceding paragraph, shall be guilty of a misdemeanour.

[Ch0701s45]45. Definitions

For the purposes of the eight next following sections of this Code—

"import" includes—

(a) to bring into the Republic; and

(b) to bring within the inland waters of the Republic whether or not the publication is brought ashore, and whether or not there is an intention to bring the same ashore;

"publication" includes all written and printed matter, and any gramophone or other record, perforated roll, recording tape, cinematograph film or other contrivance by means of which any words or ideas may be mechanically produced, represented or conveyed, and everything, whether of a nature similar to the foregoing or not, containing any visible representation or by its form, shape or other characteristics, or in any manner capable of producing, representing or conveying words or ideas, and every copy or reproduction of any publication;

"periodical publication" includes every publication issued periodically or in parts or numbers at intervals whether regular or irregular;

"seditious publication" means a publication having a seditious intention.

"seditious words" means words having a seditious intention.

[Ch0701s46]46. Power to prohibit importation of publication

12 of 1993If the Minister is of opinion that the publication or the importation of—

(a) any publication; or

(b) all publications published by any person,

would be contrary to the public interest, he may, in his absolute discretion, by order, prohibit the importation of such publication or publications, and in the case of a periodical publication may, by the same or a subsequent order, prohibit the importation of any past or future issue thereof.

[Ch0701s47]47. Offences in relation to publications, the importation of which is prohibited

12 of 1993(1) Any person who imports, publishes, sells, offers for sale, distributes or reproduces any publication, the publication or the importation of which has been prohibited under section 46, or any extract therefrom, shall be liable for a first offence to a fine of £400 and to imprisonment for three years and for a subsequent offence to imprisonment for four years; and such publication or extract therefrom shall be forfeited.

(2) Any person who without lawful excuse has in his possession any publication, the publication or the importation of which has been prohibited under section 46, or any extract therefrom, shall be liable for a first offence to a fine of £200 and to imprisonment for two years and for a subsequent offence to imprisonment for three years; and such publication or extract therefrom shall be forfeited.

[Ch0701s48]48. Delivery of prohibited publication to administrative officer or police station

12 of 1993(1) Any person to whom any publication the publication or importation of which has been prohibited under section 46, or any extract therefrom, is sent without his knowledge or privity or in response to a request made before the prohibition of the importation of such publication came into effect, or who has such a publication or extract therefrom in his possession at the time when the prohibition of its publication or importation comes into effect, shall forthwith if or as soon as the nature of its contents have become known to him, or in the case of a publication or extract therefrom coming into the possession of such person before an order prohibiting its importation has been made forthwith upon the coming into effect of an order prohibiting the importation of such publication deliver such publication or extract therefrom to the nearest administratative officer or to the officer in charge of the nearest police station, and in default thereof shall be liable to a fine of £200 and to imprisonment for two years and such publication or extract therefrom shall be forfeited.

(2) Any person who complies with subsection (1) or is convicted of an offence under that subsection shall not be liable to be convicted for having imported or having in his possession the same publication or extract therefrom.

[Ch0701s49]49. Power to examine

(1) Any of the following officer, that is to say—

(a) any police officer not below the rank of assistant superintendent;

(b) any other person employed in the public service authorized in that behalf by the Minister,

may detain, open and examine, any package or article which he suspects to contain any publication or extract therefrom which it is an offence under section 47 to import, publish, sell,

offer for sale, distribute, reproduce or possess, and during such examination may detain any person importing, distributing or posting such package or article or in whose possession such package or article is found.

(2) If any such publication or extract therefrom is found in such package or article, the whole package or article may be impounded and retained by the officer and the person importing, distributing or posting it, or in whose possession it is found, may forthwith be arrested and proceeded against for the commission of an offence under section 47 or section 48, as the case may be.

[Ch0701s50]50. Seditious intention

12 of 1993(1) A "seditious intention" is an intention—

(a) to bring into hatred or contempt or to excite disaffection against the person of the President, or the Government;

(b) to excite the subjects of the President to procure the alteration, otherwise than by lawful means, of any other matter in the Republic; or

(c) to bring into hatred or contempt or to excite disaffection against the administration of justice in the Republic; or

(d) to raise discontent or disaffection amongst the subjects of the President; or

(e) to promote feeling of ill-will and hostility between different classes of the population of the Republic.

32 of 1993But an act, speech or publication is not seditious if not done, spoken or published, as the case may be, with intention to incite violence or by reason only that it intends—

(i) to show that the President has been misled or mistaken in any of his measures; or

(ii) to point out errors or defects in the Government or Constitution or in legislation or in the administration of justice with a view to the remedying of such errors or defects; or

(iii) to persuade the subjects of the President to attempt to procure by lawful means the alteration of any matter in the Republic; or

(iv) to point out, with a view to their removal, any matters which are producing or have a tendency to produce feelings of ill-will and enmity between different classes of the population of the Republic.

(2) In determining whether the intention with which any act was done, any words were spoken, or any document was published, was or was not seditious, every person shall be deemed to intend the consequences which would naturally follow from his conduct at the time and under the circumstances which he so conducted himself.

[Ch0701s51]51. Seditious offences

(1) Any person who—

(a) does or attempts to do, or makes any preparation to do any act with a seditious intention;

(b) utters any seditious words;

(c) prints, publishes, sells, offers for sale, distributes or reproduces any seditious publication;

(d) imports any seditious publication, unless he has no reason to believe that it is seditious,

shall be liable for a first offence to a fine of £400 and to imprisonment for five years and for a subsequent offence to imprisonment for seven years; and any seditious publication shall be forfeited.

(2) Any person who without lawful excuse has in his possession any seditious publication shall be liable for a first offence to a fine of £200 and to imprisonment for three years and for a subsequent offence to imprisonment for four years; and such publication shall be forfeited.

(3) It shall be a defence to a charge under the preceding subsection that, if the person charged did not know that the publication was seditious when it came into his possession, he did, as soon as the nature of the publication became known to him, deliver the publication to the nearest District Commissioner or to the officer in charge of the nearest police station.

[Ch0701s52]52. Forfeiture of machine and prohibition of publication

(1) Any printing machine which has been, or is reasonably suspected of being, used for or in connexion with the printing or reproduction of a seditious publication may be seized or otherwise secured by a police officer pending the trial and conviction or discharge or acquittal of any person accused of printing or reproducing any seditious publication; and, when any person is convicted of printing or reproducing a seditious publication, the court may, in addition to any other penalty which it may impose, order that the printing machine on which the publication was printed or reproduced shall be either confiscated for a period not exceeding one year, or be forfeited, and may make such order whether or not the person convicted is, or was at the time when the publication was printed or reproduced, the owner of the printing machine. A printing machine forfeited under this subsection shall be sold, and the proceeds, less expenses, shall be paid into the Consolidated Fund.

(2) When a proprietor, publisher, printer or editor of a newspaper is convicted of printing or publishing a seditious publication in a newspaper, the court may, in addition to any other punishment it may impose, and whether or not it has made an order under subsection (1), make an order prohibiting any further publication of the newspaper for a period not exceeding one year.

(3) The court may, at any time, on the application of the Attorney General and on taking such security, if any, for good behaviour as the court may see fit to order, revoke any order made by it forfeiting or confiscating a printing machine or prohibiting further publication of a newspaper.

(4) A court, before ordering the forfeiture or confiscation of a printing machine under this section, shall be satisfied that the printing machine was the printing machine upon or by which the seditious publication was printed or reproduced.

(5) In any case in which a printing machine has been secured or confiscated under this section, the Commissioner of Police may, in his discretion, cause—

(a) the printing machine or any part of it to be removed; or

(b) any part of the machine to be sealed so as to prevent its use.

Provided that the owner of the printing machine or his agents shall be entitled to reasonable access to it to keep it in working order.

(6)The Commissioner of Police or any police officer acting in pursuance of the powers conferred by this section shall not be liable for any damage caused to a printing machine, whether by neglect or otherwise, not being damage wilfully caused to the machine.

(7) Any person who uses or attempts to use a printing machine confiscated under subsection (1) shall be liable to imprisonment for three years.

(8) Any person who prints or publishes a newspaper in contravention of an order made under subsection (2) shall be liable to imprisonment for three years.

(9) In this section the expression "printing machine" includes a printing press, copying press, type-setting machine, photographic, duplicating or engraving apparatus, or other machine or apparatus used for or in connexion with printing or reproducing publications, and the type, appurtenances and equipment thereof.

[Ch0701s53]53. Legal proceedings

(1) No prosecution for an offence under section 51 or 52 shall be begun except within six months after the offence is committed:

Provided that where a person leaves the Republic within six months of committing such offence, the prosecution for such offence may be begun within six months from the date when such person returns to the Republic after leaving it.

(2) A person shall not be prosecuted for an offence under section 51 without the written consent of the Director of Public Prosecutions.

[Ch0701s54]54. Unlawful oaths to commit capital offences

Any person who—

(a) administers or is present at, and consents to the administering of, any oath, or engagement in the nature of an oath, purporting to bind the person who takes it to commit any offence punishable with death; or

(b) takes any such oath or engagement, not being compelled to do so,

shall be guilty of a felony, and shall be liable to imprisonment for life.

[Ch0701s55]55. Other unlawful oaths to commit offences

Any person who—

(a) administers or is present at, and consents to the administering of, any oath or engagement in the nature of an oath, purporting to bind the person who takes it to act in any of the ways following, that is to say—

(i) to engage in any mutinous or seditious enterprise;

(ii) to commit any offence not punishable with death;

(iii) to disturb the public peace;

(iv) to be a member of any association, society or confederacy, formed for the purpose of doing any such act as aforesaid;

(v) to obey the orders or commands of any committee or body of men not lawfully constituted, or of any leader or commander or other person not having authority by law for that purpose;

(vi) not to inform or give evidence against any associate, confederate or other person;

(vii) not to reveal or discover any unlawful association, society or confederacy, or any illegal act done or to be done or any illegal oath or engagement that may have been administered or tendered to or taken by himself or any other person, or the import of any such oath or engagement; or

(b) takes any such oath or engagement, not being compelled to do so,

shall be guilty of a felony, and shall be liable to imprisonment for ten years.

[Ch0701s56]56. Compelling another person to take an oath

(1) Any person who by the use of physical force, or by threat or intimidation of any kind, compels another person to take an oath or engagement in the nature of an oath purporting to bind the person who takes it to act or not to act in any way shall be guilty of a felony and shall be liable to imprisonment for seven years.

(2) Any person who is present at the consents to the administering, by physical force or under threat or intimidation of any kind, of any oath or engagement in the nature of an oath, to any person purporting to bind the person who takes it to act or not to act in any way shall be guilty of a felony and shall be liable to imprisonment for three years.

[Ch0701s57]57. Compulsion, how far a defence

It shall not be a defence for a person who takes any oath or engagement in the nature of an oath mentioned in section 54, section 55 or section 56 to prove that he was compelled to do so unless within five days after the taking of such oath or engagement in the nature of an oath or, if he is prevented by physical force or sickness, within five days after the termination of such physical force or sickness, he reported to the police, or, if he is in the actual service of the military forces in the Republic or in the police force, either he so reported as aforesaid, or he reported to his commanding officer, everything he knows concerning the matter, including the person or persons by whom and in whose presence, and the place where, and the time when, the oath or engagement was administered or taken.

[Ch0701s58]58. Person present deemed to consent to administering of oath unless he reports to authorities

Any person who is present at the administering of an oath or engagement in the nature of an oath mentioned in section 54, section 55 or section 56 shall be deemed to have consented to the administering of such oath or engagement unless within five days thereafter, or, if he is prevented by physical force or sickness, within five days after the termination of such physical force or sickness he reports to the police, or if he is in the actual service of the military forces in the Republic or in the police force he so reports as aforesaid, or he reports to his commanding officer, everything he knows concerning the matter, including the person or persons by whom

and in whose presence, and the place where, and the time when, the oath or engagement in the nature of an oath was administered.

[Ch0701s59]59. Unlawful drilling

(1) Any person who—

(a) without the permission of the President trains or drills any other person to the use of arms or the practice of military exercises, movements, or evolutions; or

(b) is present at any meeting or assembly of persons, held without the permission of the President, for the purpose of training or drilling any other persons to the use of arms or the practice of military exercises, movements, or evolutions,

shall be guilty of a felony, and shall be liable to imprisonment for seven years.

(2) Any person who, at any meeting or assembly held without the permission of the President, is trained or drilled to the use of arms or the practice of military exercises, movements, or evolutions, or who is present at any such meeting or assembly for the purpose of being so trained or drilled, shall be guilty of a misdemeanour.

[Ch0701s60]60. Publication of false news likely to cause fear and alarm to the public

(1) Any person who publishes any false statement, rumour or report which is likely to cause fear and alarm to the public or to disturb the public peace shall be guilty of a misdemeanour.

(2) It shall be a defence to a charge under subsection (1) if the accused proves that, prior to publication, he took such measures to verify the accuracy of such statement, rumour or report as to lead him reasonably to believe that it was true.

[Ch0701s60A]60A.

[Repealed by Act No. 17 of 1994]

CHAPTER VIII
OFFENCES AFFECTING RELATIONS WITH FOREIGN STATES AND EXTERNAL TRANQUILLITY

[Ch0701s61]61. Defamation of foreign princes

Any person who without such justification or excuse as would be sufficient in the case of the defamation of a private person publishes anything intended to be read, or any sign of visible representation, tending to degrade, revile or expose to hatred or contempt any foreign prince, potentate, ambassador or other foreign dignitary with intent to disturb the peace and friendship between the Republic and the country to which such prince, potentate, ambassador or dignitary belongs, shall be guilty of a misdemeanour.

[Ch0701s62]62. Foreign enlistment

Any person commits a misdemeanour who does any of the following acts without the licence of the President, that is to say—

(a) who prepares or fits out any naval or military expedition to proceed against the dominions of any friendly state, or is engaged in such preparation or fitting-out, or assists therein, or is employed in any capacity in such expedition; or

(b) who, being a citizen of Malawi, accepts or agrees to accept any commission or engagement in the military or naval service of any foreign state at war with any friendly state, or, whether a citizen of Malawi or not, induces any other person to accept or agree to accept any commission or engagement in the military or naval service of any such foreign state as aforesaid; or

(c) who, being a citizen of Malawi, quits or goes on board any ship with a view of quitting the Republic, with intent to accept any commission or engagement in the military or naval service of any foreign state at war with a friendly state, or, whether a citizen of Malawi or not, induces any other person to quit or to go on board any ship with a view of quitting the Republic with the like intent; or

(d) who, being the master or owner of any ship, knowingly either takes on board, or engages to take on board, or has on board such ship any illegally enlisted person; or

(e) who, with intent or knowledge, or having reasonable cause to believe that the same will be employed in the military or naval service of any foreign state at war with any friendly state builds, agrees to build, causes to be built, equips, despatches, or causes or allows to be despatched, any ship, or issues or delivers any commission for any ship:

Provided that a person building, causing to be built, or equipping a ship in any of the cases aforesaid, in pursuance of a contract made before the commencement of such war as aforesaid, is not liable to any of the penalties specified in this section in respect of such building or equipping if—

(i) upon a proclamation of neutrality being issued he forthwith gives notice to the President that he is so building, causing to be built, or equipping such ship, and furnishes such particulars of the contract and of any matters relating to, or done, or to be done under the contract as may be required by the President; and

(ii) he gives such security, and takes and permits to be taken such other measures, if any, as the President may prescribe for ensuring that such ship shall not be despatched, delivered, or removed without the licence of the President until the termination of such war as aforesaid.

[Ch0701s63]63. Piracy

Any person who is guilty of piracy or any crime connected with or relating or akin to piracy shall be liable to be tried and punished according to the law of England for the time being in force.

CHAPTER IX
UNLAWFUL ASSEMBLIES, RIOTS AND OTHER OFFENCES AGAINST PUBLIC TRANQUILLITY

[Ch0701s64]64. Definition of society and unlawful society

32 of 1993(1)A society includes any combination of persons, whether the society be known by any name or not.

(2) A society is an unlawful society if formed for any of the following purposes—

(a) levying war or encouraging or assisting any person to levy war on the Government or the inhabitants of any part of the Republic; or

(b) killing or injuring or inciting to the killing or injuring of any person; or

(c) destroying or injuring or inciting to the destruction or injuring of any property; or

(d) subverting or promoting the subversion of the Government or of any officer thereof; or

(e) committing or inciting to acts of violence or intimidation; or

(f) interfering with, or resisting, or inciting to interference with or resistance to the administration of the law; or

(g) disturbing or inciting to the disturbance of peace and order in any part of the Republic.

[Ch0701s65]65. Managing unlawful society

Any person who manages or assists in the management of an unlawful society shall be guilty of a felony and shall be liable to imprisonment for fourteen years.

[Ch0701s66]66. Being member of unlawful society

Any person who—

(a) is a member of an unlawful society; or

(b) knowingly allows a meeting of an unlawful society, or of members of an unlawful society, to be held in any house, building or place belonging to or occupied by him, or over which he has control; or

(c) carries or displays anything whatsoever indicating that he is a member of or in any way associated with an unlawful society or shouts or utters any slogan or makes any sign associated with an unlawful society; or

(d) contributes or solicits anything as a subscription or otherwise in the name of or to be used directly or indirectly for the benefit of an unlawful society; or

(e) in any way takes part in any activity of an unlawful society or carries on any activity in the direct or indirect interests of an unlawful society in which activity it was or could have engaged prior to the date upon which it became an unlawful society,

shall be guilty of a felony, and shall be liable to imprisonment for seven years.

[Ch0701s67]67. Prosecutions under sections 65 and 66

(1) A prosecution for an offence under the two last preceding sections shall not be instituted except with the consent of the Director of Public Prosecutions:

Provided that a person charged with such an offence may be arrested, or a warrant for his arrest may be issued and executed, and any such person may be remanded in custody or on bail, notwithstanding that the consent of the Director of Public Prosecutions to the institution of a prosecution for the offence has not been obtained, but no further or other proceedings shall be taken until that consent has been obtained.

(2) Any person who attends a meeting of an unlawful society shall be presumed, until and unless the contrary is proved, to be a member of the society.

(3) When any books, accounts, writings, papers, documents, banners or insignia of, or relating to, an unlawful society are found in the possession or under the control of any person, or when any person wears any of the insignia of, or is marked with any mark of,an unlawful society, it shall be presumed, until the contrary is proved, that such person is a member of the unlawful society.

(4) When any books, accounts, lists of members, seals, minutes or correspondence of, or relating to, an unlawful society are found in the possession or under the control of any person, it shall further be presumed, until the contrary is proved, that such person assists in the management of the unlawful society.

[Ch0701s68]68. Powers of entry, arrest, search, etc.

Any police officer of or above the rank of inspector may, without warrant, enter, with or without assistance, any house or building or into any place in which he has reason to believe—

(a) that a meeting of an unlawful society or of persons who are members of an unlawful society is being held; or

(b) that a member of an unlawful society resides or is; or

(c) that documents, funds, moneys or other information relating to an unlawful society may be found,

and arrest or cause to be arrested all persons found therein, and search such house, building or place and seize or cause to be seized all insignia, banners, arms, books, papers, documents and all other property which he may have reasonable cause to believe to belong to any unlawful society or to be in any way connected with the purpose of the meeting or with the unlawful society.

[Ch0701s69]69. Declaration by Minister

(1) When a society is declared to be an unlawful society by an order of the Minister, the following consequences shall ensue—

(a) the property of the society within the Republic shall forthwith vest in an officer appointed by the Minister;

(b) the officer appointed by the Minister shall proceed to wind up the affairs of the society, and after satisfying and providing for all debts and liabilities of the society and the cost of the winding up, if there shall then be any surplus assets, he shall prepare and submit to the Minister a scheme for the application of such surplus assets;

(c) such scheme, when submitted for approval, may be amended by the Minister in such way as he shall think proper in the circumstances of the case;

(d) the approval of the Minister to such scheme shall be denoted by the endorsement thereon of a memorandum of such approval signed by the Minister, and, upon this being done, the surplus assets, the subject of the scheme, shall be held by such officer upon the terms and to the purposes thereby prescribed;

(e) for the purpose of the winding up, the officer appointed by the Minister shall have all the powers vested in the Official Receiver for the purpose of the discovering of the property of a debtor and the realization thereof,

(2) The Minister may, for the purpose of enabling a society to wind up its own affairs, suspend the operation of this section for such period as to him shall seem expedient.

(3) Subsection (1) shall not apply to any property seized at any time under section 68.

[Ch0701s70]70. Forfeiture of insignia, etc.

Subject to the last preceding section, the insignia, banners, arms, books, papers, documents and other property belonging to an unlawful society shall be forfeited and shall be dealt with in such manner as the Minister may direct.

[Ch0701s71]71. Unlawful assembly

When three or more persons assemble with intent to commit an offence, or, being assembled with intent to carry out some common purpose, conduct themselves in a manner likely to cause persons in the neighbourhood reasonably to fear that the persons so assembled will commit a breach of the peace, or will by such assembly needlessly and without any reasonable occasion provoke other persons to commit a breach of the peace, they are an unlawful assembly.

It is immaterial that the original assembling was lawful if, being assembled, they conduct themselves with a common purpose in such a manner as aforesaid.

Riot

When an unlawful assembly has begun to execute its purpose by a breach of the peace, the assembly is called a riot, and the persons assembled are said to be riotously assembled.

[Ch0701s72]72. Punishment of unlawful assembly

Any person who takes part in an unlawful assembly shall be guilty of a misdemeanour and shall be liable to imprisonment for one year.

[Ch0701s73]73. Punishment of riot

Any person who takes part in a riot shall be guilty of a misdemeanour and shall be liable to imprisonment for five years.

[Ch0701s74]74. Making proclamation for rioters to disperse

Any magistrate or, in his absence, any police officer of or above the rank of assistant inspector or any commissioned officer in any military force in the Republic, in whose view twelve or more persons are riotously assembled, or who apprehends that a riot is about to be committed by twelve or more persons assembled within his view, may make or cause to be made a proclamation in the President's name, in such form as he thinks fit, commanding the rioters or persons so assembled to disperse peaceably.

[Ch0701s75]75. Dispersion of rioters after proclamation made

If upon the expiration of a reasonable time after such proclamation made, or after the making of such proclamation has been prevented by force, twelve or more persons continue riotously assembled together, any person authorized to make proclamation, or any police officer or any other person acting in aid of such person or police officer, may do all things necessary for dispersing the persons so continuing assembled, or for apprehending them or any of them, and, if any person makes resistance, may use all such force as is reasonably necessary for overcoming such resistance, and shall not be liable in any criminal or civil proceeding for having, by the use of such force, caused harm or death to any person.

[Ch0701s76]76. Rioting after proclamation

If proclamation is made, commanding the persons engaged in a riot, or assembled with the purpose of committing a riot, to disperse, every person who, at or after the expiration of a reasonable time from the making of such proclamation, takes or continues to take part in the riot or assembly shall be guilty of a felony and shall be liable to imprisonment for life.

[Ch0701s77]77. Preventing or obstructing the making of proclamation

Any person who forcibly prevents or obstructs the making of such proclamation as is in section 74 mentioned shall be guilty of a felony, and shall be liable to imprisonment for life; and if the making of the proclamation is so prevented, every person who, knowing that it has been so prevented, takes or continues to take part in the riot or assembly shall be liable to imprisonment for life.

[Ch0701s78]78. Rioters demolishing buildings, etc.

Any persons who, being riotously assembled together, unlawfully pull down or destroy or begin to pull down or destroy any building, railway, machinery or structures shall be guilty of a felony and each of them shall be liable to imprisonment for life.

[Ch0701s79]79. Rioters injuring buildings,machinery, etc.

Any persons who, being riotously assembled together, unlawfully damage any of the things in the last preceding section mentioned shall be guilty of a felony and each of them shall be liable to imprisonment for seven years.

[Ch0701s80]80. Riotously preventing the sailing of ship

All persons are guilty of a misdemeanour who, being riotously assembled, unlawfully and with force prevent, hinder, or obstruct the loading or unloading, or the sailing or navigating of any vessel, or unlawfully and with force board any vessel with intent to do so.

[Ch0701s81]81. Prohibition of carrying offensive weapons without lawful authority or reasonable excuse

(1) Any person who, without lawful authority or reasonable excuse, the proof where of shall lie on him, has with him in any place any offensive weapon shall be liable to a fine of £100 and to imprisonment for two years.

(2) Where any person is convicted of an offence under subsection (1), the court may make an order for the forfeiture or disposal of any weapon in respect of which the offence was committed.

(3) A police officer may arrest without warrant any person whom he has reasonable cause to believe to be committing an offence under subsection (1) if the police officer is not satisfied as to that person's identity or place of residence, or has reasonable cause to believe that it is necessary to arrest him in order to prevent the commission by him of any other offence in the course of committing which an offensive weapon might be used.

(4) In this section, an offensive weapon means any article made or adapted for use. or suitable, for causing injury to the person or intended by the person having it with him for such use by him.

[Ch0701s82]82. Forcible entry

Any person who, in order to take possession thereof, enters on any lands or tenements in a violent manner, whether such violence consists in actual force applied to any other person or in threats or in breaking open any house or in collecting an unusual number of people, shall be guilty of the misdemeanour termed forcible entry.

It is immaterial whether he is entitled to enter on the land or not, provided that a person who enters upon lands or tenements of his own, but which are in the custody of his servants or bailiff, does not commit the offence of forcible entry.

[Ch0701s83]83. Forcible detainer

Any person who, being in actual possession of land without colour of right, holds possession of it in a manner likely to cause a breach of the peace or reasonable apprehension of a breach of the peace against a person entitled by law to the possession of the land shall be guilty of the misdemeanour termed forcible detainer.

[Ch0701s84]84. Fighting in public

Any person who takes part in a fight in a public place shall be guilty of a misdemeanour and shall be liable to imprisonment for one year.

[Ch0701s85]85. Challenge to fight a duel

Any person who challenges another to fight a duel, or attempts to provoke another to fight a duel, or attempts to provoke any person to challenge another to fight a duel, shall be guilty of a misdemeanour.

[Ch0701s86]86. Threatening violence

Any person who—

(a) with intent to intimidate or annoy any person, threatens to break or injure a dwelling-house; or

(b) with intent to alarm any person discharges loaded firearms or commits any other breach of the peace,

shall be guilty of a misdemeanour and shall be liable to imprisonment for three years.

If the offence is committed in the night the offender shall be liable to imprisonment for four years.

[Ch0701s87]87. Proposing violence at assemblies

(1) Any person who, without lawful excuse, at any assembly makes any statement or behaves in any manner which is calculated or is likely to incite or induce the persons assembled—

(a) to kill or do physical injury to any person or to any class or community of persons, or

(b) wilfully to destroy or do any damage to any property; or

(c) to deprive any person of the possession or use of any property either permanently or temporarily,

shall be guilty of a misdemeanour and shall be liable to imprisonment for five years.

(2) In this section the word “assembly” means an assembly of three or more persons.

[Ch0701s88]88. Intimidation

(1) Any person who—

(a) by word, attitude, manner or conduct, threatens another with any injury to his person, reputation or property or to the person, reputation or property of anyone in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, or to prevent that person from carrying out any duties or work essential to the maintenance of public security, public tranquillity or public order or to the maintenance of essential services, as a means of avoiding the execution of such threat; or

(b) in the like manner and with the like intention threatens persons generally or any class or description of persons; or

(c) is the publisher, editor or printer of any newspaper, pamphlet or other document containing any such threat as is referred to in paragraph (a) or (b); or

(d) is the writer of, or directly or indirectly causes any person to receive, any letter, writing or other document containing any such threat as is referred to in paragraph (a) or (b), shall be guilty of an offence.

(2) For the purposes of this section a person is deemed to print a newspaper, pamphlet or other document if he prepares it by printing, lithography, typewriting, photography, or any other mode of reproducing matter.

(3) Any person who commits an offence against subsection (1), shall be liable to a fine of £500 and to imprisonment for five years and for a subsequent offence to imprisonment for seven years; and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or with imprisonment for a term which may extend to seven years, shall be liable to imprisonment for ten years.

[Ch0701s89]89. Assembling for the purpose of smuggling

Any persons who assemble together, to the number of two or more, for the purpose of unshipping, carrying, or concealing any goods subject to customs duty and liable to forfeiture under any law relating to the customs, shall be guilty of a misdemeanour, and each of them shall be liable to a fine of £300 or to imprisonment for two years.

Division II

Offences Against the Administration of Lawful Authority

CHAPTER X

CORRUPTION AND THE ABUSE OF OFFICE

[Ch0701s90]90. Official corruption

Any person who—

21 of 1995(a) being employed in the public service, and being charged with the performance of any duty by virtue of such employment, corruptly solicits, receives, or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or any other person on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by him in the discharge of the duties of his office; or

(b) corruptly gives, confers or procures, or promises or offers to give or confer, or to procure or attempt to procure, to, upon, or for any person employed in the public service, or to, upon, or for any other person, any property or benefit of any kind on account of any such act or omission on the part of the person so employed,

shall be guilty of a felony and shall be liable to imprisonment for a term of not less than five years and not more than twelve years.

[Ch0701s91]91. Extortion by public officers

21 of 1995Any person who, being employed in the public service, takes or accepts from any person for the performance of his duty as such officer, any reward beyond his proper pay and emoluments, or any promise of such reward, shall be guilty of a felony and shall be liable to imprisonment for a term of not less than five years and not more than twelve years.

[Ch0701s92]92. Public officers receiving property to show favour

21 of 1995Any person who, being employed in the public service, receives any property or benefit of any kind for himself, on the understanding, express or implied, that he shall favour the person giving the property or conferring the benefit, or any one in whom that person is interested, in any transaction then pending, or likely to take place, between the person giving the property or conferring the benefit, or any one in whom he is interested, and any person employed in the public service, shall be guilty of a felony and shall be liable to imprisonment for a term of not less than five years and not more than twelve years.

[Ch0701s93]93. Officers charged with administration of property of a special character or with special duties

Any person who, being employed in the public service, and being charged by virtue of his employment with any judicial or administrative duties respecting property of a special character, or respecting the carrying on of any manufacture, trade or business of a special character, and having acquired or holding, directly or indirectly, a private interest in any such property, manufacture, trade, or business, discharges any such duties with respect to the property, manufacture, trade, or business in which he has such interest or with respect to the conduct of any person in relation thereto, shall be guilty of a misdemeanour and shall be liable to imprisonment for one year.

[Ch0701s94]94. False claims by officials

Any person who, being employed in the public service in such a capacity as to require him or enable him to furnish returns or statements touching any sum payable or claimed to be payable to himself or to any other person, or touching any other matter required to be certified for the purpose of any payment of money or delivery of goods to be made to any person, makes a return or statement touching any such matter which is, to his knowledge, false in any material particular, shall be guilty of a misdemeanour.

[Ch0701s95]95. Abuse of office

Any person who, being employed in the public service, does or directs to be done, in abuse of the authority of his office, any arbitrary act prejudicial to the rights of another shall be guilty of a misdemeanour.

If the act is done or directed to be done for purposes of gain he shall be guilty of a felony and shall be liable to imprisonment for three years.

A prosecution for any offence under this or either of the two last preceding sections shall not be instituted except by or with the sanction of the Director of Public Prosecutions.

[Ch0701s96]96. False certificates by public officers

Any person who, being authorized or required by law to give any certificate touching any matter by virtue whereof the rights of any person may be prejudicially affected, gives a certificate which is, to his knowledge, false in any material particular shall be guilty of a misdemeanour.

[Ch0701s97]97. Unauthorized administration of oaths

Any person who administers an oath, or takes solemn declaration or affirmation or affidavit, touching any matter with respect to which he had not by law any authority to do so shall be guilty of a misdemeanour and shall be liable to imprisonment for one year:

Provided that this section shall not apply to an oath, declaration, affirmation or affidavit administered by or taken before a magistrate in any matter relating to the preservation of the peace or the punishment of offences or relating to inquiries respecting sudden deaths, nor to an oath, declaration, affirmation, or affidavit administered or taken for some purpose which is lawful under the laws of another country, or for the purpose of giving validity to an instrument in writing which is intended to be used in another country.

[Ch0701s98]98. False assumption of authority

Any person who—

(a) not being a judicial officer, assumes to act as a judicial officer; or

(b) without authority assumes to act as a person having authority by law to administer an oath or take a solemn declaration or affirmation or affidavit or to do any other act of a public nature which can only be done by persons authorized by law to do so; or

(c) represents himself to be a person authorized by law to sign a document testifying to the contents of any register or record kept by a lawful authority, or testifying to any fact or event, and signs such document as being so authorized, when he is not, and knows that he is not, in fact, so authorized,

shall be guilty of a misdemeanour.

[Ch0701s99]99. Personating public officers

Any person who—

20 of 1973(a) personates any person employed in the public service on an occasion when the latter is required to do any act or attend in any place by virtue of his employment; or

(b) falsely represents himself to be a person employed in the public service, and assumes to do any act or to attend in any place for the purpose of doing any act by virtue of such employment,

shall be guilty of an offence and shall be liable to imprisonment for ten years.

[Ch0701s100]100. Threat of injury to persons employed in public service

Whoever holds out any threat of injury to any person employed in the public service, or to any person in whom he believes that person employed in the public service to be interested, for the purpose of inducing that person employed in the public service to do any act or to forbear or delay to do any act connected with the exercise of the public functions of such person employed in the public service shall be guilty of a misdemeanour.

CHAPTER XI

OFFENCES RELATING TO THE ADMINISTRATION OF JUSTICE

[Ch0701s101]101. Perjury and subornation of perjury

(1) Any person who, in any judicial proceeding, or for the purpose of instituting any judicial proceeding, knowingly gives false testimony touching any matter which is material to any question then depending in that proceeding or intended to be raised in that proceeding, shall be guilty of the misdemeanour termed perjury.

It is immaterial whether the testimony is given on oath or in any other manner authorized by law.

The forms and ceremonies used in administering the oath or in otherwise binding the person giving the testimony to speak the truth are immaterial, if he assents to the forms and ceremonies actually used.

It is immaterial whether the false testimony is given orally or in writing.

It is immaterial whether the court or tribunal is properly constituted, or is held in the proper place or not, if it actually acts as a court or tribunal in the proceeding in which the testimony is given.

It is immaterial whether the person who gives the testimony is a competent witness or not, or whether the testimony is admissible in the proceeding or not.

(2) Any person who aids, abets, counsels, procures, or suborns another person to commit perjury shall be guilty of the misdemeanour termed subornation of perjury.

(3) In this section, the expression "judicial proceeding" includes a proceeding before any court, tribunal, or person having by law power to hear, receive and examine evidence on oath.

(4) When a statement made for the purposes of a judicial proceeding is, not made on oath before the tribunal itself, but is made before a person authorized by law to administer an oath to the person who makes the statement, and to record and authenticate the statement, or is made in any form and manner permitted by any written law, it shall for the purposes of this section be treated as having been made in a judicial proceeding.

[Ch0701s102]102. Perjury in written statement

This section shall apply in relation to the making by any person of a written statement tendered in evidence by virtue of section 175 of the Criminal Procedure and Evidence Code, as it applies in relation to the making of an oral statement by a person lawfully sworn as a witness. Cap. 8:01

[Ch0701s103]103. False statements by interpreters

If any person, lawfully sworn as an interpreter in a judicial proceeding, wilfully makes a statement material in the proceeding which he knows to be false, or does not believe to be true, he shall be guilty of perjury.

[Ch0701s104]104. Punishment of perjury and subornation

Any person who commits perjury or suborns perjury shall be liable to imprisonment for seven years.

[Ch0701s105]105. Fabricating evidence

Any person who, with intent to mislead any tribunal in any judicial proceeding—

(a) fabricates evidence by any means other than perjury or subornation of perjury; or

(b) knowingly makes use of such fabricated evidence,

shall be guilty of a misdemeanour, and shall be liable to imprisonment for seven years.

[Ch0701s106]106. False swearing

Any person who swears falsely or makes a false affirmation or declaration before any person authorized to administer an oath or take a declaration under such circumstances that the false swearing or declaration if committed in a judicial proceeding would have amounted to perjury shall be guilty of a misdemeanour.

[Ch0701s107]107. Deceiving witnesses

Any person who practises any fraud or deceit, or knowingly makes or exhibits any false statement, representation, token, or writing, to any person called or to be called as a witness in any judicial proceeding, with intent to affect the testimony of such person as a witness, shall be guilty of a misdemeanour.

[Ch0701s108]108. Destroying evidence

Any person who, knowing that any book, document, or thing of any kind whatsoever, is or may be required in evidence in a judicial proceeding, wilfully removes or destroys it or renders it illegible or undecipherable or incapable of identification, with intent thereby to prevent it from being used in evidence, shall be guilty of a misdemeanour.

[Ch0701s109]109. Conspiracy to defeat justice and interference with witnesses

Any person who—

(a) conspires with any other person to accuse any person falsely of any crime or to do anything to obstruct, prevent, pervert, or defeat the course of justice; or

(b) in order to obstruct the due course of justice, dissuades, hinders or prevents any person lawfully bound to appear and give evidence as a witness from so appearing and giving evidence, or endeavours to do so; or

(c) obstructs or in any way interferes with or knowingly prevents the execution of any legal process, civil or criminal,

shall be guilty of an offence and shall be liable to imprisonment for five years.

[Ch0701s110]110. Compounding felonies

Any person who asks, receives or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or any other person upon any agreement or understanding that he will compound or conceal a felony, or will abstain from, discontinue, or

delay a prosecution for a felony, or will withhold any evidence thereof, shall be guilty of a misdemeanour.

[Ch0701s111]111. Compounding penal actions

Any person who, having brought, or under pretence of bringing, an action against another person in order to obtain from him a penalty for any offence committed or alleged to have been committed by him, compounds the action without the order or consent of the court in which the action is brought or is to be brought, shall be guilty of a misdemeanour.

[Ch0701s112]112. Advertisments for stolen property

Any person who—

(a) publicly offers a reward for the return of any property which has been stolen or lost, and in the offer makes use of any words purporting that no questions will be asked, or that the person producing such property will not be seized or molested; or

(b) publicly offers to return to any person who may have bought or advanced money by way of loan upon any stolen or lost property the money so paid or advanced, or any other sum of money or reward for the return of such property; or

(c) prints or publishes any such offer,

shall be guilty of a misdemeanour.

[Ch0701s113]113. Offences relating to judicial proceedings

(1) Any person who—

(a) within the premises in which any judicial proceeding is being had or taken, or within the precincts of the same, shows disrespect, in speech or manner, to or with reference to such proceeding, or any person before whom such proceeding is being had or taken; or

(b) having been called upon to give evidence in a judicial proceeding, fails to attend, or having attended, refuses to be sworn or to make an affirmation or, having been sworn or affirmed, refuses without lawful excuse to answer a question or to produce a document, or remains in the room in which such proceeding is being had or taken, after the witnesses have been ordered to leave such room; or

(c) causes an obstruction or disturbance in the course of a judicial proceeding; or

(d) while a judicial proceeding is pending, makes use of any speech or writing misrepresenting such proceeding or capable of prejudicing any person in favour of or against any parties to such proceeding, or calculated to lower the authority of any person before whom such proceeding is being had or taken; or

(e) publishes a report of the evidence taken hi any judicial proceeding which has been directed to be held in private; or

(f) attempts wrongfully to interfere with or influence a witness in a judicial proceeding, either before or after he has given evidence, in connexion with such evidence; or

(g) dismisses a servant because he has given evidence on behalf of a certain party to a judicial proceeding; or

(h) wrongfully retakes possession of land from any person who has recently obtained possession by a writ of court; or

(i) commits any other act of intentional disrespect to any judicial proceeding, or to any person before whom such proceeding is being had or taken,

shall be guilty of an offence and shall be liable to imprisonment for three years.

(2) When any offence against subsection (1) (a), (b), (c) or (i) is committed in view of the court, the court may cause the offender to be detained in custody and at any time before the rising of the court on the same day may take cognizance of the offence and sentence the offender to a fine of £70 or in default of payment to imprisonment without hard labour for six months.

(3) This section shall be deemed to be in addition to and not in derogation from the power of the High Court to punish for contempt of court.

CHAPTER XII

RESCUES, ESCAPES AND OBSTRUCTING OFFICERS OF COURT OF LAW

[Ch0701s114]114. Rescue

Any person, who by force rescues or attempts to rescue from lawful custody any other person—

(a) if such last-named person is under sentence of death or imprisonment for life, or charged with an offence punishable with death or imprisonment for life shall be guilty of a felony, and shall be liable to imprisonment for life; and

(b) if such other person is imprisoned on a charge or under sentence for any offence other than those specified above, shall be guilty of a felony and shall be liable to imprisonment for seven years; and

(c) in any other case, shall be guilty of a misdemeanour.

If the person rescued is in the custody of a private person, the offender must have notice of the fact that the person rescued is in such custody.

[Ch0701s115]115. Escape

Any person who, being in lawful custody, escapes from such custody, shall be guilty of a misdemeanour.

[Ch0701s116]116. Permitting prisoners to escape

Any person who, having another person lawfully in his custody, intentionally or negligently permits that other person to escape, shall be guilty of a misdemeanour.

[Ch0701s117]117. Aiding prisoners to escape

Any person who—

(a) aids a prisoner in escaping or attempting to escape from lawful custody; or

(b) conveys anything or causes anything to be conveyed into a prison with intent to facilitate the escape of a prisoner,

shall be guilty of a felony and shall be liable to imprisonment for seven years.

[Ch0701s118]118. Removal, etc., of property under lawful seizure

Any person who, when any property has been attached or taken under the process of authority of any court, knowingly ,.and with intent to hinder or defeat the attachment or process receives, removes, retains, conceals, or disposes of such property, shall be guilty of a felony and shall be liable to imprisonment for three years.

[Ch0701s119]119. Obstructing court officers

Any person who wilfully obstructs or resists any person lawfully charged with the execution of an order or warrant of any court, shall be guilty of a misdemeanour and shall be liable to imprisonment for one year.

CHAPTER XIII

MISCELLANEOUS OFFENCES AGAINST PUBLICAUTHORITY

[Ch0701s120]120. Frauds and breaches of trust by public officers

Any person employed in the public service who, in the discharge of the duties of his office, commits any fraud or breach of trust affecting the public, whether such fraud or breach of trust would have been criminal or not if committed against a private person, shall be guilty of a misdemeanour.

[Ch0701s121]121. Neglect of official duty

Every person employed in the public service who wilfully neglects to perform any duty which he is bound either by common law or by Act to perform, provided that the discharge of such duty is not attended with greater danger than a man of ordinary firmness and activity may be expected to encounter, shall be guilty of a misdemeanour.

[Ch0701s122]122. False information to person employed in the public service

Whoever gives to any person employed in the public service any information which he knows or believes to be false intending thereby to cause, or knowing it to be likely that he will thereby cause such person employed in the public service—

(a) to do or omit anything which such person employed in the public service ought not to do or omit if the true state of facts respecting which such information is given were known to him; or

(b) to use the lawful power of such person employed in the public service to the injury or annoyance of any person,

shall be guilty of a misdemeanour and shall be liable to a fine of £150 and to imprisonment for three years.

[Ch0701s123]123. Disobedience of statutory duty

Everyone who wilfully disobeys any Act by doing any act which it forbids, or by omitting to do any act which it requires to be done, and which concerns the public or any part of the public, shall be guilty of a misdemeanour and shall be liable, unless it appears from the Act that it was the intention of the Legislature to provide some other penalty for such disobedience, to imprisonment for two years.

[Ch0701s124]124. Soliciting, etc., to break the law

(1) Any person who, whether in writing or by words or by his behaviour or otherwise—

(a) solicits or incites any other person to fail to comply with or to contravene any law in force in Malawi or in any part thereof; or

(b) indicates or implies to any person that it would be incumbent or desirable to fail to comply with or to contravene any such law,

shall be liable to imprisonment for five years.

(2) It shall be no defence to a charge under this section that the solicitation, incitement, indication or implication, as the case may be, neither has had nor could have had any effect.

[Ch0701s125]125. Soliciting public officers, etc., to fail to carry out their duties

Any person who, whether in writing or by words or by his behaviour or otherwise, solicits or incites—

(a) any person employed in the public service;

(b) a Chief or any person in the service of a Chief,

to fail to carry out any of his duties as such shall be liable to imprisonment for five years.

[Ch0701s126]126. Arrest without warrant

A police officer or Chief or any person acting under the direction of a police officer or Chief may arrest without warrant any person whom he has reasonable cause to believe to be committing or to have committed an offence under section 124 or 125.

Division III

Offences Injurious to the Public in General

CHAPTER XIV

OFFENCES RELATING TO RELIGION

[Ch0701s127]127. Insult to religion of any class

Any person who destroys, damages or defiles any place of worship or any object which is held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, shall be guilty of a misdemeanour.

[Ch0701s128]128. Disturbing religious assemblies

Any person who voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship or religious ceremony shall be guilty of a misdemeanour.

[Ch0701s129]129. Trespassing on burial places

Every person who with the intention of wounding the feelings of any person or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or in any place of sepulture or in any place set apart for the performance of funeral rites or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the purpose of funeral ceremonies, shall be guilty of a misdemeanour.

[Ch0701s130]130. Writing or uttering, words with intent to wound religious feelings

Any person who, with the deliberate intention of wounding the religious feelings of any other person, writes any word, or any person who, with the like intention, utters any word or makes any sound in the hearing of any other person or makes any gesture or places any object in the sight of any other person, shall be guilty of a misdemeanour and shall be liable to imprisonment for one year.

[Ch0701s131]131. Hindering burial of dead body, etc.

Whoever unlawfully hinders the burial of the dead body of any person, or without lawful authority in that behalf disinters, dissects, or harms the dead body of any person or, being under a duty to cause the dead body of any person to be buried, fails to perform such duty, shall be guilty of a misdemeanour.

In this section the word "burial" means burial in earth, interment or any other form of sepulture, or the cremation or any other mode of disposal of a dead body and "buried" has a corresponding meaning.

CHAPTER XV

OFFENCES AGAINST MORALITY

[Ch0701s132]132. Definition of rape

Any person who has unlawful carnal knowledge of a woman or girl, without her consent, or with her consent if the consent is obtained by force or means of threats or intimidation of any kind, or by fear of bodily harm, or by means of false representations as to the nature of the act, or in the case of a married woman, by personating her husband, shall be guilty of the felony termed rape.

[Ch0701s133]133. Punishment of rape

Any person who commits the offence of rape shall be liable to be punished with death or with imprisonment for life, with or without corporal punishment.

[Ch0701s134]134. Attempted rape

Any person who attempts to commit rape shall be guilty of a felony and liable to imprisonment for life, with or without corporal punishment.

[Ch0701s135]135. Abduction

Any person who, with intent to marry or carnally know a woman of any age, or to cause her to be married or carnally known by any other person, takes her away, or detains her, against her will, shall be guilty of a felony and shall be liable to imprisonment for seven years.

[Ch0701s136]136. Abduction of girls under sixteen

Any person who unlawfully takes an unmarried girl under the age of sixteen years out of the custody or protection of her father or mother or other person having the lawful care or charge of her, and against the will of such father or mother or other person, shall be guilty of a misdemeanour.

[Ch0701s137]137. Indecent assaults on females

(1) Any person who unlawfully and indecently assaults any woman or girl shall be guilty of a felony and shall be liable to imprisonment for fourteen years, with or without corporal punishment.

(2) It shall be no defence to a charge for an indecent assault on a girl under the age of thirteen years to prove that she consented to the act of indecency.

Insulting the modesty of a woman

(3) Whoever, intending to insult the modesty of any woman, utters any word, makes any sound or gesture or exhibits any object intending that such word or sound shall be heard, or that

such gesture or object shall be seen, by such woman or intrudes upon the privacy of such woman, shall be guilty of a misdemeanour and shall be liable to imprisonment for one year.

[Ch0701s138]138. Defilement of girls under thirteen years of age

(1) Any person who unlawfully and carnally knows any girl under the age of thirteen years shall be guilty of a felony and shall be liable to imprisonment for life, with or without corporal punishment.

Attempt

(2) Any person who attempts to have unlawful carnal knowledge of any girl under the age of thirteen years shall be guilty of felony and shall be liable to imprisonment for fourteen years, with or without corporal punishment:

Provided that it shall be a sufficient defence to any charge under this section if it shall be made to appear to the court, jury or assessors before whom the charge shall be brought that the person so charged had reasonable cause to believe and did in fact believe that the girl was of or above the age of thirteen years.

[Ch0701s139]139. Defilement of idiots or imbeciles

Any person who, knowing a woman or girl to be an idiot or imbecile, has or attempts to have unlawful carnal knowledge of her under circumstances not amounting to rape, but which prove that the offender knew at the time of the commission of the offence that the woman or girl was an idiot or imbecile, shall be guilty of a felony and shall be liable to imprisonment for fourteen years, with or without corporal punishment.

[Ch0701s140]140. Procuration

Any person who—

(a) procures or attempts to procure any girl or woman under the age of twenty-one years to have unlawful carnal connexion, either in Malawi or elsewhere, with any other person or persons; or

(b) procures or attempts to procure any woman or girl to become, either in Malawi or elsewhere, a common prostitute; or

(c) procures or attempts to procure any woman or girl to leave Malawi with intent that she may become an inmate of or frequent a brothel elsewhere; or

(d) procures or attempts to procure any woman or girl to leave her usual place of abode in Malawi with intent that she may, for the purposes of prostitution, become an inmate of or frequent a brothel either in the Republic or elsewhere,

shall be guilty of a misdemeanour and, if a male person, may, at the discretion of the court, and in addition to any term of imprisonment awarded in respect of the said offence shall be sentenced to corporal punishment:

Provided that no person shall be convicted of any offence under this section upon the evidence of one witness only, unless such witness be corroborated in some material particular by evidence implicating the accused.

[Ch0701s141]141. Procuring defilement of woman by threats or fraud or administering drugs

Any person who—

(a) by threats or intimidation procures or attempts to procure any woman or girl to have any unlawful carnal connexion, either in Malawi or elsewhere; or

(b) by false pretences or false representations procures any woman or girl to have any unlawful carnal connexion, either in Malawi or elsewhere; or

(c) applies, administers to, or causes to be taken by any woman or girl any drug, matter, or thing, with intent to stupefy or overpower so as thereby to enable any person to have unlawful carnal connexion with such woman or girl,

shall be guilty of a misdemeanour:

Provided that no person shall be convicted of an offence under this section upon the evidence of one witness only, unless such witness be corroborated in some material particular by evidence implicating the accused.

[Ch0701s142]142. Householder, etc., permitting defilement of girl under thirteen years of age on his premises

Any person who, being the owner or occupier of premises or having or acting or assisting in the management or control thereof, induces or knowingly suffers any girl under the age of thirteen years to resort to or be upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally, shall be guilty of a felony, and shall be liable to imprisonment for five years:

Provided that it shall be a sufficient defence to any charge under this section if it shall be made to appear to the court or jury before whom the charge shall be brought that the person so charged had reasonable cause to believe and did in fact believe that the girl was of or above the age of sixteen years.

[Ch0701s143]143. Detention with intent or in brothel

Any person who detains any woman or girl against her will—

(a) in or upon any premises with intent that she may be unlawfully and carnally known by any man, whether any particular man or generally; or

(b) in any brothel,

shall be guilty of a misdemeanour.

Constructive detention by withholding clothes

When a woman or girl is in or upon any premises for the purpose of having any unlawful carnal connexion, or is in any brothel, a person shall be deemed to detain such woman or girl in or upon such premises or in such brothel, if, with intent to compel or induce her to remain in or upon such premises or in such brothel, such person withholds from such woman or girl any wearing apparel or other property belonging to her, or where wearing apparel has been lent or otherwise supplied to such woman or girl by or by the directions of such person, such person threatens such woman or girl with legal proceedings if she takes away with her the wearing apparel so lent or supplied.

No legal proceedings, whether civil or criminal, shall be taken against any such woman or girl for taking away or being found in possession of any such wearing apparel as was necessary to enable her to leave such premises or brothel.

[Ch0701s144]144. Power of search

If it appears to any magistrate, on information made before him on oath by any parent, relative or guardian of any woman or girl or other person who, in the opinion of the magistrate, is acting bona fide in the interests of any woman or girl, that there is reasonable cause to suspect that such woman or girl is unlawfully detained for immoral purposes by any person in any place within the jurisdiction of such magistrate, such magistrate may issue a warrant authorizing the person named therein to search for, and, when found, to take to and detain in a place of safety such woman or girl until she can be brought before a magistrate; and the magistrate before whom such woman or girl is brought may cause her to be delivered up to her parents or guardians, or otherwise dealt with as circumstances may permit and require.

A magistrate issuing such warrant may, by the same or any other warrant, cause any person accused of so unlawfully detaining such woman or girl to be apprehended and brought before a magistrate and proceedings to be taken for punishing such person according to law.

A woman or girl shall be deemed to be unlawfully detained for immoral purposes if she is so detained for the purpose of being unlawfully and carnally known by any man, whether any particular man or generally; and—

(a) either is under the age of thirteen years; or

(b) if she is of or over the age of thirteen years and under the age of eighteen years, is so detained against her will or against the will of her father or mother or of any person having the lawful care or charge of her; or

(c) if she is of or over the age of eighteen years and is so detained against her will.

Any person authorized by warrant under this section to search for any woman or girl so detained as aforesaid may enter (if need be by force) any house, building, or other place mentioned in the warrant and may remove such woman therefrom:

Provided always that every warrant issued under this section authorizing the search for any woman or girl in any house, building or other place occupied by a non-African shall be addressed to and executed by a Police Officer of or above the rank of Inspector.

[Ch0701s145]145. Male person living on earnings of prostitution or persistently soliciting

(1) Every male person who—

(a) knowingly lives wholly or in part on the earnings of prostitution; or

(b) in any public place persistently solicits or importunes for immoral purposes,

shall be guilty of a misdemeanour. In the case of a second or subsequent conviction under this section the court may, in addition to any term of imprisonment awarded, sentence the offender to corporal punishment.

(2) If it is made to appear to a magistrate by information on oath that there is reason to suspect that any house or any part of a house is used by a woman or girl for purposes of prostitution, and that any person residing in or frequenting the house is living wholly or in part on the earnings of the prostitute, the magistrate may issue a warrant authorizing any police officer to enter and search the house and to arrest that person.

(3) Where a male person is proved to live with or to be habitually in the company of a prostitute or is proved to have exercised control, direction or influence over the movements of a prostitute in such a manner as to show that he is aiding, abetting or compelling her prostitution with any other person or generally, he shall unless he shall satisfy the court to the contrary be deemed to be knowingly living on the earnings of prostitution.

[Ch0701s146]146. Woman aiding, etc., for gain prostitution of another woman

Every woman who knowingly lives wholly or in part on the earnings of prostitution, or who is proved to have, for the purpose of gain, exercised control, direction or influence over the movements of a prostitute in such a manner as to show that she is aiding, abetting or compelling her prostitution with any person, or generally, shall be guilty of a misdemeanour.

[Ch0701s147]147. Brothels

Any person who keeps a house, room, set of rooms, or place of any kind whatsoever for purposes of prostitution shall be guilty of a misdemeanour.

[Ch0701s148]148. Conspiracy to defile

Any person who conspires with another to induce any woman or girl, by means of any false pretence or other fraudulent means, to permit any man to have unlawful carnal knowledge of her shall be guilty of a felony, and shall be liable to imprisonment for three years, with or without corporal punishment.

[Ch0701s149]149. Attempts to procure abortion

Any person who, with intent to procure a miscarriage of a woman, whether she is or is not with child, unlawfully administers to her or causes her to take any poison or other noxious thing, or uses any force of any kind, or uses any other means whatever, shall be guilty of a felony and shall be liable to imprisonment for fourteen years.

[Ch0701s150]150. The like by woman with child

Any woman who, being with child, with intent to procure her own miscarriage, unlawfully administers to herself any poison or other noxious thing, or uses any force of any kind, or uses any other means whatever, or permits any such thing or means to be administered or used to her, shall be guilty of a felony, and shall be liable to imprisonment for seven years.

[Ch0701s151]151. Supplying drugs or instruments to procure abortion

Any person who unlawfully supplies to or procures for any person any thing whatever, knowing that it is intended to be unlawfully used to procure the miscarriage of a woman, whether she is or is not with child, shall be guilty of a felony and shall be liable to imprisonment for three years.

[Ch0701s152]152. Knowledge of age of female immaterial

Except as otherwise expressly stated, it is immaterial in the case of any of the offences committed with respect to a woman or girl under a specified age, that the accused person did not know that the woman or girl was under that age, or believed that she was not under that age.

[Ch0701s153]153. Unnatural offences

Any person who—

(a) has carnal knowledge of any person against the order of nature; or

(b) has carnal knowledge of an animal; or

(c) permits a male person to have carnal knowledge of him or her against the order of nature,

shall be guilty of a felony and shall be liable to imprisonment for fourteen years, with or without corporal punishment.

[Ch0701s154]154. Attempt to commit unnatural offences

Any person who attempts to commit any of the offences specified in the last preceding section shall be guilty of a felony and shall be liable to imprisonment for seven years, with or without corporal punishment.

[Ch0701s155]155. Indecent assault of boys under fourteen

Any person who unlawfully and indecently assaults a boy under the age of fourteen years shall be guilty of a felony and shall be liable to imprisonment for seven years, with or without corporal punishment.

[Ch0701s156]156. Indecent practices between males

Any male person who, whether in public or private, commits any act of gross indecency with another male person, or procures another male person to commit any act of gross indecency with him, or attempts to procure the commission of any such act by any male person with himself or with another male person, whether in public or private, shall be guilty of a felony and shall be liable to imprisonment for five years, with or without corporal punishment.

[Ch0701s157]157. Incest by males

(1) Any male person who has carnal knowledge of a female person, who is to his knowledge his grand-daughter, daughter, sister, or mother, shall be guilty of a felony and shall be liable to imprisonment for five years:

Provided that if it is alleged in the information or charge and proved that the female person is under the age of thirteen years, the offender shall be liable to imprisonment for life.

Consent immaterial

(2) It is immaterial that the carnal knowledge was had with the consent of the female person.

Attempt

(3) If any male person attempts to commit any such offence as aforesaid he shall be guilty of a misdemeanour.

Order for guardianship

(4) On the conviction before any court of any male person of an offence under this section, or of an attempt to commit the same, against any female under the age of twenty-one years, it shall be in the power of the court to divest the offender of all authority over such female, and, if the offender is the guardian of such female, to remove the offender from such guardianship, and in any such case to appoint any person or persons to be the guardian or guardians of such female during her minority or any less period:

Provided that the High Court may at any time vary or rescind the order by the appointment of any other person as such guardian, or in any other respect.

[Ch0701s158]158. Incest by females

Any female person of or above the age of sixteen years who with consent permits her grandfather, father, brother, or son to have carnal knowledge of her (knowing him to be her grandfather, father, brother, or son, as the case may be), shall be guilty of a felony and shall be liable to imprisonment for five years.

[Ch0701s159]159. Test of relationship

In the two last preceding sections the expressions “brother” and “sister", respectively, include half-brother and half-sister, and the said sections shall apply whether the relationship between the person charged with an offence and the person with whom the offence is alleged to have been committed is or is not traced through lawful wedlock.

[Ch0701s160]160. Sanction of Chief Public Prosecutor

No prosecution for an offence under section 157 or 158 shall be commenced without the sanction of the Chief Public Prosecutor.

CHAPTER XVI

OFFENCES RELATING TO MARRIAGE AND DOMESTIC OBLIGATIONS

[Ch0701s161]161. Fraudulent pretence of marriage

Any person who wilfully and by fraud causes any woman who is not lawfully married to him to believe that she is lawfully married to him and to cohabit or have sexual intercourse with him in that belief, shall be guilty of a felony and shall be liable to imprisonment for ten years.

[Ch0701s162]162. Bigamy

Any person who, having a husband or wife living, goes through a ceremony of marriage which is void by reason of its taking place during the life of such husband or wife, shall be guilty of a felony and shall be liable to imprisonment for five years:

Provided that this section shall not extend to any person whose marriage with such husband or wife has been declared void by a court of competent jurisdiction, nor to any person who contracts a marriage during the life of a former husband or wife, if such husband or wife, at the time of the subsequent marriage, shall have been continually absent from such person for the space of seven years, and shall not have been heard of by such person as being alive within that time.

[Ch0701s163]163. Marriage ceremony fraudulently gone through without lawful marriage

Any person who dishonestly or with fraudulent intention goes through the ceremony of marriage, knowing that he is not thereby lawfully married, shall be guilty of a felony, and shall be liable to imprisonment for five years.

[Ch0701s164]164. Desertion of children

Any person who being the parent, guardian or other person having the lawful care or charge of a child under the age of fourteen years, and being able to maintain such child, wilfully and without lawful and reasonable cause deserts the child and leaves it without means of support, shall be guilty of a misdeamenour

[Ch0701s165]165. Neglecting to provide food, etc., for children

Any person who, being the parent or guardian or other person having the lawful care or charge of any child of tender years and unable to provide for itself, refuses or neglects (being able to do so) to provide sufficient food, clothes, bedding and other necessaries for such child, so as thereby to injure the health of such child, shall be guilty of a misdemeanour.

[Ch0701s166]166. Master not providing for servants or apprentices

Any person who, being legally liable either as master or mistress, to provide for any apprentice or servant necessary food, clothing, or lodging, wilfully and without lawful excuse refuses or neglects to provide the same, or unlawfully or maliciously does or causes to be done any bodily harm to such apprentice or servant so that the life of such apprentice or servant is endangered or that his health has been or is likely to be permanently injured shall be guilty of a misdemeanour.

[Ch0701s167]167. Child stealing

Any person who, with intent to deprive any parent, guardian, or other person who has the lawful care or charge of a child under the age of fourteen years, of the possession of such child—

(a) forcibly or fraudulently takes or entices away, or detains the child; or

(b) receives or harbours the child, knowing it to have been so taken or enticed away or detained,

shall be guilty of a felony and shall be liable to imprisonment for seven years.

It is a defence to a charge of any of the offences defined in this section to prove that the accused person claimed in good faith a right to the possession of the child, or, in the case of an illegitimate child, is its mother or claimed to be its father.

CHAPTER XVII

NUISANCES AND OFFENCES AGAINST HEALTH AND CONVENIENCE

[Ch0701s168]168. Common nuisance

Any person who does an act not authorized by law or omits to discharge a legal duty and thereby causes any common injury, or danger or annoyance, or obstructs or causes inconvenience to the public in the exercise of common rights, commits the misdemeanour termed a common nuisance and shall be liable to imprisonment for one year.

It is immaterial that the act or omission complained of is convenient to a larger number of the public than it inconveniences, but the fact that it facilitates the lawful exercise of their rights by a part of the public may show that it is not a nuisance to any of the public.

[Ch0701s169]169. Gaming houses

(1) Any person being the owner or occupier, or having the use of, any house, room or place, who shall open, keep or use the same for the purpose of unlawful gaming being carried on therein, and any person who, being the owner or occupier of any house, room or place, shall knowingly and wilfully permit the same to be opened, kept or used by any other person for the purpose aforesaid, and any person having the care or management of or in any manner assisting in conducting the business of any house, room or place opened, kept or used for the purpose aforesaid, is said to keep a common gaming house.

(2) In this section "unlawful gaming" means any game the chances of which are not alike favourable to all the players, including the banker or other person or persons by whom the game is managed or against whom the other players stake, play or bet.

(3) Any person who keeps a common gaming house shall be guilty of a misdemeanour.

(4) Any person other than the persons mentioned in subsection (1) who is found in a common gaming house shall be deemed, unless the contrary is proved, to be there for the purpose of unlawful gaming, and shall be guilty of a misdemeanour and shall be liable to a fine of £5 for the first offence, and for each subsequent offence to a fine of £20 and to imprisonment for three months.

[Ch0701s170]170. Betting houses

Any house, room or place which is used for any of the purposes following, that is to say—

(a) for the purpose of bets being made therein between persons resorting to the place and—

(i) the owner, occupier, or keeper of the place, or any person using the place; or

(ii) any person procured or employed by or acting for or on behalf of any such owner, occupier or keeper, or person using the place; or

(iii) any person having the care or management, or in any manner conducting the business, of the place; or

(b) for the purpose of any money or other property being paid or received therein by or on behalf of any such owner, occupier or keeper, or person using the place, as, for the consideration—

(i) for an assurance, undertaking, promise, or agreement, express or implied, to pay or give thereafter any money or other property on any event or contingency of or relating to any horse race, or other race, fight, game, sport, or exercise; or

(ii) for securing the paying or giving by some other person of any money or other property on any such event or contingency,

is called a common betting house.

Any person who, being the owner or occupier of any house, room, or place, knowingly and wilfully permits it to be opened, kept or used, as a common betting house by another person, or who has the use or management, or assists in conducting the business, of a common betting house, shall be guilty of a misdemeanour and shall be liable to imprisonment for one year:

[Ch0701s170A]Totalizator

Provided always that nothing herein contained shall make illegal the use of a totalizator by a race club, gymkhana club or sports club recognized by the Government at any public meeting, with the approval in each case of the Commissioner of Police. In this proviso, "totalizator" means and includes the instrument, machine or contrivance commonly known as the totalizator, and any other instrument, machine or contrivance of a like nature, or any scheme for enabling any number of persons to make bets with one another on the like principles.

[Ch0701s171]171. Authorized lotteries

For the purposes of sections 173 and 180, "authorized lottery" means—

(a) any lottery—

(i) organized to raise funds within Malawi for social service, public welfare, relief of distress, patriotic purposes, or to provide sporting or recreational facilities; and

(ii) of which at least one-quarter of the gross proceeds shall be devoted to the object for which the lottery is conducted; and

(iii) authorized by the Commissioner of Police or by a police officer to whom power has been delegated by the Commissioner of Police to give such authority;

(b) any lottery deemed to be an authorized lottery under section 172;

(c) any lottery declared by the Minister to be an authorized lottery:

Provided that a lottery declared to be an authorized lottery under the provisions of this paragraph shall be conducted in accordance with and subject to such conditions as the Minister may impose.

[Ch0701s172]172. Small lotteries incidental to certain entertainments to be authorized lotteries

(1) A lottery promoted as an incident of an entertainment to which this section applies shall be deemed to be an authorized lottery, but the conditions specified in subsection (2) shall be observed in the promotion and conduct of the lottery, and if any of those conditions is broken the lottery shall cease to be an authorized lottery.

(2) The conditions referred to in subsection (1) are that—

(a) the whole proceeds of the entertainment (including the proceeds of the lottery) after deducting—

(i) the expenses of the entertainment excluding the expenses incurred in connexion with the lottery; and

(ii) the expenses incurred in printing tickets in the lottery; and

(iii) such sum (if any) not exceeding £10 as the promoters of the lottery think fit to appropriate on account of any expense incurred by them in purchasing prizes in the lottery, shall be devoted to purposes other than private gain;

(b) tickets or chances in the lottery shall not be sold or issued, nor shall the result of the lottery be declared, except in the premises on which the entertainment takes place and during the progress of the entertainment; and

(c) the facilities provided for participating in lotteries shall not be the only, or the only substantial, inducement to persons to attend the entertainment.

(3) The entertainments to which this section applies are bazaars, sales of work, fetes and other entertainments of similar character, whether limited to one day or extending over two or more days.

[Ch0701s173]173. Lotteries

(1) Any person who opens, keeps or uses any place for carrying on a lottery other than an authorized lottery shall be guilty of a misdemeanour and shall be liable to imprisonment for six months.

(2) Any person who prints or publishes, or causes to be printed or published, any advertisement or other notice of or relating to a lottery, not being an authorized lottery, or of or relating to the sale of any ticket or chance or of any share in any ticket or chance in any lottery other than an authorized lottery shall be liable to a fine of £50.

(3) In this section "lottery" includes any scheme or device for the sale, gift, disposal, or distribution of any property, depending upon or to be determined by lot or chance, whether by the throwing or casting of dice, or by the drawing of tickets, cards, lots, numbers, or figures, or by means of a wheel or trained animal, or otherwise howsoever.

(4) When any person is convicted of an offence under this section, the court may, in addition to or in lieu of, any penalty which may be imposed, order the forfeiture of any instrument or thing used in connexion with the lottery concerning which the conviction has taken place.

[Ch0701s174]174. Exemption of private lotteries

(1) In this section, the expression "private lottery" means a lottery which is promoted for, and in which the sale of tickets or chances by the promoters is confined to, either—

(a) members of one society established and conducted for purposes not connected with gaming, wagering or lotteries; or

(b) persons all of whom work on the same premises; or

(c) persons all of whom reside on the same premises,

and which is promoted by persons each of whom is a person to whom, under the foregoing provisions, tickets or chances may be sold by the promoters and, in the case of a lottery promoted for the members of a society, is a person authorized in writing by the governing body of the society to promote the lottery.

For the purposes of this section, the expression "society" includes a club, institution, organization or other association of persons by whatever name called, and each local or affiliated branch or section of a society shall be regarded as a separate and distinct society.

(2) A private lottery shall be deemed to be an authorized lottery, but the following conditions shall be observed in connexion with the promotion and conduct of the lottery, that is to say—

(a) the whole proceeds, after deducting only expenses incurred for printing and stationery, shall be devoted to the provision of prizes for purchasers of tickets or chances or for other persons being themselves lawful participants in the lottery to whom any purchaser or purchasers may have sold all of or any share in a ticket or chance or tickets or chances, or, in the case of a lottery promoted for the members of a society, shall be devoted either to the provision of prizes as aforesaid or to purposes which are purposes of the society or, as to part, to the provision of prizes as aforesaid and, as to the remainder, to such purposes as aforesaid;

(b) there shall not be exhibited, published or distributed any written notice or advertisement of the lottery other than—

(i) a notice thereof exhibited on the premises of the society for whose members it is promoted or, as the case may be, on the premises on which the persons for whom it is promoted work or reside; and

(ii) such announcement or advertisement thereof as is contained in the tickets, if any;

(c) the price of every ticket or chance shall be the same, and the price of every ticket shall be stated on the ticket;

(d) every ticket shall bear upon the face of it the names and addresses of each of the promoters and a statement of the persons to whom the sale of tickets or chances by the promoters is restricted, and a statement that no prize or part thereof won in the lottery shall be paid or delivered by the promoters to any person other than the person to whom the winning ticket or chance was sold by them, or to any other person being himself a lawful participant in the lottery to whom the buyer of a ticket or chance shall have sold all of or a share in such ticket or chance, and no prize shall be paid or delivered except in accordance with that statement;

(e) no ticket or chance shall be issued or allotted by the promoters except by way of sale and upon receipt of the full price thereof, and no money or valuable thing so received by a promoter shall in any circumstances be returned; and

(f) no tickets in the lottery shall be sent through the post.

(3) If any of the conditions specified in subsection (2) is broken, each of the promoters of the lottery, and where the person by whom the condition is broken is not one of the promoters, that person also, shall be liable to a fine of £10 and to imprisonment for three months:

Provided that it shall be a defence for a person charged only by reason of his being a promoter of the lottery that the offence was committed without his knowledge.

(4) The Commissioner of Police, or any other police officer appointed by him for the purpose, may at any time inspect the accounts of any private lottery, and the promoters of such lottery shall give to the Commissioner of Police or to such officer access to all vouchers or other documents connected therewith and such other information as he may require.

[Ch0701s175]175. Keeper of defined premises

Any person who appears, acts, or behaves as master or mistress, or as the person having the care or management of any such house, room, set of rooms, or place as is mentioned in section 169, 170 or 173 is to be taken to be the keeper thereof, whether he is or is not the real keeper.

[Ch0701s176]176. Offence to organize or manage or conduct pools

Any person who takes part in the organization, management or conduct of a pool shall be guilty of a misdemeanour and shall be liable to a fine of K 1,000 and to imprisonment for six months.

(2) For the purposes of this section “pool” means any invitation to the public to foretell the result of any game, race or event.

[Ch0701s177]177. Chain letters

(1) Any person who sends or causes to be sent any chain letter or who sends or receives any money or money's worth in connexion with any chain letter is guilty of a misdemeanour and is liable to a fine of K400 and to imprisonment for six months.

(2) For the purposes of this section "chain letter" means a document addressed by one person to another person suggesting to, requesting or inviting the person to whom it is addressed—

(a) that he should send or request to be sent a document having the same purport to one or more other persons; or

(b) that he should communicate, verbally or otherwise, the contents or import of the first-mentioned document to one or more other persons in order to solicit, induce, canvass or cause those persons, or any of them, to act in accordance with the suggestion, request or invitation contained in the first-mentioned document; and in either of the above cases;

(c) that he should remit to a person or to an address specified in the first-mentioned document money or money's worth.

[Ch0701s178]178. Opening of postal article suspected of containing a chain letter

(1) Any postal article which is suspected by the Postmaster-General of being, or of containing, a chain letter sent in contravention of any of the provisions of section 177 may, under the authority of the Postmaster-General, be detained and opened by the Postmaster-General or by any other officer authorized by the Postmaster-General in that behalf. If any postal article, or the contents thereof, is found to be a chain letter it, or the contents thereof as the case may be, may under the authority of the Postmaster-General be destroyed.

(2) Any bank note, currency note, postal order, money order, coin, money or money's worth found in any such postal article, so opened under subsection (1), may be forfeited.

(3) Section 177 and this section shall have effect and shall for all purposes be deemed always to have had effect from the first day of January, 1964.

(4) In this section, the expression "postal article" includes any letter, printed paper, newspaper, parcel or other article whatsoever in course of transmission by post, and a telegram when conveyed by post.

[Ch0701s179]179. Obscene matters or things

11 of 1973(1) Any person who—

(a) makes, produces or has in his possession any one or more obscene writings, drawings, prints, paintings, printed matter, pictures, posters, emblems, photographs, photographic negatives or prints, cinematograph films, gramophone records or other contrivances for the reproduction of sound or any other obscene objects or any other objects tending to corrupt morals; or

(b) imports, conveys or exports, or causes to be imported, conveyed or exported, any such matters or things, or in any manner whatsoever puts any of them in circulation; or

(c) carries on or takes part in any business, whether public or private, concerned with any such matters or things in any manner whatsoever, or distributes any of them, or exhibits any of them publicly, or makes a business of lending any of them; or

(d) advertises or makes known by any means whatsoever, with a view to assisting the circulation of, or traffic in, any such matters or things, that a person is engaged in any of the acts referred to in this section, or advertises or makes known how, or from whom, any such matters or things can be procured either directly or indirectly; or

(e) publicly exhibits any indecent show or performance or any show or performance tending to corrupt morals,

is guilty of an offence and shall be liable to a fine of one thousand Kwacha and to imprisonment for a term of two years.

(2) If, in respect of any of the offences specified in paragraphs (a), (b), (c) or (d) of subsection (1), any constituent element thereof is committed in Malawi such commission shall be sufficient to render the person accused of such offence triable therefor in Malawi.

(3) A court, on convicting any person of an offence against this section, may order to be confiscated or destroyed any matter or thing made, possessed or used for the purpose of such offence.

(4) A court may, on the application of a public prosecutor order the destruction of any obscene matter or thing to which this section relates, whether any person may or may not have been convicted under the provisions of this section in respect of such obscene matter or thing. In this subsection, the term "public prosecutor" bears the meaning ascribed to such term by section 2 of the Criminal Procedure and Evidence Code. Cap. 8:01

(5) Where a person is convicted of an offence under this section and the court convicting him is satisfied that the offence arose out of, or was committed in the course, or furtherance, of any trade or business carried on by him and in respect of which he holds a licence issued under the Businesses Licensing Act, such court shall order the cancellation of such licence. Cap. 46:01

(6) No prosecution for an offence under this section shall be instituted without the written consent of the Director of Public Prosecution.

[Ch0701s180]180. Idle and disorderly persons

The following persons—

(a) every common prostitute behaving in a disorderly or indecent manner in any public place;

(b) every person wandering or placing himself in any public place to beg or gather alms, or causing or procuring or encouraging any child or children so to do;

(c) every person playing at any game of chance not being an authorized lottery or a private lottery for the purposes of section 174, for money or money's worth in any public place;

(d) every person who without lawful excuse publicly does any indecent act;

(e) every person who in any public place solicits for immoral purposes;

(f) every person wandering about and endeavouring by the exposure of wounds or deformation to obtain or gather alms; and

(g) every male person who wears the hair of his head in such a fashion as, when he is standing upright, the main line of the bottom of the mass of hair (other than hair growing on his face or on the nape of his neck) lies below an imaginary line drawn horizontally around his head at the level of the mouth,

11 of 1973shall be deemed idle and disorderly persons, and shall be liable for the first offence to a fine of K20 and to imprisonment for three months and for a subsequent offence to a fine of K50 and to imprisonment for six months.

[Ch0701s181]181. Conduct likely to cause a breach of the peace

Every person who in any public place conducts himself in a manner likely to cause a breach of the peace shall be liable to a fine of K50 and to imprisonment for three months.

[Ch0701s182]182. Use of insulting language

Every person who uses insulting language or otherwise conducts himself in a manner likely to give such provocation to any person as to cause such person to break the peace or to commit any offence against the person shall be liable to a fine of K100 and to imprisonment for six months.

[Ch0701s183]183. Nuisances by drunken persons etc.

1 of 1932(1) Every person found drunk and incapable in any public place, or on any premises licensed under the Intoxicating Liquor Ordinance, may be arrested without warrant and shall be liable to a fine of K20, and on a second or subsequent conviction shall be liable to a fine of K40.

(2) Every person who, in any public place or on any premises licensed under the Intoxicating Liquor Ordinance, is guilty while drunk of riotous or disorderly behaviour or who is drunk when in possession of any loaded fire-arm, may be arrested without warrant and shall be liable to a fine of K50 and to imprisonment for three months.

[Ch0701s184]184. Rogues and vagabonds

(1) The following persons—

(a) every person going about as a gatherer or collector of alms, or endeavouring to procure charitable contributions of any nature or kind, under any false or fraudulent pretence;

(b) every suspected person or reputed thief who has no visible means of subsistence and cannot give a good account of himself;

(c) every person found in or upon or near any premises or in any road or highway or any place adjacent thereto or in any public place at such time and under such circumstances as to lead to the conclusion that such person is there for an illegal or disorderly purpose;

(d) every person who, without the prior consent in writing in that behalf of the District Commissioner, collects or makes any appeal for subscriptions of money in any public place in such District Commissioner's District for any purpose;

(e) every person who has collected money by subscription in any place in Malawi, who fails to produce to a District Commissioner or to publish in a newspaper named by a District Commissioner, correct accounts of any money received by such subscription and of the disposal thereof, when called upon so to do by such District Commissioner,

shall be deemed to be a rogue and vagabond, and shall be guilty of a misdemeanour and shall be liable for the first offence to imprisonment for six months, and for every subsequent offence to imprisonment for eighteen months:

Provided that paragraphs (d) and (e) shall not apply to—

(i) any person or to the duly authorized representative of any organization who has received the written consent of the Commissioner of Police to collect, or make any appeal for, subscriptions of money for religious or charitable purposes.

(ii) any person authorized to collect, or make any appeal for subscriptions of money, under the provisions of any by-law of a local authority which is in force in Malawi:

Provided further that for the purposes of paragraph (d) the definition of "public place" in section 4 shall not be deemed to include any recognized place of religious worship.

(2) In granting his consent to any person to collect money or to make an appeal for subscriptions of money under subsection (1) (d), a District Commissioner may impose such conditions as he may think fit. Any person who, having been granted such consent fails to comply with any such condition, shall be deemed to have committed an offence against subsection (1) and shall be liable to the penalties provided by such subsection.

[Ch0701s185]185. Power to order removal of undesirable persons from certain Municipalities, Townships and other areas

(1) This section shall extend to such Municipalities, Townships and other areas as the Minister may, by order published in the Gazette, direct, and shall apply to—

(a) persons of any age which, according to law or custom, should render them subject to control, where the person whose duty it is to exercise control is resident outside a Municipality, Township or other area to which this section applies; or

(b) persons having no settled home within such a township or such an area whose District of origin or last place of ordinary residence is outside the Municipality, Township or other area.

For the purposes of paragraph (b) a person shall be deemed to have a settled home within a Municipality, Township or other area if he satisfies the magistrate—

(i) that one or other of his parents is ordinarily resident in such Municipality, Township or other area; or

(ii) that he is, and has been for a period or periods amounting in the aggregate to not less than eighteen months during the two years immediately preceding the month then current, ordinarily resident in such Municipality, Township or other area.

(2) Where a magistrate has reasonable cause to believe that a person belongs to one of the categories specified in subsection (1) and that the presence of such person within any Municipality, Township or other area within his jurisdiction to which this section extends is, by reason of any of the matters mentioned in subsection (3), undesirable in the public interest, he may make an order (in this section referred to as a removal order) requiring such person—

(a) to leave the Municipality, Township or other area not later than such date as may be specified in the Order;

(b) thereafter to remain outside the Municipality, Township or other area either during a period to be specified in the order or until further order.

(3) A removal order may be made on any of the following grounds—

(a) that a person has been convicted of an offence under section 184;

(b) that he has no regular employment or other reputable means of livelihood and cannot give a good account of himself;

(c) that he has been convicted of an offence against the person or in relation to property.

(4) Before a removal order is made with respect to any person, he shall be informed of the reasons why it is proposed to make such order and shall be given an opportunity to show cause why such order should not be made.

[Ch0701s186]186. Appeal against removal order

(1) A person with respect to whom a removal order under section 185 has been made may appeal against any such order to the High Court, whose decision shall be final.

(2) The High Court may, on receiving notice of appeal within the prescribed time, by order, suspend the operation of the removal order on such terms (including detention in custody or the provision of sureties or the entering into recognizances or reporting to the police) as may appear expedient pending the determination of the appeal:

Provided that any such suspension shall cease to have effect if no appeal against such removal order is lodged in the manner and within the time prescribed.

(3) The High Court at the hearing of the appeal may receive evidence and may confirm or, on cause shown, cancel or vary the removal order.

(4) The High Court may make Rules prescribing the manner in which and the time within which notice of appeal may be given and an appeal lodged, and generally the procedure to be followed in any appeal to the High Court under this section.

[Ch0701s187]187. Detention in custody pending consideration of making of removal order

(1) Any person with respect to whom it is proposed to make a removal order under section 185 may be arrested by any police officer without a warrant and may be detained in custody for a period not exceeding one month for the purpose of enabling the magistrate to make such inquiries as may be necessary.

(2) During any period of detention under subsection (1) such person shall be treated as a person awaiting trial and not as a convicted prisoner.

[Ch0701s188]188. Subsistence allowance where removal order made

Every person with respect to whom a removal order is made shall be provided with such allowance in cash or in kind as the magistrate thinks sufficient to enable him to reach his district of origin or his last place of ordinary residence.

[Ch0701s189]189. Penalty for failing to comply with removal order, etc.

(1) Any person with respect to whom a removal order has been made under section 185 and who fails to comply with any of the terms of the order shall be guilty of an offence:

Provided that the magistrate may in writing suspend the operation of a removal order for such period and on such terms as he thinks fit.

(2) Any person who is guilty of an offence against this section shall be liable to a fine of £10 and to imprisonment for three months.

(3) A second or subsequent removal order may be made with respect to any person who is convicted of an offence against this section.

(4) Any police officer may arrest without a warrant any person whom he has reason to believe is guilty of an offence against this section.

(5) In any prosecution for an offence against this section, any document purporting to be a removal order made under section 185 may be admitted in evidence without proof of its authenticity.

(6) A magistrate who has made a removal order shall not, by reason of that fact, be precluded from inquiring into and trying any offence alleged to have been committed against this section by a person with respect to whom such removal order was made.

[Ch0701s190]190. Review of removal orders

In every case where a removal order has been made under section 185, the person with respect to whom such order has been made may apply to a magistrate at the end of a period of six months from the date of the making of the order, and thereafter at the end of every ensuing period of six months, for a review of such order and the magistrate, after considering the matter, may, if he thinks fit, vary, suspend or cancel the order.

[Ch0701s191]191. Wearing uniform without authority prohibited

(1) Any person who, not being a person serving in any constabulary or police force in Malawi, wears, without the permission of the Minister or without other lawful authority, the uniform of any of those forces or any dress having the appearance or bearing any of the distinctive marks of such uniform shall be guilty of a misdemeanour and shall be liable to a fine of £30 or to imprisonment for three months:

Provided that nothing in this section shall prevent any person from wearing any uniform or dress in the course of a stage play performed in any place in which stage plays may lawfully be publicly performed or in the course of a music-hall or circus performance.

Bringing contempt on uniform

(2) Any person who unlawfully wears the uniform of any of the forces aforesaid, or any dress having the appearance or bearing any of the distinctive marks of any such uniform, in such a manner or in such circumstances as to be likely to bring contempt on that uniform, or employs any other person so to wear such uniform or dress, is guilty of a misdemeanour, and shall be liable to a fine of £60 or to imprisonment for nine months.

Importation and sale of uniform, etc., without authority, prohibited

(3) Any person who, not being in the service of Malawi or having previously received the written permission of the Minister so to do, imports or sells or has in his possession for sale any such uniform or dress as is mentioned in this section, or the buttons or badges appropriate

thereto, is guilty of a misdemeanour, and shall be liable to a fine of £100 or to imprisonment for twelve months:

Provided that nothing in this subsection shall be deemed to prohibit the importation of any such uniform or dress by any person who, having served in any constabulary or police force as aforesaid, is lawfully in possession thereof.

Forfeiture of uniform, etc., on conviction

(4) When any person shall have been convicted of any offence under this section, the uniform, dress, button, badge or other thing in respect of which the offence has been committed shall be forfeited unless the Minister shall otherwise order.

[Ch0701s192]192. Negligent act likely to spread disease dangerous to life

Any person who unlawfully or negligently does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be guilty of a misdemeanour.

[Ch0701s193]193. Adulteration of food or drink intended for sale

Any person who adulterates any article of food, or drink, so as to make such article noxious as food or drink, intending to sell such article as food or drink, or knowing it to be likely that the same will be sold as food or drink, shall be guilty of a misdemeanour.

[Ch0701s194]194. Sale of noxious food or drink

Any person who sells, or offers or exposes for sale, as food or drink, any article which has been rendered or has become noxious, or is in a state unfit for food or drink, knowing or having reason to believe, that the same is noxious as food or drink, shall be guilty of a misdemeanour.

[Ch0701s195]195. Adulteration of drugs

Any person who adulterates any drug or medical preparation in such a manner as to lessen the efficacy or change the operation of such drug or medical preparation, or to make it noxious, intending that it shall be sold or used for, or knowing it to be likely that it will be sold or used for, any medicinal purpose, as if it had not undergone such adulteration, shall be guilty of a misdemeanour.

[Ch0701s196]196. Sale of adulterated drugs

Any person who, knowing any drug or medical preparation to have been adulterated in such a manner as to lessen its efficacy, to change its operation or to render it noxious, sells the same, or offers or exposes it for sale, or issues it from any dispensary for medicinal purposes its unadulterated, or causes it to be used for medicinal purposes by any person not knowing of the adulteration, shall be guilty of a misdemeanour.

[Ch0701s197]197. Fouling water

Any person who voluntarily corrupts or fouls the water of any public spring or reservoir, so as to render it less fit for the purpose for which it is ordinarily used, shall be guilty of a misdemeanour.

[Ch0701s198]198. Fouling air

Any person who voluntarily vitiates the atmosphere in any place so as to make it noxious to the health of persons in general dwelling or carrying on business in the neighbourhood or passing along a public way, shall be guilty of a misdemeanour.

[Ch0701s199]199. Offensive trades

Any person who, for the purposes of trade or otherwise, makes loud noises or offensive or unwholesome smells in such places and circumstances as to annoy any considerable number of persons in the exercise of their common rights, commits and shall be liable to be punished as for a common nuisance.

CHAPTER XVIII
DEFAMATION

[Ch0701s200]200. Definition of libel

Any person who, by print, writing, painting, effigy, or by any means otherwise than solely by gestures, spoken words, or other sounds, unlawfully publishes any defamatory matter concerning another person, with intent to defame that other person, shall be guilty of the misdemeanour termed “libel".

[Ch0701s201]201. Definition of defamatory matter

Defamatory matter is matter likely to injure the reputation of any person by exposing him to hatred, contempt or ridicule, or likely to damage any person in his profession or trade by an injury to his reputation. It is immaterial whether at the time of the publication of the defamatory matter the person concerning whom such matter is published is living or dead:

Provided that no prosecution for the publication of defamatory matter concerning a dead person shall be instituted without the consent of the Director of Public Prosecutions.

[Ch0701s202]202. Definition of publication

(1) A person publishes a libel if he causes the print, writing, painting, effigy or other means by which the defamatory matter is conveyed to be so dealt with, either by exhibition, reading, recitation, description, delivery, or otherwise, as that the defamatory meaning thereof becomes known or is likely to become known to either the person defamed or any other person.

(2) It is not necessary for libel that a defamatory meaning should be directly or completely expressed; and it suffices if such meaning and its application to the person alleged to be defamed can be collected either from the alleged libel itself or from any extrinsic circumstances, or partly by the one and partly by the other means.

[Ch0701s203]203. Definition of unlawful publication

Any publication of defamatory matter concerning a person is unlawful within the meaning of this Chapter, unless (a) the matter is true and it was for the public benefit that it should be published or (b) it is privileged on one of the grounds hereafter mentioned in this Chapter.

[Ch0701s204]204. Cases in which publication of defamatory matter is absolutely privileged

(1) The publication of defamatory matter is absolutely privileged, and no person shall under any circumstances be liable to punishment under this Code in respect thereof, in any of the following cases, namely—

(a) if the matter is published by the President, or by the Cabinet or the National Assembly, in any official document or proceeding; or

(b) if the matter is published in the Cabinet or the National Assembly by any member of such bodies; or

(c) if the matter is published by order of the President; or

(d) if the matter is published concerning a person subject to military or naval discipline for the time being, and relates to his conduct as a person subject to such discipline, and is published by some person having authority over him in respect of such conduct, and to some person having authority over him in respect of such conduct; or

(e) if the matter is published in the course of any judicial proceedings by a person taking part therein as a judge or magistrate or commissioner or legal practitioner or juror or assessor or witness or party thereto; or

(f) if the matter published is in fact a fair report of anything said, done, or published in the Cabinet or National Assembly; or

(g) if the person publishing the matter is legally bound to publish it.

(2) Where a publication is absolutely privileged, it is immaterial for the purposes of this Chapter whether the matter be true or false, and whether it be or be not known or believed to be false, and whether it be or be not published in good faith:

Provided that nothing in this section shall exempt a person from any liability to punishment under any other Chapter of this Code or under any other Act in force within the Republic.

[Ch0701s205]205. Cases in which publication of defamatory matter is conditionally privileged

A publication of defamatory matter is privileged, on condition that it was published in good faith, if the relation between the parties by and to whom the publication is made is such that the person publishing the matter is under some legal, moral or social duty to publish it to the person to whom the publication is made or has a legitimate personal interest in so publishing it,provided that the publication does not exceed either in extent or matter what is reasonably sufficient for the occasion, and in any of the following cases, namely—

(a) if the matter published is in fact a fair report of anything said, done, or shown in a civil or criminal inquiry or proceeding before any court:

Provided that if the court prohibits the publication of anything said or shown before it, on the ground that it is seditious, immoral, or blasphemous, the publication thereof shall not be privileged; or

(b) if the matter published is a copy or reproduction, or in fact a fair abstract, of any matter which has been previously published, and the previous publication of which was or would have been privileged under the last preceding section; or

(c) if the matter is an expression of opinion in good faith as to the conduct of a person in a judicial, official, or other public capacity or as to his personal character so far as it appears in such conduct; or

(d) if the matter is an expression of opinion in good faith as to the conduct of a person in relation to any public question or matter, or as to his personal character so far as it appears in such conduct; or

(e) if the matter is an expression of opinion in good faith as to the conduct of any person as disclosed by evidence given in a public legal proceeding, whether civil or criminal, or as to the conduct of any person as a party, witness, or otherwise in any such proceeding, or as to the character of any person so far as it appears in any such conduct as in this paragraph mentioned; or

(f) if the matter is an expression of opinion in good faith as to the merits of any book, writing, painting, speech, or other work, performance, or act published, or publicly done or made, or submitted by a person to the judgment of the public, or as to the character of the person so far as it appears therein; or

(g) if the matter is a censure passed by a person in good faith on the conduct of another person in any matter in respect of which he has authority, by contract or otherwise, over the other person, or on the character of the other person, so far as it appears in such conduct; or

(h) if the matter is a complaint or accusation made by a person in good faith against another person in respect of his conduct in any matter, or in respect of his character so far as it appears in such conduct, to any person having authority, by contract or otherwise, over that other person in respect of such conduct or matter, or having authority by law to inquire into or receive complaints respecting such conduct or matter; or

(i) if the matter is published in good faith for the protection of the rights or interests of the person who publishes it, or of the person to whom it is published, or of some person in whom the person to whom it is published is interested.

[Ch0701s206]206. Explanation as to good faith

A publication of defamatory matter shall not be deemed to have been made in good faith by a person, within the meaning of the last preceding section if it is made to appear either—

(a) that the matter was untrue, and that he did not believe it to be true; or

(b) that the matter was untrue, and that he published it without having taken reasonable care to ascertain whether it was true or false; or

(c) that in publishing the matter, he acted with intent to injure the person defamed in a substantially greater degree or substantially otherwise than was reasonably necessary for the interest of the public or for the protection of the private right or interest in respect of which he claims to be privileged.

[Ch0701s207]207. Presumption as to good faith

If it is proved, on behalf of the accused person, that the defamatory matter was published under such circumstances that the publication would have been justified if made in good faith, the publication shall be presumed to have been made in good faith until the contrary is made to appear, either from the libel itself, or from the evidence given on behalf of the accused person, or from evidence given on the part of the prosecution.

Division IV

Offences against the Person

CHAPTER XIX

MURDER AND MANSLAUGHTER

[Ch0701s208]208. Manslaughter

Any person who by an unlawful act or omission causes the death of another person shall be guilty of the felony termed "manslaughter". An unlawful omission is an omission amounting to culpable negligence to discharge a duty tending to the preservation of life or health, whether such omission is or is not accompanied by an intention to cause death or bodily harm.

[Ch0701s209]209. Murder

Any person who of malice aforethought causes the death of another person by an unlawful act or omission shall be guilty of murder.

[Ch0701s210]210. Punishment of murder

Any person convicted of murder shall be sentenced to death.

[Ch0701s211]211. Punishment of manslaughter

Any person who commits the felony of manslaughter shall be liable to imprisonment for life.

[Ch0701s212]212. Malice aforethought

Malice aforethought shall be deemed to be established by evidence proving any one or more of the following circumstances—

(a) an intention to cause the death of or to do grievous harm to any person, whether such person is the person actually killed or not;

(b) knowledge that the act or omission causing death will probably cause the death of or grievous harm to some person, whether such person is the person actually killed or not, although such knowledge is accompanied by indifference whether death or grievous bodily harm is caused or not, or by a wish that it may not be caused;

(c) an intent to commit a felony;

(d) an intention by the act or omission to facilitate the flight or escape from custody of any person who has committed or attempted to commit a felony.

[Ch0701s213]213. Killing on provocation

(1) When a person who unlawfully kills another under circumstances which, but for this section, would constitute murder, does the act which causes death in the heat of passion caused by sudden provocation as hereinafter defined, and before there is time for his passion to cool, he is guilty of manslaughter only.

(2) This section shall not apply unless the court is satisfied that the act which causes death bears a reasonable relationship to the provocation.

[Ch0701s214]214. Provocation defined

The term "provocation" means and includes, except as hereinafter stated, any wrongful act or insult of such a nature as to be likely, when done or offered to an ordinary person, or in the presence of an ordinary person to another person who is under his immediate care, or to whom he stands in a conjugal, parental, filial, or fraternal relation, or in the relation of master and

servant, to deprive him of the power of self-control and to induce him to assault the person by whom the act or insult is done or offered.

When such an act or insult is done or offered by one person to another, or in the presence of another to a person who is under the immediate care of that other, or to whom the latter stands in any such relation as aforesaid, the former is said to give to the latter provocation for an assault.

A lawful act is not provocation to any person for an assault.

An act which a person does in consequence of incitement given by another person in order to induce him to do the act and thereby to furnish an excuse for committing an assault is not provocation to that other person for an assault.

An arrest which is unlawful is not necessarily provocation for an assault, but it may be evidence of provocation to a person who knows of the illegality.

For the purposes of this section the expression "an ordinary person" shall mean an ordinary person of the community to which the accused belongs.

[Ch0701s215]215. Causing death defined

A person is deemed to have caused the death of another person although his act is not the immediate or not the sole cause of death in any of the following cases—

(a) if he inflicts bodily injury on another person in consequence of which that other person undergoes surgical or medical treatment which causes death. In this case it is immaterial whether the treatment was proper or mistaken, if it was employed in good faith and with common knowledge and skill; but the person inflicting the injury is not deemed to have caused the death if the treatment which was its immediate cause was not employed in good faith or was so employed without common knowledge or skill;

23 of 1970(b) if he inflicts a bodily injury on another which would not have caused death if the injured person had submitted to proper surgical or medical treatment or had observed proper precautions as to his mode of living;

(c) if by actual or threatened violence he causes such other person to perform an act which causes the death of such person, such act being a means of avoiding such violence which in the circumstances would appear natural to the person whose death is so caused;

(d) if by any act or omission he hastened the death of a person suffering under any disease or injury which apart from such act or omission would have caused death;

(e) if his act or omission would not have caused death unless it had been accompanied by an act or omission of the person killed or of other persons.

[Ch0701s216]216. When child deemed to be a person capable of being killed

A child becomes a person capable of being killed when it has completely proceeded in a living state from the body of its mother, whether it has breathed or not, and whether it has an independent circulation or not, and whether the navel-string is severed or not.

[Ch0701s217]217.

[Repealed by 23 of 1970]

CHAPTER XX

DUTIES RELATING TO THE PRESERVATION OF LIFE AND HEALTH

[Ch0701s218]218. Responsibility of person who has charge of another

It is the duty of every person having charge of another who is unable by reason of age, sickness, unsoundness of mind, detention or any other cause to withdraw himself from such charge, and who is unable to provide himself with the necessaries of life, whether the charge is undertaken under a contract, or is imposed by law, or arises by reason of any act, whether lawful or unlawful, of the person who has such charge, to provide for that other person the necessaries of life; and he is held to have caused any consequences which result to the life or health of the other person by reason of any omission to perform that duty.

[Ch0701s219]219. Duty of head of family

It is the duty of every person who, as head of a family, has charge of a child under the age of fourteen years, being a member of his household, to provide the necessaries of life for such child; and he is held to have caused any consequences which result to the life or health of the child by reason of any omission to perform that duty, whether the child is helpless or not.

[Ch0701s220]220. Duty of masters

It is the duty of every person who as master or mistress has contracted to provide necessary food, clothing, or lodging for any servant or apprentice under the age of sixteen years to provide the same; and he or she is held to have caused any consequences which result to the life or health of the servant or apprentice by reason of any omission to perform that duty.

[Ch0701s221]221. Duty of persons doing dangerous acts

It is the duty of every person who, except in a case of necessity, undertakes to administer surgical or medical treatment to any other person, or to do any other lawful act which is or may be dangerous to human life or health, to have reasonable skill and to use reasonable care in doing such act; and he is held to have caused any consequences which result to the life or health of any person by reason of any omission to observe or perform that duty.

[Ch0701s222]222. Duty of persons in charge of dangerous things

It is the duty of every person who has in his charge or under his control anything, whether living or inanimate, and whether moving or stationary, of such a nature that, in the absence of care or precaution in its use or management, the life, safety, or health of any person may be endangered, to use reasonable care and take reasonable precautions to avoid such danger; and he is held to have caused any consequences which result to the life or health of any person by reason of any omission to perform that duty.

CHAPTER XXI

OFFENCES CONNECTED WITH MURDER AND SUICIDE

[Ch0701s223]223. Attempt to murder

Any person who—

(a) attempts unlawfully to cause the death of another; or

(b) with intent unlawfully to cause the death of another does any act, or omits to do any act, which it is his duty to do, such act or omission being of such a nature as to be likely to endanger human life,

shall be guilty of a felony, and is liable to imprisonment for life.

[Ch0701s224]224. Attempt to murder by convict

Any person who, being under sentence of imprisonment for three years or more, attempts to commit murder, shall be liable to imprisonment for life, with or without corporal punishment.

[Ch0701s225]225. Accessory after the fact to murder

Any person who becomes an accessory after the fact to murder shall be guilty of a felony, and is liable to imprisonment for life.

[Ch0701s226]226. Written threats to murder

Any person who, knowing the contents thereof, directly or indirectly causes any person to receive any writing threatening to kill any person is guilty of a felony, and is liable to imprisonment for seven years.

[Ch0701s227]227. Conspiracy to murder

Any person who conspires with any other person to kill any person, whether such person is in the Republic or elsewhere, shall be guilty of a felony and shall be liable to imprisonment for fourteen years.

[Ch0701s228]228. Aiding suicide

Any person who—

(a) procures another to kill himself; or

(b) counsels another to kill himself and thereby induces him to do so; or

(c) aids another in killing himself,

is guilty of a felony, and shall be liable to imprisonment for life.

[Ch0701s229]229. Attempting suicide

Any person who attempts to kill himself shall be guilty of a misdemeanour.

[Ch0701s230]230. Offence of infanticide

Where a woman by any wilful act or omission causes the death of her child being a child under the age of twelve months, but at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child, then, notwithstanding that the circumstances were such that but for this section the offence would have amounted to murder, she shall be guilty of felony, to wit of infanticide, and may for such offence be dealt with and punished as if she had been guilty of the offence of manslaughter of the child.

[Ch0701s231]231. Killing unborn child

Any person who, when a woman is about to be delivered of a child, prevents the child from being born alive by any act or omission of such a nature that, if the child had been born alive and had then died, he would be deemed to have unlawfully killed the child, shall be guilty of a felony and shall be liable to imprisonment for life.

[Ch0701s232]232. Concealing the birth of children

Any person who, when a woman is delivered of a child, endeavours, by any secret disposition of the dead body of the child, to conceal the birth, whether the child died before, at, or after its birth shall be guilty of the misdemeanour of concealment of birth and shall be liable to imprisonment for two years.

CHAPTER XXII

OFFENCES ENDANGERING LIFE OR HEALTH

[Ch0701s233]233. Disabling in order to commit felony or misdemeanour

Any person who, by any means calculated to choke, suffocate or strangle, and with intent to commit or to facilitate the commission of a felony or misdemeanour, or to facilitate the flight of an offender after (the commission or attempted commission of a felony or misdemeanour, renders or attempts to render any person incapable of resistance, shall be guilty of a felony and shall be liable to imprisonment for life, with or without corporal punishment.

[Ch0701s234]234. Stupefying in order to commit felony or misdemeanour

Any person who, with intent to commit or to facilitate the commission of a felony or misdemeanour, or to facilitate the flight of an offender after the commission or attempted commission of a felony or misdemeanour, administers or attempts to administer any stupefying or overpowering drug or thing to any person, shall be guilty of a felony and shall be liable to imprisonment for life.

[Ch0701s235]235. Acts intended to cause grievous harm or prevent arrest

Any person who, with intent to maim, disfigure or disable any person, or to do some grievous harm to any person, or to resist or prevent the lawful arrest or detention of any person—

(a) unlawfully wounds or does any grievous harm to any person by any means whatever; or

(b) unlawfully attempts in any manner to strike any person with any kind of projectile or with a spear, sword, knife, or other dangerous or offensive weapon; or

(c) unlawfully causes any explosive substance to explode; or

(d) sends or delivers any explosive substance or other dangerous or noxious thing to any person; or

(e) causes any such substance or thing to be taken or received by any person; or

(f) puts any corrosive fluid or any destructive or explosive substance in any place; or

(g) unlawfully casts or throws any such fluid or substance at or upon any person, or otherwise applies any such fluid or substance to the person of any person,

shall be guilty of a felony, and shall be liable to imprisonment for life.

[Ch0701s236]236. Preventing escape from wreck

Any person who unlawfully—

(a) prevents or obstructs any person who is on board of, or is escaping from, a vessel which is in distress or wrecked, in his endeavours to save his life; or

(b) obstructs any person in his endeavours to save the life of any person so situated, shall be guilty of a felony and shall be liable to imprisonment for life.

[Ch0701s237]237. Intentionally endangering safety of persons travelling by railway

Any person who, with intent to injure or to endanger the safety of any person travelling by any railway, whether a particular person or not—

(a) places anything on the railway; or

(b) deals with the railway, or with anything whatever upon or near the railway, in such a manner as to affect or endanger the free and safe use of the railway or the safety of any such person; or

(c) shoots or throws anything at, into, or upon or causes anything to come into contact with any person or thing on the railway; or

(d) shows any light or signal, or in any way deals with any existing light or signal, upon or near the railway; or

(e) by any omission to do any act which it is his duty to do causes the safety of any such person to be endangered,

shall be guilty of a felony, and shall be liable to imprisonment for life, with or without corporal punishment.

[Ch0701s238]238. Grievous harm

Any person who unlawfully does grievous harm to another shall be guilty of a felony and shall be liable to imprisonment for fourteen years.

[Ch0701s239]239. Attempting to injure by explosive substances

Any person who unlawfully, and with intent to do any harm to another, puts any explosive substance in any place whatever, shall be guilty of a felony and shall be liable to imprisonment for fourteen years.

[Ch0701s240]240. Maliciously administering poison with intent to harm

Any person who unlawfully, and with intent to injure or annoy another, causes any poison or noxious thing to be administered to, or taken by, any person, and thereby endangers his life, or does him some grievous harm, shall be guilty of a felony, and shall be liable to imprisonment for fourteen years.

[Ch0701s241]241. Wounding and similar acts

Any person who—

(a) unlawfully wounds another; or

(b) unlawfully, and with intent to injure or annoy any person, causes any poison or other noxious thing to be administered to, or taken by, any person,

shall be guilty of a felony, and shall be liable to imprisonment for seven years.

[Ch0701s242]242. Failure to supply necessaries

Any person who, being charged with the duty of providing for another the necessaries of life, without lawful excuse fails to do so, whereby the life of that other person is or is likely to be endangered, or his health is or is likely to be permanently injured, shall be guilty of a felony, and shall be liable to imprisonment for three years.

[Ch0701s243]243. Surgical operation

A person is not criminally responsible for performing in good faith and with reasonable care and skill a surgical operation upon any person for his benefit, or upon an unborn child for the preservation of the mother's life, if the performance of the operation is reasonable, having regard to the patient's state at the time, and to all the circumstances of the case.

[Ch0701s244]244. Excess of force

Any person authorized by law or by the consent of the person injured by him to use force is criminally responsible for any excess, according to the nature and quality of the act which constitutes the excess.

[Ch0701s245]245. Consent

Notwithstanding anything contained in section 244 consent by a person to the causing of his own death or his own maim does not affect the criminal responsibility of any person by whom such death or maim is caused.

CHAPTER XXIII

CRIMINAL RECKLESSNESS AND NEGLIGENCE

[Ch0701s246]246. Reckless and negligent acts

Any person who in a manner so rash or negligent as to endanger human life or to be likely to cause harm to any person—

(a) drives any vehicle or rides on any public way; or

(b) navigates, or takes part in the navigation or working of, any vessel; or

(c) does any act with fire or any combustible matter, or omits to take precautions against any probable danger from any fire or any combustible matter in his possession; or

(d) omits to take precautions against any probable danger from any animal in his possession; or

(e) gives medical or surgical treatment to any person whom he has undertaken to treat; or

(f) dispenses, supplies, sells, administers, or gives away any medicine or poisonous or dangerous matter; or

(g) does any act with respect to, or omits to take proper precautions against any probable danger from, any machinery of which he is solely or partly in charge; or

(h) does any act with respect to, or omits to take proper precautions against any probable danger from, any explosive in his possession; or

(i) does any act with respect to, or omits to take proper precautions against any probable danger from, any loaded firearm in his possession,

shall be guilty of a misdemeanour.

[Ch0701s247]247. Other negligent acts causing harm

Any person who unlawfully does any act, or omits to do any act which it is his duty to do, not being an act or omission specified in the preceding section, by which act or omission harm is caused to any person, shall be guilty of a misdemeanour and shall be liable to imprisonment for six months.

[Ch0701s248]248. Dealing in poisonous substances in negligent manner

Whoever does, with any poisonous substance any act in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, or knowingly or negligently omits to take such care with any poisonous substance in his possession as is sufficient to guard against probable danger to human life from such poisonous substance, shall

be guilty of a misdemeanour and shall be liable to a fine of £100 or to imprisonment for six months.

[Ch0701s249]249. Endangering safety of persons travelling by railway

Any person who, by any unlawful act or omission not specified in section 237, causes the safety of any person travelling by any railway to be endangered, shall be guilty of a misdemeanour.

[Ch0701s250]250. Exhibition of false light, mark or buoy

Any person who exhibits any false light, mark or buoy, intending or knowing it to be likely that such exhibition will mislead any navigator, shall be liable to imprisonment for seven years.

[Ch0701s251]251. Conveying person by water for hire in unsafe or overloaded vessel

Any person who knowingly or negligently conveys, or causes to be conveyed for hire, any person by water in any vessel, when that vessel is in such a state or so loaded as to be unsafe, shall be guilty of a misdemeanour.

[Ch0701s252]252. Danger or obstruction in public way or line of navigation

Any person who by doing any act, or by omitting to take reasonable care with any property in his possession or under his charge, causes danger, obstruction or injury to any person in any public way or public line of navigation, shall be liable to a fine.

CHAPTER XXIV
ASSAULTS

[Ch0701s253]253. Common assault

Any person who unlawfully assaults another is guilty of a misdemeanour, and, if the assault is not committed in circumstances for which a greater punishment is provided in this Code, shall be liable to imprisonment for one year.

[Ch0701s254]254. Assaults occasioning actual bodily harm

Any person who commits an assault occasioning actual bodily harm is guilty of a misdemeanour, and shall be liable to imprisonment for five years with or without corporal punishment.

[Ch0701s255]255. Assaults on persons protecting wreck

Any person who assaults and strikes or wounds any magistrate, officer, or other person lawfully authorized in or on account of the execution of his duty in or concerning the preservation of any vessel in distress, or of any vessel or goods or effects wrecked, stranded, or cast on shore, or lying under water, shall be guilty of a misdemeanour, and shall be liable to imprisonment for seven years.

[Ch0701s256]256. Assaults punishable with five years imprisonment

Any person who—

(a) assaults any person with intent to commit a felony or to resist or prevent the lawful apprehension or detainer of himself or of any other person for any offence; or

(b) assaults, resists, or wilfully obstructs any police officer in the due execution of his duty, or any person acting in aid of such officer, or

(c) assaults any person in pursuance of any unlawful combination or conspiracy to raise the rate of wages, or respecting any trade, business, or manufacture or respecting any person concerned or employed therein; or

(d) assaults, resists or obstructs any person engaged in such lawful execution of process, or in making a lawful distress, with intent to rescue any property lawfully taken under such process or distress; or

(e) assaults any person on account of any act done by him in the execution of any duty imposed on him by law,

shall be guilty of a misdemeanour and shall be liable to imprisonment for five years.

CHAPTER XXV

OFFENCES AGAINST LIBERTY

[Ch0701s257]257. Definition of kidnapping from the Republic

Any person who conveys any person beyond the limits of the Republic without the consent of that person, or of some person legally authorized to consent on behalf of that person, is said to kidnap that person from Malawi.

[Ch0701s258]258. Definition of kidnapping from lawful guardianship

Any person who takes or entices any minor under fourteen years of age if a male, or under sixteen years of age if a female, or any person of unsound mind, out of the keeping of the lawful guardian of such minor or person of unsound mind, without the consent of such guardian, is said to kidnap such minor or person from lawful guardianship.

[Ch0701s259]259. Definition of abduction

Any person who by force compels, or by any deceitful means induces, any person to go from any place, is said to abduct that person.

[Ch0701s260]260. Punishment for kidnapping

Any person who kidnaps any person from Malawi or from lawful guardianship, shall be guilty of a felony, and shall be liable to imprisonment for seven years.

[Ch0701s261]261. Kidnapping or abducting in order to murder

Any person who kidnaps or abducts any person in order that such person may be murdered, or may be so disposed of as to be put in danger of being murdered, shall be guilty of a felony and shall be liable to imprisonment for ten years.

[Ch0701s262]262. Kidnapping or abducting with intent to confine person

Any person who kidnaps or abducts any person with intent to cause that person to be secretly and wrongfully confined, shall be guilty of a felony, and shall be liable to imprisonment for seven years.

[Ch0701s263]263. Kidnapping or abducting in order to subject person to grievous harm, slavery, etc.

Any person who kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected, to grievous harm,

or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, shall be guilty of a felony and shall be liable to imprisonment for ten years.

[Ch0701s264]264. Wrongfully concealing or keeping in confinement kidnapped or abducted person

Any person who, knowing that any person has been kidnapped or has been abducted, wrongfully conceals or confines such person, shall be guilty of a felony and shall be punished in the same manner as if he had kidnapped or abducted such person with the same intention or knowledge, or for the same purpose, as that with or for which he conceals or detains such person in confinement.

[Ch0701s265]265. Kidnapping or abducting child under fourteen years with intent to steal from its person

Any person who kidnaps or abducts any child under the age of fourteen years with the intention of taking dishonestly any movable property from the person of such child, shall be guilty of a felony and shall be liable to imprisonment for seven years.

[Ch0701s266]266. Punishment for wrongful confinement

Whoever wrongfully confines any person shall be guilty of a misdemeanour and shall be liable to a fine of £700 or to imprisonment for five years.

[Ch0701s267]267. Buying or disposing of any person as a slave

Any person who imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, shall be guilty of a felony, and shall be liable to imprisonment for seven years.

[Ch0701s268]268. Habitual dealing in slaves

Any person who habitually imports, exports, removes, buys, sells, traffics or deals in slaves shall be guilty of a felony, and shall be liable to imprisonment for ten years.

[Ch0701s269]269. Unlawful compulsory labour

Any person who unlawfully compels any person to labour against the will of that person shall be guilty of a misdemeanour.

Division V
Offences Relating to Property
CHAPTER XXVI
THEFT

[Ch0701s270]270. Things capable of being stolen

Every inanimate thing whatever which is the property of any person, and which is movable, is capable of being stolen.

Every inanimate thing which is the property of any person, and which is capable of being made movable, is capable of being stolen as soon as it becomes movable, although it is made movable in order to steal it.

Every tame animal, whether tame by nature or wild by nature and tamed, which is the property of any person, is capable of being stolen.

Animals wild by nature, of a kind which is not ordinarily found in a condition of natural liberty in Malawi, which are the property of any person, and which are usually kept in a state of confinement, are capable of being stolen, whether they are actually in confinement or have escaped from confinement.

Animals wild by nature, of a kind which is ordinarily found in a condition of natural liberty in Malawi, which are the property of any person, are capable of being stolen while they are in confinement and while they are being actually pursued after escaping from confinement, but not at any other time.

An animal wild by nature is deemed to be in a state of confinement so long as it is in a den, cage, sty, tank, or other small enclosure, or is otherwise so placed that it cannot escape, and that its owner can take possession of it at pleasure.

Wild animals in the enjoyment of their natural liberty are not capable of being stolen, but their dead bodies are capable of being stolen.

Everything produced by or forming part of the body of an animal capable of being stolen is capable of being stolen.

[Ch0701s271]271. Definition of theft

(1) A person who fraudulently and without claim of right takes anything capable of being stolen, or fraudulently converts to the use of any person other than the general or special owner thereof anything capable of being stolen, is said to steal that thing.

(2) A person who takes or converts anything capable of being stolen is deemed to do so fraudulently if he does so with any of the following intents, that is to say—

(a) an intent permanently to deprive the general or special owner of the thing of it;

(b) an intent to use the thing as a pledge or security;

(c) an intent to part with it on a condition as to its return which the person taking or converting it may be unable to perform;

(d) an intent-to deal with it in such a manner that it cannot be returned in the condition in which it was at the time of the taking or conversion;

(e) in the case of money, an intent to use it at the will of the person who takes or converts it, although he may intend afterwards to repay the amount to the owner.

The term “special owner” includes any person who has any charge or lien upon the thing in question, or any right arising from or dependent upon holding possession of the thing in question.

(3) When a thing stolen is converted, it is immaterial whether it is taken for the purpose of conversion, or whether it is at the time of the conversion in the possession of the person who converts it. It is also immaterial that the person who converts the thing in question is the holder of a power of attorney for the disposition of it, or is otherwise authorized to dispose of it.

(4) When a thing converted has been lost by the owner and found by the person who converts it, the conversion is not deemed to be fraudulent if at the time of the conversion the person taking or converting the thing does not know who is the owner, and believes on reasonable grounds that the owner cannot be discovered.

(5) A person shall not be deemed to take a thing unless he moves the thing or causes it to move.

[Ch0701s272]272. Special cases

(1) When a factor or agent pledges or gives a lien on any goods or document of title to goods entrusted to him for the purpose of sale or otherwise for any sum of money not greater than the amount due to him from his principal at the time of pledging or giving the lien, together with the amount of any bill of exchange or promissory note, accepted or made by him for or on account of his principal, such dealing with the goods or document of title is not deemed to be theft.

(2) When a servant, contrary to his master's orders, takes from his possession any food in order that it may be given to an animal belonging to or in the possession of his master, such taking is not deemed to be theft.

[Ch0701s273]273. Funds, etc., held under direction

When a person receives, either alone or jointly with another person, any money or valuable security or a power of attorney for the sale, mortgage, pledge or other disposition of any property, whether capable of being stolen or not, with a direction in either case that such money or any part thereof, or any other money received in exchange for it, or any part thereof, or the proceeds or any part of the proceeds of such security or of such mortgage, pledge, or other disposition, shall be applied to any purpose or paid to any person specified in the direction, such money and proceeds are deemed to be the property of the person from whom the money, security, or power of attorney was received until the direction has been complied with.

[Ch0701s274]274. Funds, etc., received by agents for sale

When a person receives, either alone or jointly with another person, any property from another on terms authorizing or requiring him to sell it or otherwise dispose of it, and requiring him to pay or account for the proceeds of the property, or any part of such proceeds, or to deliver anything received in exchange for the property, to the person from whom it is received, or some other person, then the proceeds of the property, and anything so received in exchange for it, are deemed to be the property of the person from whom the property was so received, until they have been disposed of in accordance with the terms on which the property was received, unless it is a part of those terms that the proceeds, if any, shall form an item in a debtor and creditor account between him and the person to whom he is to pay them or account for them, and that the relation of debtor and creditor only shall exist between them in respect thereof.

[Ch0701s275]275. Money received for another

When a person receives, either alone or jointly with another person, any money on behalf of another, the money is deemed to be the property of the person on whose behalf it is received, unless the money is received on the terms that it shall form an item in a debtor and creditor account, and that the relation of debtor and creditor only shall exist between the parties in respect of it.

[Ch0701s276]276. Theft by persons having an interest in the thing stolen

When any person takes or converts anything capable of being stolen, under such circumstances as would otherwise amount to theft, it is immaterial that he himself has a special property or interest therein, or that he himself is the owner of the thing taken or converted subject to some special property or interest of some other person therein, or that he is lessee of the thing, or that he himself is one of two or more joint owners of the thing, or that he is a director or officer of a corporation or company or society who are the owners of it.

[Ch0701s277]277. Husband and wife

A person who, while a man and his wife are living together, procures either of them to deal with anything which is, to his knowledge, the property of the other in a manner which would be theft if they were not married, shall be deemed to have stolen the thing, and may be charged with theft.

[Ch0701s278]278. General punishment for theft

Any person who steals anything capable of being stolen shall be guilty of the felony termed theft and shall be liable, unless owing to the circumstances of the theft or the nature of the thing stolen some other punishment is provided, to imprisonment for five years.

[Ch0701s279]279. Stealing wills

If the thing stolen is a testamentary instrument, whether the testator is living or dead, the offender shall be liable to imprisonment for ten years.

[Ch0701s280]280. Stealing postal matter, etc.

If the thing stolen is postal matter or any chattel, money, or valuable security contained in any postal matter, the offender shall be liable to imprisonment for ten years.

[Ch0701s281]281. Stealing cattle

If the thing stolen is any of the things following, that is to say: a horse, mare, gelding, ass, mule, bull, cow, ox, ram, ewe, wether, goat, pig, or ostrich, or the young of any such animal, the offender shall be liable to imprisonment for fourteen years.

[Ch0701s282]282. Stealing from the person; stealing goods in transit, etc.

If a theft is committed under any of the circumstances following, that is to say—

(a) if the thing is stolen from the person of another;

(b) if the thing is stolen in a dwelling-house and its value exceeds K10, or the offender at or immediately before or after the time of stealing uses or threatens to use violence to any person in the dwelling-house;

(c) if the thing is stolen from any kind of vessel or vehicle or place of deposit used for the conveyance or custody of goods in transit from one place to another;

(d) if the thing stolen is attached to or forms part of a railway;

(e) if the thing is stolen from a vessel which is in distress or wrecked or stranded;

(f) if the thing is stolen from a public office in which it is deposited or kept;

(g) if the offender, in order to commit the offence, opens any locked room, box, or other receptacle, by means of a key or other instrument;

(h) if the thing stolen is a bicycle,

the offender is liable to imprisonment for ten years.

[Ch0701s283]283. Stealing by persons in public service

6 of 1987, 21 of 1996(1) Where it is proved to the satisfaction of the court that any person employed in the public service has by virtue of his employment received or has in his custody or under his control any money or other property, and such person has been unable to produce to his employer such money or other property or to make due account therefor, such person shall, unless he satisfies the court to the contrary, be presumed to have stolen such money or other property, and shall be convicted of the felony of theft.

(2) Where a person employed in the public service is charged with theft, and it is proved to the satisfaction of the court that during a period of that person's employment there has been paid into a bank, Post Office Savings or other account to the credit of that person a greater amount in the aggregate than that person has received by way of lawful remuneration during such period, and the accused person fails to give to the court a satisfactory explanation of how he came into possession of such excess amount, the court shall take into consideration such failure in determining whether or not the accused person is guilty of the theft with which he is charged.

(3) Where a person employed in the public service is charged with theft, and it is proved to the satisfaction of the court that during a period of that person's employment there has been any sudden or substantial enrichment of that person, or of any member of his family or household, in respect of money or other property, and no satisfactory explanation of such enrichment is given to the court, the court shall take into consideration the absence of such explanation in determining whether or not the accused person is guilty of the theft with which he is charged.

20 of 1973, 21 of 1996(4) Notwithstanding section 27 (2) and (3), where a person employed in the public service is convicted of theft under subsection (1), he shall be sentenced to imprisonment for a period not less than that set out in the following table opposite the amount or value which corresponds to the amount or value of the money or other property stolen by him less the amount of any money repaid to the employer by the convicted person by way of restitution or the value of other property in respect of which restitution has been made by him to the employer—

Amount or value	Period of imprisonment
Not exceeding K2,000	12 months
Exceeding K2,000 but not exceeding K5,000	2 years
Exceeding K5,000 but not exceeding K8,000	3 years
Exceeding K8,000 but not exceeding K12,000	4 years
Exceeding K12,000 but not exceeding K20,000	5 years
Exceeding K20,000 but not exceeding K40,000	7 years
Exceeding K40,000 but not exceeding K50,000	8 years
Exceeding K50,000 but not exceeding K80,000	10 years
Exceeding K80,000	14 years:

Provided however that the provisions of this subsection shall not apply in any case where either—

(a) the person convicted has by way of restitution repaid in full the amount of any money proved to have been stolen by him or has made full restitution in respect of any other property stolen by him, or both, as the case may be; or

21 of 1996(b) the amount or value of the money or other property stolen did not exceed K500.

6 of 1987For purposes of this section, "restitution" means a positive and voluntary act of restoration of the money or property by either the convicted person or some other person on his behalf, but does not include money or property recovered by the police or the employer of the convicted person or any other person, not on behalf of the convicted person.

(5) The maximum punishment under this section shall be imprisonment for life.

32 of 1969(6) Where the court convicts of theft any person to whom subsection (1) applies, the court shall make an Order for the seizure of any money and the seizure and sale of any property of that person, or of any member of that person's family or household whom the court is satisfied has been fraudulently enriched from the proceeds of the theft, sufficient to realize an amount, equivalent to the amount or value of the money or other property proved to have been stolen less the amount or value of any part of such money or property restored to his employer and any amount ordered to be paid under subsection (7), to be paid forthwith to his employer.

(7) Where a court convicts of theft any person to whom subsection (2) applies, the court shall make an Order for the payment to that person's employer out of that person's bank, Post Office Savings or other account of a sum equivalent to the amount or value of the money or other property proved to have been stolen less the amount or value of any part of such money or property restored to his employer, by that person. Any such Order shall be a sufficient authority to the banker, Post Office or other person or authority with whom the account is maintained for the payment to the employer of the amount specified in the Order out of any sums standing to the credit of the convicted person in such account.

[Ch0701s284]284. Negligence by public officer in preserving money or other property

(1) Where any person employed in the public service has by virtue of such employment received or had in his custody or under his control any money or other property, and as a result of the gross negligence or recklessness of that person that money or other property, or any part thereof, is lost or stolen or cannot be accounted for by that person, then that person shall be guilty of an offence.

(2) Where any person is convicted of an offence under this section he shall be liable to a fine not exceeding the amount or value of the money or other property lost, stolen or unaccounted for, and to imprisonment for five years.

(3) Where any person is convicted of an offence under this section, the Court may make an Order for the seizure and sale of any property of the convicted person sufficient to realize an

amount equivalent to the amount or value of the money or other property proved to have been lost or stolen, to be paid forthwith to his employer.

[Ch0701s285]285. Theft of public subscriptions

Where a person convicted of the theft of money or other property which has been collected either wholly or in part by way of public subscription is a member or agent of any committee or similar body which is intended to administer such money or property, the Court may make such orders in relation to such person as it is required to make in respect of a person to whom section 283 (2) and (7) apply.

[Ch0701s286]286. Stealing by clerks and servants

32 of 1969, 5 of 1976(1) If the offender is a clerk or servant, and the thing stolen is the property of his employer, or came into the possession of the offender on account of his employer, he shall be liable to imprisonment for fourteen years.

(2) Where a court convicts a person to whom subsection (1) applies, the court shall make an order for the seizure of any money and for the seizure and sale of any other property of that person, or any member of his household whom the court is satisfied has been fraudulently enriched from the proceeds of the theft, sufficient to realize an amount equivalent to the amount or value of the money or property proved to have been stolen, less the amount or value of any part of such money or property restored to his employer, and the court shall order the amount realized as aforesaid to be paid forthwith to his employer.

[Ch0701s287]287. Stealing by directors or officers of companies

5 of 1976If the offender is a director or officer of a corporation or company, and the thing stolen is the property of the corporation or company, he shall be liable to imprisonment for fourteen years.

[Ch0701s288]288. Stealing by agents, etc.

If the thing stolen is any of the things following, that is to say—

(a) property which has been received by the offender with a power of attorney for the disposition thereof;

(b) property which has been entrusted to the offender either alone or jointly with any other person for him to retain in safe custody or to apply, pay, or deliver for any purpose or to any person the same or any part thereof or any proceeds thereof;

(c) property which has been received by the offender either alone or jointly with any other person for or on account of any other person;

(d) the whole or part of the proceeds of any valuable security which has been received by the offender with a direction that the proceeds thereof should be applied to any purpose or paid to any person specified in the direction;

(e) the whole or part of the proceeds arising from any disposition of any property which have been received by the offender by virtue of a power of attorney for such disposition, such power of attorney having been received by the offender with a direction that such proceeds should be applied to any purpose or paid to any person specified in the direction,

the offender shall be liable to imprisonment for seven years.

[Ch0701s289]289. Stealing by tenants or lodgers

If the thing stolen is a fixture or chattel let to the offender to be used by him with a house or lodging, and its value exceeds K10 he shall be liable to imprisonment for seven years.

[Ch0701s290]290. Stealing after previous conviction

If the offender, before committing the theft, had been convicted of a theft punishable under section 278, he shall be liable to imprisonment for seven years.

CHAPTER XXVII
OFFENCES ALLIED TO STEALING

[Ch0701s291]291. Concealing registers

Any person who, with intent to defraud, conceals or takes from its place of deposit any register which is authorized or required by law to be kept for authenticating or recording the title to any property, or for recording births, baptisms, marriages, deaths or burials, or a copy of any part of any such register which is required by law to be sent to any public office, shall be guilty of a felony, and shall be liable to imprisonment for ten years.

[Ch0701s292]292. Concealing wills

Any person who, with intent to defraud, conceals any testamentary instrument, whether the testator is living or dead, shall be guilty of a felony, and shall be liable to imprisonment for ten years.

[Ch0701s293]293. Concealing deeds

Any person who, with intent to defraud, conceals the whole or part of any document which is evidence of title to any land or estate in land, shall be guilty of a felony and shall be liable to imprisonment for three years.

[Ch0701s294]294. Killing animate with intent to steal

Any person who kills any animal capable of being stolen with intent to steal the skin or carcass, or any part of the skin or carcass, shall be guilty of an offence and shall be liable to the same punishment as if he had stolen the animal.

[Ch0701s295]295. Severing with intent to steal

Any person who makes anything movable with intent to steal it shall be guilty of an offence and shall be liable to the same punishment as if he had stolen the thing after it had become movable.

[Ch0701s296]296. Fraudulent disposal of mortgaged goods

(1) Any person who, being the mortgagor of mortgaged goods, removes or disposes of the goods without the consent of the mortgagee, and with intent to defraud, shall be guilty of a misdemeanour.

(2) In this section the term “mortgaged goods” includes any goods and chattels of any kind, and any animals, and any progeny of any animals, and any crops or produce of the soil, whether growing or severed, which are subject for the time being, by virtue of any Act or of any written instrument, to a valid charge or lien by way of security for any debt or obligation.

[Ch0701s297]297. Fraudulently dealing with minerals in mines

Any person who takes, conceals, or otherwise disposes of any ore or any metal or mineral in or about a mine, with intent to defraud any person, shall be guilty of a felony and shall be liable to imprisonment for five years.

[Ch0701s298]298. Fraudulent appropriation of power

Any person who fraudulently abstracts or diverts to his own use or to the use of any other person any mechanical, illuminating, or electrical power derived from any machine, apparatus or substance, the property of another person, shall be guilty of a felony, and shall be liable to imprisonment for five years.

[Ch0701s299]299. Unlawful use of vehicles, animals, etc.

Any person who unlawfully and without colour of right, but not so as to be guilty of stealing, takes or converts to his own use or to the use of any other person, any draught or riding animal or any vehicle or cycle, however propelled, or any vessel, shall be guilty of a misdemeanour and shall be liable to a fine of £50 and to imprisonment for six months.

CHAPTER XXVIII

ROBBERY AND EXTORTION

[Ch0701s300]300. Definition of robbery

Any person who steals anything, and, at or immediately before or immediately after the time of stealing it, uses or threatens to use actual violence to any person or property in order to obtain or retain the thing stolen or to prevent or overcome resistance to its being stolen or retained, shall be guilty of the felony termed “robbery".

[Ch0701s301]301. Punishment of robbery

Any person who commits the felony of robbery shall be liable to imprisonment for fourteen years.

44 of 1970If the offender is armed with any dangerous or offensive weapon or instrument, or is in company with one or more other person or persons, or if, at or immediately before or immediately after the time of the robbery, he wounds, beats, strikes, or uses any other personal violence to any person, he shall be liable to be punished with death, or with imprisonment for life with or without corporal punishment.

[Ch0701s302]302. Attempted robbery

Any person who assaults any person with intent to steal anything, and, at or immediately before or immediately after the time of the assault, uses or threatens to use actual violence to any person or property in order to obtain the thing intended to be stolen, or to prevent or overcome resistance to its being stolen, shall be guilty of a felony and shall be liable to imprisonment for seven years.

If the offender is armed with any dangerous or offensive weapon or instrument, or is in company with one or more other person or persons, or if, at or immediately before or immediately after the time of the assault, he wounds, beats, strikes, or uses any other personal violence to any person, he shall be liable to imprisonment for life, with or without corporal punishment.

[Ch0701s303]303. Assault with intent to steal

Any person who assaults any person with intent to steal anything shall be guilty of a felony and shall be liable to imprisonment for three years.

[Ch0701s304]304. Demanding property by written threats

Any person who, with intent to extort or gain anything from any person, and knowing the contents of the writing, causes any person to receive any writing demanding anything from any person without reasonable or probable cause, and containing threats of any injury or detriment of any kind to be caused to any person, either by the offender or any other person, if the demand is not complied with, shall be guilty of a felony and shall be liable to imprisonment for fourteen years.

[Ch0701s305]305. Attempts at extortion by threats

Any person who with intent to extort or gain anything from any person—

(a) accuses or threatens to accuse any person of committing any felony or misdemeanour, or of offering or making any solicitation or threat to any person as an inducement to commit or permit the commission of any felony or misdemeanour; or

(b) threatens that any person shall be accused by any other person of any felony or misdemeanour, or of any such act; or

(c) knowing the contents of the writing, causes any person to receive any writing containing any such accusation or threat as aforesaid,

shall be guilty of a felony, and if the accusation or threat of accusation is of—

(i) an offence for which the punishment of death or imprisonment for life may be inflicted; or

(ii) any of the offences defined in Chapter XV, or an attempt to commit any of such offences; or

(iii) an assault with intent to have carnal knowledge of any person against the order of nature, or an unlawful and indecent assault upon a male person; or

(iv) a solicitation or threat offered or made to any person as an inducement to commit or permit the commission of any of the offences aforesaid,

the offender shall be liable to imprisonment for fourteen years.

In any other case the offender shall be liable to imprisonment for three years.

It is immaterial whether the person accused or threatened to be accused has or has not committed the offence or act of which he is accused or threatened to be accused.

[Ch0701s306]306. Procuring execution of deeds, etc., by threats

Any person who, with intent to defraud, and by means of any unlawful violence to, or restraint of, the person of another, or by means of any threat of violence or restraint to be used to the person of another, or by means of accusing or threatening to accuse any person of committing any felony or misdemeanour, or by offering or making any solicitation or threat to any person as an inducement to commit or permit the commission of any offence, compels or induces any person—

(a) to execute, make, accept, endorse, alter, or destroy the whole or any part of any valuable security; or

(b) to write any name or impress or affix any seal upon or to any paper or parchment, in order that it may be afterwards made or converted into or used or dealt with as a valuable security,

shall be guilty of a felony and shall be liable to imprisonment for fourteen years.

[Ch0701s307]307. Demanding property with menaces with intent to steal

Any person who, with intent to steal any valuable thing, demands it from any person with menaces or force, shall be guilty of a felony and shall be liable to imprisonment for five years.

CHAPTER XXIX

BURGLARY, HOUSEBREAKING AND SIMILAR OFFENCES

[Ch0701s308]308. Definitions

A person who breaks any part, whether external, or internal, of a building, or opens by unlocking, pulling, pushing, lifting, or any other means whatever, any door, window, shutter, cellar, flap, or other thing intended to close or cover an opening in a building, or an opening giving passage from one part of a building to another, is deemed to break the building.

A person is deemed to enter a building as soon as any part of his body or any part of any instrument used by him is within the building.

A person who obtains entrance into a building by means of any threat or artifice used for that purpose, or by collusion with any person in the building, or who enters any aperture of the building left open for any purpose, but not intended to be ordinarily used as a means of entrance, is deemed to have broken and entered the building.

[Ch0701s309]309. Housebreaking and burglary

44 of 1970Any person who—

(a) breaks and enters any building, tent or vessel used as a human dwelling with intent to commit a felony therein; or

(b) having entered any building, tent or vessel used as a human dwelling with intent to commit a felony therein, or having committed a felony in any such building, tent or vessel, breaks out thereof,

shall be guilty of a felony termed “housebreaking” and shall be liable to be punished with death or with imprisonment for life.

If the offence is committed in the night, it is termed “burglary” and the offender shall be liable to be punished with death or with imprisonment for life.

[Ch0701s310]310. Entering dwellinghouse with intent to commit felony

Any person who enters or is in any building, tent or vessel used as a human dwelling with intent to commit a felony therein, shall be guilty of a felony and shall be liable to imprisonment for five years.

If the offence is committed in the night, the offender shall be liable to imprisonment for seven years.

[Ch0701s311]311. Breaking into building and committing a felony

Any person who—

(1) breaks and enters a schoolhouse, shop, warehouse, store, office, counting-house, garage, pavilion, club, factory or workshop, or any building belonging to the Government, or to any Government Department, or to any Municipality, Township or other public or local authority, or a building which is adjacent to a dwelling-house and occupied with it, but is not part of it, or any building used as a place of worship and commits a felony therein; or

(2) breaks out of the same having committed any felony therein,

shall be guilty of a felony and liable to imprisonment for ten years.

[Ch0701s312]312. Breaking into building with intent to commit a felony

Any person who breaks and enters a schoolhouse, shop, warehouse, store, office, counting-house, garage, pavilion, club, factory or workshop or any building belonging to the Government, or to any Government Department, or to any Municipality, Township or other public or local authority, or a building which is adjacent to a dwelling-house and occupied with it, but is not part of it, or any building used as a place of worship, with intent to commit a felony therein, shall be guilty of a felony and shall be liable to imprisonment for five years.

[Ch0701s313]313. Persons found armed etc., with intent to commit felony

Any person who is found under any of the circumstances following, that is to say—

(a) being armed with any dangerous or offensive weapon or instrument, and being so armed with intent to break or enter a dwelling-house, and to commit a felony therein;

(b) being armed as aforesaid by night, and being so armed with intent to break or enter any building whatever, and to commit a felony therein;

(c) having in his possession by night without lawful excuse, the proof of which lies on him, any instrument of housebreaking;

(d) having in his possession by day any such instrument with intent to commit a felony;

(e) having his face masked or blackened or being otherwise disguised, with intent to commit a felony;

(f) being in any building whatever by night with intent to commit a felony therein;

(g) being in any building whatever by day with intent to commit a felony therein, and having taken precautions to conceal his presence,

shall be guilty of a felony and shall be liable to imprisonment for three years.

If the offender has been previously convicted of a felony relating to property, he shall be liable to imprisonment for seven years.

[Ch0701s314]314. Criminal trespass

Any person who—

(a) enters into or upon property in the possession of another with intent to commit an offence or to intimidate, insult or annoy any person lawfully in possession of such property;

(b) having lawfully entered into or upon such property unlawfully remains there with intent thereby to intimidate, insult or annoy any such person or with intent to commit any offence,

shall be guilty of the misdemeanour termed “criminal trespass” and shall be liable to imprisonment for three months.

If the property upon which the offence is committed is any building, tent or vessel used as a human dwelling or any building used as a place of worship or as a place for the custody of property the offender shall be liable to imprisonment for twelve months.

[Ch0701s315]315. Forfeiture

When any person is convicted of an offence under this Chapter the court may order that any dangerous or offensive weapon or instrument of housebreaking carried or used in connexion with any such offence shall be forfeited.

CHAPTER XXX

MISCELLANEOUS PROVISIONS

[Ch0701s316]316. Unauthorized user of land and premises

(1) Any person who ploughs, sows or otherwise cultivates any land or who occupies, uses or damages any land or anything thereon, the freehold or leasehold title of which land is vested in any other person, without the consent of the person in whom such title is vested or his agent, shall be guilty of a misdemeanour and shall be liable to imprisonment for three years.

(2) Section 8 shall not apply in the case of any prosecution under this section unless the person charged proves to the satisfaction of the court that he is entitled to do those things for which he is being prosecuted.

[Ch0701s317]317. Forfeiture of aircraft, vessel or vehicle

(1) Where any person is convicted of an offence, or of an attempt to commit an offence, or of counselling or procuring the commission of an offence, under Chapters XXVI, XXVIII or XIX or of section 328 and the court by which such person is convicted finds that any aircraft, vessel or vehicle was used or employed by such person in the commission or to facilitate the commission of the offence of which he is convicted, such aircraft, vessel or vehicle shall be forfeited.

(2) Where any aircraft, vessel or vehicle is detained by any police officer under the provisions of the Criminal Procedure and Evidence Code and no person is, within seven days, charged with any offence specified in subsection (1) a magistrate shall, upon the written application of a police officer of or above the rank of inspector, inquire into the circumstances in which such aircraft, vessel or vehicle was detained and shall determine whether or not it was used for or employed in the commission or attempted commission of any such offence; and, if the magistrate finds that it was so used or employed, such aircraft, vessel or vehicle shall be forfeited: Cap. 8:01

Provided that no forfeiture of any such aircraft, vessel or vehicle shall take place if, on the trial of any person mentioned in subsection (1) or in any inquiry held under subsection (2) the court finds that neither such owner nor any of his agents, or servants consented to the use or employment of such aircraft, vessel or vehicle or was aware that it was so being used or employed.

(3) The owner of any such aircraft, vessel or vehicle shall have all the rights of an accused person under Part VII of the Criminal Procedure and Evidence Code and, so far as the same are applicable, that Part shall apply to an inquiry held under subsection (2). Cap. 8:01
Damaging or unlawfully removing detained aircraft, vessel or vehicle

(4) Any person who damages or unlawfully removes any aircraft, vessel or vehicle while it is detained under section 25 of the Criminal Procedure and Evidence Code, shall be guilty of a misdemeanour.

Interpretation

(5) For the purposes of this section, the expressions "aircraft" "vessel" and "vehicle" respectively include everything contained in, or on, or attached to any aircraft, vessel or vehicle, as the case may be, which, in the opinion of the court, forms part of the equipment of such aircraft, vessel or vehicle.

CHAPTER XXXI
FALSE PRETENCES

[Ch0701s318]318. Definition of false pretence

Any representation made by words, writing or conduct, of a matter of fact, either past or present, which representation is false in fact, and which the person making it knows to be false or does not believe to be true, is a false pretence.

[Ch0701s319]319. Obtaining by false pretences

32 of 1969Any person who by any false pretence, and with intent to defraud, obtains from any other person anything capable of being stolen, or induces any other person to deliver to any person anything capable of being stolen shall be guilty of a misdemeanour, and shall be liable to imprisonment for five years.

[Ch0701s320]320. Obtaining execution of a security by false pretences

32 of 1969Any person who by any false pretence, and with intent to defraud, induces any person to execute, make, accept, endorse, alter, or destroy the whole or any part of any valuable security, or to write any name or impress, or affix any seal upon or to any paper or parchment in order that it may be afterwards made or converted into or used or dealt with as a valuable security, shall be guilty of a misdemeanour and shall be liable to imprisonment for five years.

[Ch0701s321]321. Cheating

Any person who by means of any fraudulent trick or device obtains from any other person anything capable of being stolen, or induces any other person to deliver to any person anything capable of being stolen or to pay or deliver to any person any money or goods or any greater sum of money or greater quantity of goods than he would have paid or delivered but for such trick or device, shall be guilty of a misdemeanour and shall be liable to imprisonment for three years.

[Ch0701s322]322. Obtaining credit, etc., by false pretences

Any person who—

(a) in incurring any debt or liability obtains credit by any false pretence or by means of any other fraud; or

(b) with intent to defraud his creditors or any of them, makes or causes to be made any gift, delivery, or transfer of or any charge on his property; or

(c) with intent to defraud his creditors or any of them, sells or removes any part of his property since or within two months before the date of any unsatisfied judgment or order for payment of money obtained against him,

shall be guilty of a misdemeanour and shall be liable to imprisonment for one year.

[Ch0701s323]323. Conspiracy to defraud

Any person who conspires with another by deceit or any fraudulent means to affect the market price of anything publicly sold, or to defraud the public, or any person, whether a particular person or not, or to extort any property from any person, shall be guilty of a misdemeanour and shall be liable to imprisonment for three years.

[Ch0701s324]324. Frauds on sale or mortgage of property

Any person who, being a seller or mortgagor of any property, or being the legal practitioner or agent of any such seller or mortgagor, with intent to induce the purchaser or mortgagee to accept the title offered or produced to him, and with intent to defraud—

(a) conceals from the purchaser or mortgagee any instrument material to the title, or any incumbrance; or

(b) falsifies any pedigree on which the title depends or may depend; or

(c) makes any false statement as to the title offered or conceals any fact material thereto,

shall be guilty of a misdemeanour and shall be liable to imprisonment for two years.

[Ch0701s325]325. Pretending to tell fortunes

Any person who for gain or reward undertakes to tell fortunes, or pretends from his skill or knowledge in any occult science to discover where or in what manner anything supposed to have been stolen or lost may be found, shall be guilty of a misdemeanour.

[Ch0701s326]326. Obtaining registration, etc., by false pretence

Any person who wilfully procures or attempts to procure for himself or any other person any registration, licence or certificate under any law by any false pretence, is guilty of a misdemeanour, and is liable to imprisonment for twelve months.

[Ch0701s327]327. False declaration for passport

Any person who makes a statement which is to his knowledge untrue for the purpose of procuring a passport, whether for himself or any other person, shall be guilty of a misdemeanour.

CHAPTER XXXII

RECEIVING PROPERTY STOLEN OR UNLAWFULLY OBTAINED AND LIKE OFFENCES

[Ch0701s328]328. Receiving stolen property, etc.

(1) Any person who receives or retains any chattel, money, valuable security or other property whatsoever, knowing or having reason to believe the same to have been feloniously stolen, taken, extorted, obtained or disposed of, shall be guilty of a felony and shall be liable to imprisonment for fourteen years.

Receiving property unlawfully obtained

(2) Any person who receives or retains any chattel, money, valuable security or other property whatsoever, knowing or having reason to believe the same to have been unlawfully taken, obtained, converted or disposed of in a manner which constitutes a misdemeanour, shall be guilty of a misdemeanour and shall be liable to the same punishment as the offender by whom the property was unlawfully obtained, converted or disposed of.

(3) No person shall be convicted of an offence under this section unless it shall first be proved that the property which is the subject matter of the charge has in fact been stolen, or feloniously or unlawfully taken, extorted, obtained, converted or disposed of.

[Ch0701s329]329. Person having in possession property suspected of being stolen

Any person who is brought before a court charged with having in his possession anything which may be reasonably suspected of having been stolen or unlawfully obtained, and who does not give an account to the satisfaction of such court of how he came by the same, shall be guilty of a misdemeanour.

[Ch0701s330]330. Tracing possession

(1) If any person brought or appearing before a court under the last preceding section declares that he received any such thing as therein mentioned from some other person, or that he was employed as a carrier, agent, or servant to convey the same for some other person, the court may cause every such other person, and also any other person through whose possession any such thing shall previously have passed, to be brought before it.

(2) Upon any such person as is in the last preceding subsection mentioned being brought before it, it shall be lawful for the court to examine him as to whether he has been in possession of any such thing as aforesaid, and upon his admitting such possession, or upon it being proved to the satisfaction of the court that such person has been in possession Of any such thing, the court may call upon such person to give an account to the satisfaction of the court by what lawful means such person came by ,such thing and, if such person fails within a reasonable time to be assigned by such court, to give such account, he shall be liable to a fine of £20 or to imprisonment for six months.

(3) For the purposes of this section, the possession of a carrier, agent, or servant shall be deemed to be the possession of the person who shall have employed such carrier, agent, or servant to convey the same.

[Ch0701s331]331. Receiving or bringing in property dishonestly acquired outside Malawi

Any person who, without lawful excuse, knowing or having reason to believe the same to have been stolen or obtained in any way whatsoever under such circumstances that if the act had been committed in Malawi the person committing it would have been guilty of felony or misdemeanour, receives or has in his possession any property so stolen or obtained outside Malawi, or having himself so stolen or obtained such property, brings the same into, or has it in his possession within, Malawi, shall be guilty of an offence of the like degree (whether felony or misdemeanour) and shall be liable to imprisonment for seven years.

CHAPTER XXXIII

FRAUDS BY TRUSTEES AND PERSONS IN A POSITION OF TRUST, AND FALSE ACCOUNTING

[Ch0701s332]332. Trustees fraudulently disposing of trust property

Any person who, being a trustee of any property, destroys the property with intent to defraud, or, with intent to defraud, converts the property to any use not authorized by the trust, shall be guilty of a felony and shall be liable to imprisonment for seven years.

For the purposes of this section the term "trustee" includes the following persons and no others, that is to say—

(a) trustees upon express trusts created by a deed, will, or instrument in writing, whether for a public or private or charitable purpose;

(b) trustees appointed by or under the authority of an Act for any such purpose;

(c) persons upon whom the duties of any such trust as aforesaid devolve;

(d) executors and administrators.

[Ch0701s333]333. Directors and officers of corporations or companies fraudulently appropriating property, or keeping fraudulent accounts or falsifying books or accounts

Any person who—

(a) being a director or officer of a corporation or company, receives or possesses himself as such of any of the property of the corporation or company otherwise than in payment of a just debt or demand, and, with intent to defraud, omits either to make a full and true entry thereof in the books and accounts of the corporation or company, or to cause or direct such an entry to be made therein; or

(b) being a director, officer, or member of a corporation or company, does any of the following acts with intent to defraud, that is to say—

(i) destroys, alters, mutilates or falsifies any book, document, valuable security or account, which belongs to the corporation or company, or any entry in any such book, document or account, or is privy to any such act; or

(ii) makes, or is privy to making, any false entry in any such book, document, or account; or

(iii) omits or is privy to omitting, any material particular from any such book, document or account,

shall be guilty of a felony and shall be liable to imprisonment for seven years.

[Ch0701s334]334. False statements by officials of companies

Any person who, being a promoter, director, officer or auditor of a corporation or company, either existing or intended to be formed, makes, circulates or publishes, or concurs in making, circulating or publishing, any written statement or account which, in any material particular, is to his knowledge false, with intent thereby to effect any of the purposes following, that is to say—

(a) to deceive or to defraud any member, shareholder, or creditor of the corporation or company, whether a particular person or not;

(b) to induce any person, whether a particular person or not, to become a member of, or to entrust or advance any property to, the corporation or company, or to enter into any security for the benefit thereof,

shall be guilty of a felony and shall be liable to imprisonment for seven years.

[Ch0701s335]335. Fraudulent false accounting

Any person who, being a clerk or servant, or being employed or acting in the capacity of a clerk or servant, does any of the acts following with intent to defraud, that is to say—

(a) destroys, alters, mutilates or falsifies any book, document, valuable security or account which belongs to or is in the possession of his employer, or has been received by him on account of his employer, or any entry in any such book, document or account, or is privy to any such act; or

(b) makes, or is privy to making, any false entry in any such book, document or account; or

(c) omits, or is privy to omitting, any material particular from any such book, document or account,

shall be guilty of a felony and shall be liable to imprisonment for seven years.

[Ch0701s336]336. False accounting by public officer

Any person who, being an officer charged with the receipt, custody or management of any part of the public revenue or property, knowingly furnishes any false statement or return of any money or property received by him or entrusted to his care, or of any balance of money or property in his possession or under his control, shall be guilty of a misdemeanour.

Division VI

Malicious Injuries to Property

CHAPTER XXXIV

OFFENCES CAUSING INJURY TO PROPERTY

[Ch0701s337]337. Arson

Any person who wilfully and unlawfully sets fire to—

(a) any building or structure whatever, whether completed or not; or

(b) any vessel, whether completed or not; or

(c) any stack of cultivated vegetable produce, or of mineral or vegetable fuel; or

(d) a mine, or the workings, fittings, or appliances of a mine,

shall be guilty of a felony and shall be liable to imprisonment for life.

[Ch0701s338]338. Attempts to commit arson

Any person who—

(a) attempts unlawfully to set fire to any such thing as is mentioned in the last preceding section; or

(b) wilfully and unlawfully sets fire to anything which is so situated that any such thing as is mentioned in the last preceding section is likely to catch fire from it,

shall be guilty of a felony and shall be liable to imprisonment for fourteen years.

[Ch0701s339]339. Setting fire to crops and growing plants

Any person who wilfully and unlawfully sets fire to—

(a) a crop of cultivated produce, whether standing, picked or cut; or

(b) a crop of hay or grass under cultivation, whether the natural or indigenous product of the soil or not, and whether standing, picked or cut; or

(c) any standing trees, saplings, or shrubs, whether indigenous or not, under cultivation,

shall be guilty of a felony and shall be liable to imprisonment for fourteen years.

[Ch0701s340]340. Attempting to set fire to crops, etc.

Any person who—

(a) attempts unlawfully to set fire to any such thing as is mentioned in the last preceding section; or

(b) wilfully and unlawfully sets fire to anything which is so situated that any such thing as is mentioned in the last preceding section is likely to catch fire from it,

shall be guilty of a felony and shall be liable to imprisonment for seven years.

[Ch0701s341]341. Casting away ships

Any person who—

(a) wilfully and unlawfully casts away or destroys any vessel, whether completed or not; or

(b) wilfully and unlawfully does any act which tends to the immediate loss or destruction of a vessel in distress; or

(c) with intent to bring a vessel into danger, interferes with any light, beacon, buoy, mark, or signal used for purposes of navigation, or exhibits any false light or signal,

shall be guilty of a felony and shall be liable to imprisonment for life, with or without corporal punishment.

[Ch0701s342]342. Attempts to cast away ships

Any person who attempts unlawfully to cast away or destroy a vessel, whether completed or not, or attempts unlawfully to do any act tending to the immediate loss or destruction of a vessel in distress, shall be guilty of a felony and shall be liable to imprisonment for fourteen years, with or without corporal punishment.

[Ch0701s343]343. Killing or injuring animals

(1) Any person who wilfully and unlawfully kills, maims or wounds any animal capable of being stolen, shall be guilty of an offence.

(2) If the animal in question is a horse, mare, gelding, ass, mule, bull, cow, ox, ram, ewe, wether, goat, pig, or ostrich or the young of any such animal, the offender shall be guilty of a felony and shall be liable to imprisonment for fourteen years. In any other case the offender shall be liable to imprisonment for three years.

[Ch0701s344]344. Punishment for malicious injuries in general

(1) Any person who wilfully and unlawfully destroys or damages any property is guilty of an offence, which unless otherwise stated, is a misdemeanour, and he shall be liable, if no other punishment is provided, to imprisonment for five years.

In special cases: — Destroying or damaging an inhabited house or a vessel with explosives

(2) If the property in question is a dwelling-house or a vessel, and the injury is caused by the explosion of any explosive substance, and if—

(a) any person is in the dwelling-house or vessel; or

(b) the destruction or damage actually endangers the life of any person,

the offender shall be guilty of a felony and shall be liable to imprisonment for life, with or without corporal punishment.

River bank or wall, or navigation works, or bridges

(3) (a) If the property in question is a bank or wall of a river, canal, aqueduct, reservoir, or inland water, or work which appertains to a dock, reservoir, or inland water, and the injury causes actual danger of inundation or damage to any land or building; or

(b) if the property in question is a railway or is a bridge, viaduct, or aqueduct which is constructed over a highway, railway, or canal, or over which a railway, highway, or canal passes, and the property is destroyed; or

(c) if the property in question, being a railway, or being any such bridge, viaduct, or aqueduct, is damaged, and the damage is done, with intent to render the railway, bridge, viaduct or aqueduct, or the highway, railway, or canal passing over or under the same, or any part thereof, dangerous or impassable, and the same or any part thereof is thereby rendered dangerous or impassable,

the offender shall be guilty of a felony and shall be liable to imprisonment for life.

Wills and registers

(4) If the property in question is a testamentary instrument, whether the testator is living or dead, or a register which is authorized or required by law to be kept for authenticating or recording the title to any property, or for recording births, baptisms, marriages, deaths, or burials, or a copy of any part of any such register which is required by law to be sent to any public officer, the offender shall be guilty of a felony and shall be liable to imprisonment for fourteen years.

Wrecks

(5) If the property in question is a vessel in distress or wrecked, or stranded, or anything which belongs to such vessel, the offender shall be guilty of a felony and shall be liable to imprisonment for seven years.

Railways

(6) If the property in question is any part of a railway, or any work connected with a railway, the offender shall be guilty of a felony and shall be liable to imprisonment for fourteen years.

Other things of special value

(7) If the property in question—

(a) being a vessel, whether completed or not, is destroyed; or

(b) being a vessel, whether completed or not, is damaged, and the damage is done with intent to destroy it or render it useless; or

(c) is a light, beacon, buoy, mark, or signal, used for the purposes of navigation, or for the guidance of persons engaged in navigation; or

(d) is a bank or wall of a river, canal, aqueduct, reservoir, or inland water, or a work which appertains to a dock, canal, aqueduct, reservoir, or inland water, or which is used for the purposes of lading or unlading goods; or

(e) being a railway, or being a bridge, viaduct, or aqueduct which is constructed over a highway, railway, or canal, or over which a highway, railway, or canal passes, is damaged, and the damage is done with intent to render the railway, bridge, viaduct, or aqueduct, or the highway, railway, or canal passing over or under the same, or any part thereof, dangerous or impassable; or

(f) being anything in process of manufacture, or an agricultural or manufacturing machine, or a manufacturing implement, or a machine or appliance used or intended to be used for performing any process connected with the preparation of any agricultural or pastoral produce, is destroyed; or

(g) being any such thing, machine, implement, or appliance, as last aforesaid, is damaged, and the damage is done with intent to destroy the thing in question or to render it useless; or

(h) is a shaft or a passage of a mine, and the injury is done with intent to damage the mine or to obstruct its working; or

(i) is a machine, appliance, apparatus, building, erection, bridge or road, appertaining to or used with a mine, whether the thing in question is completed or not; or

(j) being a rope, chain, or tackle, of whatever material, which is used in a mine, or upon any way or work appertaining to or used with a mine, is destroyed; or

(k) being any such rope, chain, or tackle, as last aforesaid, is damaged, and the damage is done with intent to destroy the thing in question or to render it useless; or

(l) is a well, or bore for water, or the dam, bank, wall, or floodgate of a millpond or pool,

the offender shall be guilty of a felony and shall be liable to imprisonment for ten years.

Deeds and records

(8) If the property in question is a document which is deposited or kept in a public office, or which is evidence of title to any land or estate in land, the offender shall be guilty of a felony and shall be liable to imprisonment for ten years.

[Ch0701s345]345. Attempts to destroy property by explosives

Any person who, unlawfully and with intent to destroy or damage any property, puts any explosive substance in any place whatever, shall be guilty of a felony and shall be liable to imprisonment for fourteen years.

[Ch0701s346]346. Communicating infectious diseases to animals

Any person who wilfully and unlawfully causes, or is concerned in causing, or attempts to cause, any infectious disease to be communicated to or among any animal, or animals capable of being stolen, shall be guilty of a felony and shall be liable to imprisonment for seven years.

[Ch0701s347]347. Removing boundary marks with intent to defraud

Any person who wilfully and unlawfully, and with intent to defraud, removes or defaces any object or mark which has been lawfully erected or made as an indication of the boundary of any land, shall be guilty of a felony and shall be liable to imprisonment for three years.

[Ch0701s348]348. Wilful damage, etc., to survey and boundary marks

Any person who—

(a) wilfully removes, defaces or injures any survey mark or boundary mark which shall have been made or erected by or under the direction of any Government Department or in the course of or for the purposes of a Government survey; or

(b) being under an obligation to maintain in repair any boundary mark made or erected as aforesaid, neglects or refuses to repair the same; or

(c) wilfully removes, defaces, or injures any survey mark erected by or under the authority of any licensed surveyor or any mark erected by an intending applicant for any lease, licence or right under an Act relating to mines or minerals,

shall be guilty of a misdemeanour and shall be liable to a fine of £20 or to imprisonment for three months and may further be ordered by the court to pay the cost of repairing or replacing the survey mark or boundary mark and of making any survey rendered necessary by the offender's act or neglect.

[Ch0701s349]349. Penalties for damage, etc., to railway works

Any person who—

(a) wilfully damages, injures, or obstructs any work, way, road, building, turnstile, gate, toll bar, fence, weighing machine, engine, tender, carriage, wagon, truck, material, or plant acquired for or belonging to any railway works; or

(b) pulls up, removes, defaces, or destroys, or in any way interferes with, any poles, stakes, flags, pegs, lines, marks, or anything driven or placed in or upon the ground, trees, stones, or buildings, or any other material, belonging to any railway works; or

(c) commits any nuisance or trespass in or upon any land, buildings, or premises, acquired for or belonging to any railway works; or

(d) wilfully molests, hinders or obstructs the officer in charge of any railway or his assistants or workmen in the execution of any work done or to be done in reference to the construction or maintenance of any such railway,

shall be guilty of a misdemeanour and shall be liable to a fine of £20 and to imprisonment for three months.

[Ch0701s350]350. Threats to burn, etc.

Any person who, knowing the contents thereof, sends, delivers, utters, or directly or indirectly causes to be received, any letter or writing threatening to burn or destroy any house, barn, or other building, or any rick or stack of grain, hay, or straw, or other agricultural produce, whether in or under any building or not, or any ship or vessel, or to kill, maim, or wound any cattle, shall be guilty of a felony and shall be liable to imprisonment for ten years.

Division VII

Forgery, Coining and Counterfeiting

CHAPTER XXXV

DEFINITIONS

[Ch0701s351]351. Definition of forgery

Forgery is the making of a false document with intent to defraud or to deceive.

[Ch0701s352]352. Document

The term "document" in this Division of this Code does not include a trade mark or any other sign used in connexion with articles of commerce though they may be written or printed.

[Ch0701s353]353. Making a false document

Any person makes a false document who—

(a) makes a document purporting to be what in fact it is not;

(b) alters a document without authority in such a manner that if the alteration had been authorized it would have altered the effect of the document;

(c) introduces into a document without authority whilst it is being drawn up matter which if it had been authorized would have altered the effect of the document;

(d) signs a document—

(i) in the name of any person without his authority whether such name is or is not the same as that of the person signing;

(ii) in the name of any fictitious person alleged to exist whether the fictitious person is or is not alleged to be of the same name as the person signing;

(iii) in the name represented as being the name of a different person from that of the person signing it and intended to be mistaken for the name of that person;

(iv) in the name of a person personated by the person signing the document, provided that the effect of the instrument depends upon the identity between the person signing the document and the person whom he professes to be.

[Ch0701s354]354. Intent to defraud

An intent to defraud is presumed to exist if it appears that at the time when the false document was made there was in existence a specific person ascertained or unascertained capable of being defrauded thereby, and this presumption is not rebutted by proof that the offender took or intended to take measures to prevent such person from being defrauded in fact, nor by the fact that he had or thought he had a right to the thing to be obtained by the false document.

CHAPTER XXXVI

PUNISHMENTS FOR FORGERY

[Ch0701s355]355. Definition of currency note

In this Chapter the expression "currency note" includes any note (by whatever name called) which is legal tender in the country in which it is issued.

[Ch0701s356]356. General punishment for forgery

Any person who forges any document shall be guilty of an offence which, unless otherwise stated, is a felony and he shall be liable, unless owing to the circumstances of the

forgery or the nature of the thing forged some other punishment is provided, to imprisonment for three years.

[Ch0701s357]357. Forgery of wills, etc.

Any person who forges any will, document of title to land, judicial record, power of attorney, bank note, currency note, bill of exchange, promissory note or other negotiable instrument, policy of insurance, cheque or other authority for the payment of money by a person carrying on business as a banker, shall be liable to imprisonment for life and the court may in addition order that any such document as aforesaid shall be forfeited.

[Ch0701s358]358. Forgery of judicial or official documents

Any person who forges any judicial or official document shall be liable to imprisonment for ten years

[Ch0701s359]359. Forgery, etc., of stamps

Any person who—

(a) forges any stamp whether impressed or adhesive used for the purposes of revenue or accounting by any Government Department: or

(b) without lawful excuse, the proof whereof shall lie upon him, makes or has knowingly in his possession any die or instrument capable of making the impression of any such stamp; or

(c) fraudulently cuts, tears in any way, or removes from any material any stamp used for purposes of revenue or accounting by the Government, with intent that another use shall be made of such stamp or any part thereof; or

(d) fraudulently mutilates any such stamp as last aforesaid, with intent that another use shall be made of such stamp; or

(e) fraudulently fixes or places upon any material or upon any such stamp as last aforesaid any stamp or part of a stamp which whether fraudulently or not has been cut, torn, or in any way removed from any other material or out of or from any other stamp; or

(f) fraudulently erases or otherwise either really or apparently removes from any stamped material any name, sum, date, or other matter or thing whatsoever written thereon with the intent that another use shall be made of the stamp upon such material; or

(g) knowingly and without lawful excuse, the proof whereof shall lie upon him, has in his possession any stamp or part of a stamp which has been fraudulently cut, torn, or otherwise removed from any material, or any stamp which has been fraudulently mutilated, or any stamped material out of which any name, sum, date, or other matter or thing has been fraudulently erased or otherwise really or apparently removed,

shall be liable to imprisonment for seven years.

[Ch0701s360]360. Uttering false document

Any person who knowingly and fraudulently utters a false document shall be guilty of an offence of the same kind and shall be liable to the same punishment, as if he had forged the thing in question.

[Ch0701s361]361. Uttering cancelled or exhausted documents

Any person who knowingly utters as and for a subsisting and effectual document, any document which has by any lawful authority been ordered to be revoked, cancelled, or suspended, or the operation of which has ceased by effluxion of time, or by death, or by the happening of any other event, shall be guilty of an offence of the same kind and shall be liable to the same punishment, as if he had forged the document.

[Ch0701s362]362. Procuring execution of documents by false pretences

Any person who, by means of any false and fraudulent representations as to the nature, contents, or operation of a document, procures another to sign or execute the document, shall be guilty of an offence of the same kind and shall be liable to the same punishment, as if he had forged the document.

[Ch0701s363]363. Obliterating crossings on cheques

Any person who, with intent to defraud—

(a) obliterates, adds to, or alters the crossing on a cheque; or

(b) knowingly utters a crossed cheque, the crossing on which has been obliterated, added to, or altered,

shall be guilty of a felony and shall be liable to imprisonment for seven years.

[Ch0701s364]364. Making documents without authority

Any person who, with intent to defraud or to deceive—

(a) without lawful authority or excuse, makes, signs, or executes, for or in the name or on account of another person, whether by procuration or otherwise, any document or writing; or

(b) knowingly utters any document or writing so made, signed, or executed by another person,

shall be guilty of a felony and shall be liable to imprisonment for seven years.

[Ch0701s365]365. Demanding property upon forged testamentary instruments

Any person who procures the delivery or payment to himself or any other person of any property or money by virtue of any probate or letters of administration granted upon a forged testamentary instrument, knowing the testamentary instrument to have been forged, or upon or by virtue of any probate or letters of administration obtained by false evidence, knowing the grant to have been so obtained, shall be guilty of an offence Of the same kind and shall be liable to the same punishment, as if he had forged the document or thing by virtue whereof he procures the delivery or payment.

[Ch0701s366]366. Importing or purchasing forged notes

Any person who, without lawful authority or excuse, the proof of which lies on him, imports into the Republic, or purchases or receives from any person, or has in his possession, a forged bank note, or currency note, whether filled up or in blank, knowing it to be forged, shall be guilty of a felony and shall be liable to imprisonment for seven years.

[Ch0701s367]367. Falsifying warrants for money payable under public authority

Any person who, being employed in the public service, knowingly and with intent to defraud makes out or delivers to any person a warrant for the payment of any money payable by public authority, for a greater or less amount than that to which the person on whose behalf the warrant is made out is entitled, shall be guilty of a felony and shall be liable to imprisonment for seven years.

[Ch0701s368]368. Falsification of register

Any person who, having the actual custody of any register or record kept by lawful authority, knowingly permits any entry which in any material particular is to his knowledge false, to be made in the register or record, shall be guilty of a felony and shall be liable to imprisonment for seven years.

[Ch0701s369]369. Sending false certificate of marriage to Registrar

Any person who signs or transmits to a person authorized by law to register marriages, a certificate of marriage, or any document purporting to be a certificate of marriage, which in any material particular is to his knowledge false, shall be guilty of a felony and shall be liable to imprisonment for seven years.

[Ch0701s370]370. False statements for registers of births, deaths and marriages

Any person who knowingly and with intent to procure the same to be inserted in a register of births, deaths, or marriages, makes any false statement touching any matter required by law to be registered in any such register, shall be guilty of a felony and shall be liable to imprisonment for three years.

CHAPTER XXXVII

OFFENCES RELATING TO COIN AND TO BANK AND CURRENCY NOTES

[Ch0701s371]371. Definitions

In this chapter—

the term “coin” includes any coin lawfully current in Malawi or in any other State;

the term “counterfeit coin” means coin not genuine but resembling or apparently intended to resemble or pass for genuine coin; and includes genuine coin prepared or altered so as to pass for coin of a higher denomination;

the term “currency note” includes any note (by whatever name called) which is legal tender in the country in which it is issued.

[Ch0701s372]372. Counterfeiting coin

Any person who makes or begins to make any counterfeit coin shall be guilty of a felony and shall be liable to imprisonment for life.

[Ch0701s373]373. Preparations for coining

Any person who—

(a) gilds or silvers any piece of metal of a fit size or figure to be coined, with intent that it shall be coined into counterfeit coin; or

(b) makes any piece of metal into a fit size or figure to facilitate the coining from it of any counterfeit coin, with intent that such counterfeit coin shall be made from it; or

(c) without lawful authority or excuse, the proof of which lies on him—

(i) buys, sells, receives, pays, or disposes of any counterfeit coin at a lower rate than it imports or is apparently intended to import, or offers to do any such thing; or

(ii) brings or receives into Malawi any counterfeit coin, knowing it to be counterfeit; or

(iii) makes or mends, or begins or prepares to make or mend, or has in his possession, or disposes of any stamp or mould which is adapted to make the resemblance of both or either of the sides of any coin, or any part of either side thereof, knowing the same to be a stamp or mould or to be so adapted; or

(iv) makes or mends, or begins or prepares to make or mend, or has in his possession, or disposes of any tool, instrument or machine which is adapted and intended to be used for marking coin round the edges with marks or figures apparently resembling those on the edges of any coin, knowing the same to be so adapted and intended; or

(v) makes or mends, or begins or prepares to make or mend, or has in his possession, or disposes of any press for coinage, or any tool, instrument, or machine which is adapted for cutting round blanks out of gold, silver, or other metal, knowing such press, tool, instrument, or machine to have been used or to be intended to be used for making any counterfeit coin,

shall be guilty of a felony.

If the offence is committed with respect to current coin, he shall be liable to imprisonment for life.

If the offence is committed with respect to coin of another State, he shall be liable to imprisonment for seven years.

[Ch0701s374]374. Making or having in possession paper or implements for forgery

Any person who, without lawful authority or excuse, the proof of which lies on him—

(a) makes, uses, or knowingly has in his custody or possession any paper intended to resemble and pass as a special paper such as is provided and used for making any bank note or currency note;

(b) makes, uses, or knowingly has in his custody or possession any frame, mould, or instrument for making such paper, or for producing in or on such paper any words, figures, letters, marks, lines, or devices peculiar to and used in or on any such paper;

(c) engraves or in anywise makes upon any plate, wood, stone, or other material, any words, figures, letters, marks, lines or devices, the print whereof resembles in whole or in part any words, figures, letters, marks, lines or devices peculiar to and used in or on any bank note or currency note;

(d) uses or knowingly has in his custody or possession any plate, wood, stone, or other material, upon which any such words, figures, letters, marks, lines or devices have been engraved or in anywise made as aforesaid;

(e) uses or knowingly has in his custody or possession any paper upon which such words, figures, letters, marks, lines or devices have been printed or in anywise made as aforesaid,

shall be guilty of a felony and shall be liable to imprisonment for seven years.

[Ch0701s375]375. Clipping

Any person who deals with any current coin in such a manner as to diminish its weight with intent that when so dealt with it may pass as current coin, shall be guilty of a felony and shall be liable to imprisonment for seven years.

[Ch0701s376]376. Melting down of currency

Any person who melts down, breaks up, defaces by stamping thereon any name, word or mark, or uses otherwise than as currency any coin current for the time being in Malawi shall be guilty of a misdemeanour and shall be liable to a fine of £100 and to imprisonment for six months.

[Ch0701s377]377. Impounding and destruction of counterfeit coin

Any officer of the Government or the manager of any bank who receives, during the performance of his duties, any coin which he has reasonable ground for believing to be counterfeit coin shall impound such coin and transmit it to the Accountant General who may cut, deface or destroy it with or without compensation, as he thinks fit, if in his opinion it is counterfeit. For the purposes of this section the decision of the Accountant General that a coin is counterfeit and that compensation shall be granted or withheld shall be final, and no person shall be entitled to claim and no proceedings or action shall be brought against the Accountant General, the Government, the officer of the Government concerned, the manager of the bank concerned or his bank in respect of any loss or damage suffered by reason of such impounding and cutting, defacing or destruction.

[Ch0701s378]378. Possession of clippings

Any person who unlawfully has in his possession or disposes of any filings, or clippings of gold or silver, or any gold or silver in bullion, dust, solution, or any other state, obtained by dealing with current gold or silver coin in such a manner as to diminish its weight, knowing the same to have been so obtained, shall be guilty of a felony and shall be liable to imprisonment for seven years.

[Ch0701s379]379. Uttering counterfeit coin

Any person who utters any counterfeit coin, knowing it to be counterfeit, shall be guilty of a misdemeanour.

[Ch0701s380]380. Repeated uttering

Any person who—

(a) utters any counterfeit coin, knowing it to be counterfeit, and at the time of such uttering has in his possession any other counterfeit coin; or

(b) utters any counterfeit coin, knowing it to be counterfeit, and either on the same day or on any of the ten days next ensuing utters any other counterfeit coin, knowing it to be counterfeit; or

(c) receives, obtains, or has in his possession any counterfeit coin, knowing it to be counterfeit, with intent to utter it,

shall be guilty of a felony and shall be liable to imprisonment for three years.

[Ch0701s381]381. Uttering metal or coin not current as coin

(1) Any person who, with intent to defraud, utters as and for coin any medal or piece of metal shall be guilty of a misdemeanour and shall be liable to imprisonment for twelve months.

(2) Any person who, with intent to defraud, utters as and for coin lawfully current in Malawi any coin not so lawfully current shall be guilty of a misdemeanour and shall be liable to imprisonment for twelve months.

[Ch0701s382]382. Selling articles bearing designs in imitation of currency

Any person who without lawful authority or excuse, the proof whereof lies upon him, sells or offers or exposes for sale any article which bears a design in imitation of any currency or bank note or coin in current use in Malawi or elsewhere shall be guilty of a misdemeanour and shall be liable to imprisonment for six months.

[Ch0701s383]383. Exporting counterfeit coin

Any person who, without lawful authority or excuse, the proof of which lies on him, exports or puts on board of a vessel or vehicle of any kind for the purpose of being exported from Malawi, any counterfeit coin whatever, knowing it to be counterfeit, shall be guilty of a misdemeanour.

[Ch0701s384]384. Forfeiture

When any person is convicted of an offence under this Chapter, or the preceding Chapter, the court shall order the forfeiture of any forged bank note or currency note or of any counterfeit coin or any stamp, mould, tool, instrument, machine, press, or any coin, bullion or metal, or any article bearing a design in imitation of any currency, bank note or coin used or employed in the commission of any such offence.

CHAPTER XXXVIII
COUNTERFEIT STAMPS

[Ch0701s385]385. Possession of die used for purpose of making stamps

Any person who, without lawful authority or excuse, the proof of which lies on him—

(a) makes or mends, or begins or prepares to make or mend, or uses, or knowingly has in his possession, or disposes of any die, plate or instrument capable of making an impression resembling that made by any die, plate or instrument used for the purpose of making any stamp, whether impressed or adhesive, which is used for the purposes of the public revenue or of the Posts and Telegraphs Department in Malawi or in any part of the Commonwealth, or in any foreign country, or capable of producing in or on paper any words, figures, letters, marks, or lines resembling any words, figures, letters, marks or lines used in or on any paper specially provided by the proper authority for any such purpose; or

(b) knowingly has in his possession or disposes of any paper or other material which has on it the impression of any such die, plate or instrument, or any paper which has on it or in it any such words, figures, letters, marks or lines as aforesaid; or

(c) fraudulently, and with intent that use may be made of any such stamp as aforesaid, or of any part of it, removes the stamp from any material in any way whatever; or

(d) fraudulently, and with intent that use may be made of any part of such stamp, mutilates the stamp; or

(e) fraudulently fixes or places upon any material or upon any such stamp, any stamp or part of a stamp which has been in any way removed from any other material, or out of or from any other stamp; or

(f) fraudulently, and with intent, that use may be made of any such stamp which has been already impressed upon or attached to any material, erases or otherwise removes, either really or apparently, from such material anything whatever written on it; or

(g) knowingly has in his possession or disposes of anything obtained or prepared by any such unlawful act as aforesaid; or

(h) fraudulently, or with intent to cause loss to the Government, uses for any purpose a stamp issued by Government for the purpose of revenue which he knows to have been before used,

shall be guilty of a felony and shall be liable to imprisonment for seven years, and any die, plate, instrument, paper or other thing as aforesaid which are found in his possession shall be forfeited.

[Ch0701s386]386. Paper and dies for postage stamps

Any person who, without lawful authority or excuse, the proof of which lies on him—

(a) makes, or begins or prepares to make, or uses for any postal purpose, or has in his possession, or disposes of any imitation or representation on paper or any other material, of any stamp used for denoting any rate of postage of Malawi, or of any part of the Commonwealth, or of any foreign country; or

(b) makes or mends, or begins or prepares to make or mend, or uses, or has in his possession, or disposes of any die, plate, instrument, or material for making any such imitation or representation,

shall be guilty of a misdemeanour and shall be liable to a fine of £50 or to imprisonment for twelve months. And any stamps and any other such things as aforesaid, which are found in his possession, shall be forfeited.

For the purposes of this section a stamp purporting to denote a rate of postage of any country is to be taken to be a stamp used for postal purposes in that country until the contrary is shown.

CHAPTER XXXIX
TRADE MARKS

[Ch0701s387]387. Trade mark defined

A trade mark is—

(a) a mark lawfully used by any person to denote any chattel to be an article or thing of the manufacture, workmanship, production, or merchandise of such person or to be an article or thing of any peculiar or particular description made or sold by such person;

(b) any mark or sign which in pursuance of any law in force for the time being relating to registered designs is to be put or placed upon or attached to any chattel or article during the existence or continuance of any copyright or other sole right acquired under such law.

[Ch0701s388]388. Counterfeiting trade marks misdemeanour

Any person who does any of the following things with intent to defraud or to enable another to defraud any person, that is to say—

(a) forges or counterfeits any trade mark;

(b) applies any trade mark, or any forged or courterfeit trade mark, to any chattel or article, not being the merchandise of any person whose trade mark is so forged or counterfeited;

(c) applies any trade mark or any forged or counterfeited trade mark to any chattel or article not being the particular or peculiar description of merchandise denoted or intended to be denoted by such trade mark or by such forged or counterfeited trade mark;

(d) applies any trade mark or any forged or counterfeited trade mark to any thing intended for any purpose of trade or manufacture, or in, on, or with which any chattel or article is intended to be sold or is sold or offered or exposed for sale;

(e) encloses or places any chattel or article in, upon, under, or with any thing to which any trade mark has been falsely applied, or to which any forged or counterfeit trade mark has been applied;

(f) applies or attaches any chattel or article to any case, cover, reel, ticket, label, or other thing to which any trade mark has been falsely applied, or to which any false or counterfeit trade mark has been applied;

(g) encloses, places, or attaches any chattel or article in, upon, under, with, or to any thing having thereon any trade mark of any other person,

shall be guilty of a misdemeanour.

Every person committing any such misdemeanour as aforesaid forfeits to the Government—

(i) all chattels and articles to which any such trade mark or counterfeit trade mark is applied or caused or procured to be applied;

(ii) every instrument for applying any such trade mark or counterfeit trade mark in his possession or power;

(iii) the chattels and articles and the things mentioned in paragraphs (d), (e) and (g), and all similar things made to be used in like like manner in his possession or power.

CHAPTER XL

PERSONATION

[Ch0701s389]389. Personation in general

Any person who, with intent to defraud any person, falsely represents himself to be some other person, living or dead, shall be guilty of a misdemeanour.

If the representation is that the offender is a person entitled by will or operation of law to any specific property and he commits the offence to obtain such property or possession thereof, he shall be liable to imprisonment for seven years.

[Ch0701s390]390. Falsely acknowledging deeds, recognizances, etc.

Any person who, without lawful authority or excuse, the proof of which lies on him, makes, in the name of any other person, before any court or person lawfully authorized to take

such an acknowledgment, an acknowledgment of liability of any kind, or an acknowledgment of a deed or other instrument, shall be guilty of a misdemeanour.

[Ch0701s391]391. Personation of a person named in a certificate

Any person who utters any document which has been issued by lawful authority to another person, and whereby that other person is certified to be a person possessed of any qualification recognized by law for any purpose, or to be the holder of any office, or to be entitled to exercise any profession, trade, or business, or to be entitled to any right or privilege, or to enjoy any rank or status, and falsely represents himself to be the person named in the document, shall be guilty of an offence of the same kind and shall be liable to the same punishment as if he had forged the document.

[Ch0701s392]392. Lending, etc., certificate for personation

Any person who, being a person to whom any document has been issued by lawful authority whereby he is certified to be a person possessed of any qualification recognized by law for any purpose, or to be the holder of any office, or to be entitled to exercise any profession, trade, or business, or to be entitled to any right or privilege, or to enjoy any rank or status, sells, gives, or lends the document to another person with intent that that other may represent himself to be the person named therein, shall be guilty of a misdemeanour.

[Ch0701s393]393. Personation of person named in a testimonial of character

Any person who, for the purpose of obtaining any employment, utters any document of the nature of a testimonial of character given to another person, shall be guilty of a misdemeanour and shall be liable to imprisonment for twelve months.

[Ch0701s394]394. Leading, etc., testimonial for personation

Any person who, being a person to whom any such document as is mentioned in the last preceding section has been given, gives, sells, or lends such document to another person with the intent that that other person may utter such document for the purpose of obtaining any employment, shall be guilty of a misdemeanour.

CHAPTER XLI

SECRET COMMISSIONS AND CORRUPT PRACTICES

[Ch0701s395]395. Interpretation

(1) For the purpose of this Chapter, the expression “consideration” includes valuable consideration of any kind; the expression “agent” includes any person employed by or acting for another; and the expression “principal” includes an employer.

(2) A person serving under the Government or under any municipal council or board or under any other public body having power to impose rates or entrusted with the expenditure of any Government funds or grants, and a member of any such municipal council or board or other public body is an agent within the meaning of this Chapter.

[Ch0701s396]396. Corrupt practices

(1) If any agent corruptly accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gift or consideration as an inducement or reward for doing or forbearing to do or for having done or forborne to do, any act in relation

to his principal's affairs or business or for showing or forbearing to show favour or disfavour to any person in relation to his principal's affairs or business, he shall be guilty of a misdemeanour.

(2) If any person corruptly gives or agrees to give or offers any gift or consideration to any agent as an inducement or reward for doing or forbearing to do, or for having done or forborne to do, any act in relation to his principals affairs or business, or for showing or forbearing to show favour or disfavour to any person in relation to his principal's affairs or business, he shall be guilty of a misdemeanour.

(3) If any person knowingly gives to any agent, or if any agent knowingly uses, with intent to deceive his principal, any receipt, account or other document in respect of which the principal is interested, and which contains any statement which is false or erroneous or defective in any material particular, and which to his knowledge is intended to mislead the principal, he shall be guilty of a misdemeanour.

(4) Any person guilty of a misdemeanour under this section shall be liable to a fine of K600 and to imprisonment for two years.

[Ch0701s397]397. Secret commission on Government contracts

Any person convicted of an offence under this Chapter where the matter or transaction in relation to which the offence was committed was a contract or a proposal for a contract with the Government or any Government Department or a municipal council or board or other public body having power to impose rates or entrusted with the expenditure of any Government funds or grants, or a sub-contract to execute any work comprised in such contract, shall be liable to a fine of K1,000 and to imprisonment for seven years.

[Ch0701s398]398. Presumption as to corrupt practices

Where in any proceedings against a person for an offence under this Chapter it is proved that any money, gift or other consideration has been paid or given to or received by a person in the employment of any Government Department or a municipal council or board or other public body having power to impose rates or entrusted with the expenditure of any Government funds or grants, by or from a person or agent of a person holding or seeking to obtain a contract from any Government Department or municipal council or board or other public body having power to impose rates or entrusted with the expenditure of any Government funds or grants, the money, gift or consideration shall be deemed to have been paid or given and received corruptly as such inducement or reward as is mentioned in this Chapter, unless the contrary is proved.

[Ch0701s399]399. Consent of Chief Public Prosecutor to prosecution

A prosecution for an offence under this Chapter shall not be instituted without the written consent of the Chief Public Prosecutor.

Division VIII
Attempts and Conspiracies to Commit Crimes, and Accessories after the Fact
CHAPTER XLII
ATTEMPTS

[Ch0701s400]400. Attempt defined

When a person, intending to commit an offence, begins to put his intention into execution by means adapted to its fulfilment, and manifests his intention by some overt act, but does not fulfil his intention to such an extent as to commit the offence, he is deemed to attempt to commit the offence.

It is immaterial, except so far as regards punishment, whether the offender does all that is necessary on his part for completing the commission of the offence, or whether the complete fulfilment of his intention is prevented by circumstances independent of his will, or whether he desists of his own motion from the further prosecution of his intention.

It is immaterial that by reason of circumstances not known to the offender it is impossible in fact to commit the offence.

[Ch0701s401]401. Attempts to commit offences

Any person who attempts to commit a felony or misdemeanour shall be guilty of an offence, which, unless otherwise stated, is a misdemeanour.

[Ch0701s402]402. Punishment of attempts to commit certain felonies

Any person who attempts to commit a felony of such a kind that a person convicted of it is liable to the punishment of death or imprisonment for a term of fourteen years or upwards, with or without other punishment, shall be guilty of a felony, and shall be liable, if no other punishment is provided, to imprisonment for seven years.

[Ch0701s403]403. Neglect to prevent felony

Every person who, knowing that a person designs to commit or is committing a felony, fails to use all reasonable means to prevent the commission or completion thereof, shall be guilty of a misdemeanour.

CHAPTER XLIII

CONSPIRACIES

[Ch0701s404]404. Conspiracy to commit felony

Any person who conspires with another to commit any felony, or to do any act in any part of the world which if done in Malawi would be a felony, and which is an offence under the laws in force in the place where it is proposed to be done, shall be guilty of a felony and shall be liable, if no other punishment is provided, to imprisonment for seven years, or, if the greatest punishment to which a person convicted of the felony in question is liable is less than imprisonment for seven years, then to such lesser punishment.

[Ch0701s405]405. Conspiracy to commit misdemeanour

Any person who conspires with another to commit a misdemeanour, or to do any act in any part of the world which if done in Malawi would be a misdemeanour, and which is an offence under the laws in force in the place where it is proposed to be done, shall be guilty of a misdemeanour.

[Ch0701s406]406. Other conspiracies

Any person who conspires with another to effect any of the purposes following, that is to say—

(a) to prevent or defeat the execution or enforcement of any Act; or

(b) to cause any injury to the person or reputation of any person, or to depreciate the value of any property of any person; or

(c) to prevent or obstruct the free and lawful disposition of any property by the owner thereof for its fair value; or

(d) to injure any person in his trade or profession; or

(e) to prevent or obstruct, by means of any act or acts which if done by any individual person would constitute an offence on his part, the free and lawful exercise by any person of his trade, profession, or occupation; or

(f) to effect any unlawful purpose; or

(g) to effect any lawful purpose by any unlawful means,

shall be guilty of a misdemeanour.

CHAPTER XLIV

ACCESSORIES AFTER THE FACT

[Ch0701s407]407. Definition of accessories after the fact

A person who receives or assists another who is, to his knowledge, guilty of an offence, in order to enable him to escape punishment, is said to become an accessory after the fact to the offence.

A wife does not become an accessory after the fact to an offence of which her husband is guilty by receiving or assisting him in order to enable him to escape punishment; or by receiving or assisting, in her husband's presence and by his authority, another person who is guilty of an offence in the commission of which her husband has taken part, in order to enable that other person to escape punishment; nor does a husband become an accessory after the fact to an offence of which his wife is guilty by receiving or assisting her in order to enable her to escape punishment.

[Ch0701s408]408. Punishment of accessories after the fact to felonies

Any person who becomes an accessory after the fact to a felony shall be guilty of a felony, and shall be liable, if no other punishment is provided, to imprisonment for three years.

[Ch0701s409]409. Punishment of accessories after the facts to misdemeanours

Any person who becomes an accessory after the fact to a misdemeanour shall be guilty of a misdemeanour.

SUBSIDIARY LEGISLATION

NOTICE SPECIFYING PUBLIC SERVICE

under s. 46

G.N. 25/1968

The Minister has specified as public service for the purposes of the Code employment of the following classes, that is to say, employment as an officer, servant, employee or agent of the Malawi Congress Party.

PROHIBITED PUBLICATIONS ORDER

under s. 46

G.N. 135/1980

107/1983
154/1983
20/1985
29/1985
57/1985
33/1986
146/1987
25/1993
9/1994
84/1995

The importation of the following publications has been prohibited by order—

Guozi Shudian (China Publications Centre), P.O. Box 399, Peking, China—past and future issues. G.N. 91/1965

True Africa—future issues. G.N. 101/1967

Great—future issues. G.N. 117/1967

Playboy—past and future issues. G.N. 146/1968

Penthouse—past and future issues.

Drum—past and future issues.

Mayfair—past and future issues. G.N. 34/1969

Zeta—past and future issues.

Chance International—oast and future issues. G.N. 79/1969

Man—past and future issues.

Men Only—past and future issues.

Fanny Hill by John Cleland.

Case Book: Nymphomania: published by Victoria Morhaim.

Nymphomania by Albert Ellis and Edward Sagarin.

Women Without Men: published by Marise Querlin.

A Love Affair by Dino Buzzati.

The Homosexual Society by Richard Hauser.

Love and Orgasm by Alexander Lowen.

Marriage, Sex and Society by Martin Arnold.

Sex, Culture and Myth by Bonislaw Malinowski.

Diary of a Nymph by A. Norman Shiff.

The Other Victorians by Steven Marcus.

Sexual Responses in Women by Drs. Phyllis and Eberhard Dronhausen.

My Life and Loves Vol. I, II, III, IV and V by Frank Harris.

The Birth Controllers by Peter Fryer.

A Cold Wind in August by Burton Wohl.

Sex Manners for Men by Robert Chartan.

The Perfumed Garden by The Shaykh Nefzawi. G.N. 103/1969

Sexual Pleasure in Marriage by Jerome and Julia Rainer.
Sexual Adventure in Marriage by Jerome and Julia Rainer.
Midnight Cowboy by James Leo Herliny.
History of Pornography by H. Montgomery Hyde.
When the Sweet Talking's Done by Robin Douglas Home.
A Doctor Speaks about Sex by Rebecca Liswood, M.D.
Secret and Forbidden by Paul Tabari.
The Anxiety Makers by Alex Comfort.
Race of Desire by Charles Mergendahl.
An ABZ of Love: published by Inge and Sten Hegeler.
Venus Unmasked by Leonard de Vries and Peter Fryer.
Mamta—past and future issues.
Sex from A to Z by Hugs G. Beigel, PH.D. G.N. 134/1969
My Sister my Bride by Edwina Mark.
Anarchists in Love by Colin Spencer.
Excursion by Francis Pollini.
Human Sexual Responses by Ruth and Edward.
79 Park Avenue by Harold Robbins.
The Carpetbaggers by Harold Robbins.
The Girls by Nicola Thorne.
The Butchers by Leonard Bishop.
Nothing is for Nothing by David Alan Giacardi.
Brandy for Breakfast by Margot Bland.
Dust in my Throat by John Farrimond.
Candy by Terry Southern and Mason Hoffenberg.
Buddwing by Evan Hunter.
The Sowers of the Wind by the T. A. G. Hungerford.
The Interns by Richard Frede.
The Trojans by Wilt Williams.
The Memoirs of an Oxford Scholar by John Cleland. G.N. 176/1969
Rachel, Rachel by Margaret Lawrence.
One in Twenty by Brian Maggee.
The Bawdy Wind by Nan Maynard.
The Memoirs of Jacques Casanova by Leonard Louis Levinson.
Agni Mani by Baron Richard J. H. de Touche Skadding.
Tender and Violent Elizabeth by Henri Troyat.
Lady Chatterley's Lover by D. H. Lawrence.
Naked from a Well by W. A. Ballinger. G.N. 201/1969
Equinox by Eva Figes.
Carnival—past and future issues. G.N. 248/1969

Parade—post and future issues.
My Wife Made Me a Polygamist by Walter Trobisch and John Benyolak.
My Wife Has Lost Interest in Sex by Walter Trobisch and John Benyolak.
Here is My Problem by Walter Trobisch and John Benyolak.
The Person Who I Married Does Not Obey Me by Walter Trobisch and John Benyolak.
Can Sex Hurt Love by Walter Trobisch and John Benyolak.
Venus in India by Charles Devereaux.
Kate by Ellen Ryder.
Let Noon be Fair by Willard Mosley.
I Want in Now by Kingsley Amis.
Goodbye England by James Barlow.
The Boston Strangler by Gerold Frank.
Flesh and Blood by Nan Maynard.
Devil Day by Angus Hall.
Transplant by Margaret Jones.
The Grave of Heroes by James Cross. G.N. 2/1970
Joanna by Michael Sarne.
The Symbol by Alvah Bessie.
The Clansman by William Bradford Huie.
Bed for Beginners by Jack Hanley.
How to Undress in Front of Your Husband by Libby Jones.
There was a Young Lady by Hugh de Witt.
Jungle West II by Majbritt Morrison.
On the Yard by Malcolm Braly.
Rugby Songs, Volumes 1, 2 and 3 (Gramophone records). G.N. 9/1970
Bathroom Ballads (Gramophone records—performed by Mighty Absolom).
Hollywood Wife Swappers by Woodrow Olivetti. G.N. 16/1970
Pleasure, Pain and Parents by Anthony Crowell.
Covet Thy Sister by Byron Lord.
The Fat Debaucher by Byron Lord.
Street of the Blues by Kate Nickerson.
Bed of Fear by Doug Duperrant.
The Male Lolita by Russell Trainer.
The Strange Ways of Love by Clayton Matthews.
The Cover Girls by Paul W. Fairman.
The "F" Certificate by David Gurney.
Venus U.S.A. by William Iverson.
Memoirs of an Erotic Bookseller by Armand Coppens. G.N. 29/1970
Song of Songs by Noel Mayne.
The Art of Erotic Seduction by Dr. Albert Ellis and Roger O. Conway.

Sex and the Single Man by Dr. Albert Ellis
Pornocrates by Charles Brison.
Phallic Worship by George Ryley Scott.
Bibliotheca Arcana by Speculator Morum.
The Register of Erotic Books Volumes I and II by Alfred Rose.
The Golden Age of Erotica by Bernhardt J. Hurwood.
Akt In Farbe Und Licht by Lucien Lorelle
How to Please Your Mate by Dr. B. J. Cox
Hokey by Donald Stahl.
Song of the Loon by Richard Amory.
Sarv E. Naz by Robert Surieu.
Eros Kalos by Jean Marcade.
Roma Amor by Jean Marcade.
Checan by Rafael Larco Hoyle.
Shunga by Charles Grosbois.
Kama Kala by Mulk Raj Anand.
Ananga Ranga by H. S. Gabers and S. Rama.
Sappho of Lesbos by Beram Saklatvala.
Ovid on Love by Beram Saklatvala.
Beauty Unadorned by Vincent Lussa.
Sommer Mit Andrea by Hans Zeidler.
Beauty from Eastern Europe by Vincent Lussa.
Tahiti Beauty by A. Sylvain.
Aktstudien by Hellmuth Burkhardt
Akt Im Lichtbild Volumes I and II.
The Lust Market by Harold H. U. Cross.
Paris by Night by Jacques Robert.
Paris Cancan by Pierre Mariel and Jean Trocher.
Chastisement Across the Ages by Gervas D'Olbert.
Mr. Madam by Kenneth Marlowe.
Sex Worship by H. Cutner.
An Outline of Sexual Criminology by Nigel Morland
The History of Torture Throughout the Ages by George Ryley Scott.
The Moon of Beauty by J. Andersen-Rosendal.
Ten Ladies of Joy by George Ryley Scott.
The New Art of Love by G. R. Scott.
A Plain Talk on Sex Difficulties by F. B. Rockstro.
A Practical Guide to Birth Control by Dr. Eustace Chesser.
Male Methods of Birth Control by G. R. Scott.
Female Methods of Birth Control by G. R. Scott.

Welcome Sherazad by Alfred Mazure.
Eat the Cake and Have It by Jan Maat.
European Erotic Art by Francis Carr.
Walter: My Secret Life Volumes I and II by Doctor Phyllis and Eberhard Kronhausen.
Flagellation by G. R. Scott.
The Age of Perversion by Jason Douglas.
The Desire to Dominate by Victor Ragano.
The Master Masochist by Leopold von Sacher-Masoch.
The Lure of Lust by Oscar Meredith
Ladies of Vice by G. R. Scott.
The Sweet Smell of Sex by Richard K. Champion.
Vice in Bombay by Allen V. Ross.
Solo Sex by Gilbert Oakley.
Nell in Bridewell by W. Reinhard.
The Americas After Dark by Eugene Cramond.
Blackbirds! by Kidge Wurdak.
Pussies in Boots by Kidge Wurdak and Kurt Muller.
Secret Techniques of Erotic Delight by Dr. Vyvyan Howarth.
Slaves to Sin by Paul Lefontenay.
The Cruel and the Meek by Dr. Walter Braun.
Lesbian Love Old and New by Dr. Walter Braun.
The Merry Muses by Robert Burns.
The Awful Disclosures of Maria Monk.
Kama Sutra.
Oriental Love in Action by Giovanni Comisso.
Venus in Furs by Leopold von Sacher-Masoch.
The Daily Girl. G.N. 91/1970
The File of the Golden Goose by John Watson.
The Girl from Boston by Robert H. Rimmer.
The Sound of His Horn by Sarban.
The Hellcats by Robert Slatzer.
The Madame of Marrakech by Margaret Bland.
Spanish Fever by Norman Bogner.
Sweet Seducer by Martin Henry.
The Ecstasy Teacher by Larry Dean.
Rod Worship by Joseph Reynolds.
Rosy Cheeks by Peter Kanto.
The Satin Sheets by Teo F. Praegar.
The Orgiasts by Eunice Charles.
Top to Toe by Kelly Richardson.

House of Debauchery by Dave Lea.
The Odd Threesome by Robert Davies.
Angel by Margot Martell.
The Orgy Makers by C. B. Vanek.
Black Cult by Joseph de Winter.
The Whoremaster by Alexander Keith.
Bend Over by Peter Blue.
The Cough by Michael Chase.
Diary of a Hooker by Alma Ballou.
Silken Thighs by Abdul Rahmess.
The Sex Addicts by Martin Henry.
All Night Stud by Cain Rule.
Hellcats on Wheels by Wooddrow Olivetti.
Bodies in Heat by Theodore Reed.
The Making of a Pervert by Byron Lord.
L. is for Lesbian by Jackson Harmon.
Hot Skin by Wade Andrade.
Coed Sex Club by Dave Vance.
Oversexed Astronauts by M. Coxe.
Sex Marathon by Alan Hunter.
Seduction Classes by Mona.
Lesbo Nurse on the Make by King Coral.
Hooked on Women by Jackson Harmon.
Darling Pussy by Lynn Martin.
Cathouse by Arhen Clare.
Wife and Lovers by Stafford Fox.
Lust Pill by Michael Monahan.
Swap Chicks by Eve Linkletter
Wham Bam Cal by King Coral.
The Sex Set by G. J. Connolly.
Pleasure Chain by Peter Blue.
The French Maid by Alain Cox.
From Infancy to Adultery by Carl Brandt.
Two Weeks of Lust by Byron Lord.
The Flesh Beddlers by A. G. Brentwise, Jnr.
Black Lust by Jean de Villiot.
The Movie Maker by Herbert D. Kastle.
The Official Sex Manual by Gerald Sussman.
One Way Ticket by Jason Hytes.
Wanderers Eastward, Wanderers West by Kathleen Windsor.

Nobody Cries for Me by Sara Harris.
The Gates of Hell by Calder Willingham.
The Love Laboratory by Robert Kyle.
A Girl for the Afternoon by Terry Coleman.
The Deal by G. William Marshall.
Love Positions by Anders Jorgens.
A Programmed Guide to Seduction. G.N. 172/1970
A Place Called Saturday by Mary Astor.
All Night Stand by Thorn Keyes.
Alfie Darling by Bill Naughton.
Akt Adonis by lea Vilander.
A History of Eroticism by Ove Brusendorff and Poul Henningsen.
Akt in Farbe and Licht by Lucien Lorette.
Aktstudien by Hellmuth Burkhardt.
Akt Im Lichtbuld by Hellmuth Burkhardt.
All My Lovers by Gloria Barrett.
A Happier Sex Life by Dr. Sha Kokken.
Beyond All Pity by Carolina Maria de Jesus.
Cruel Venus by Victor Harris.
Cruel Venus by Victor Rogano.
Canned Candies by Paco Rabanne and Jean Clemmer.
Club.
Dear Wolf by Kathleen Sulky.
Exposure by Diana Carter.
Fetish by Clavel Brand.
Georgina by James Paunce.
Home is not a Safe Country by Paige Mitchell.
Harriet Marwood Governess by Anonymous.
Houses of Shame by Maurice Labande.
I. A. Sailor by Morgen Holm.
Kundu by Morrise West.
Love and Libertinism in Art by Florent Fels.
Love's Picture Book by Ove Brusendorff and Poul Henningsen.
Many Slippery Errors by Alfred Grossman.
My Secret Life Vol. III by More Walter.
Never Step on a Rainbow by Winifred Wolfe.
Oz.
Providence Island by Calder Willingham.
Paris by Night by Jacques Robert.
Paris Canean by Pierre Mariel and Jean Trocher.

Seductions by John London.
Sex Change by Gilbert Oakley.
Shock Tactics by Jean Bruce.
Sam's Song by Shirley Schoolnover.
Sexual Fantasy by Ricardo Barros.
Skinhead by Richard Allen.
The Strip by Alison Lord.
The Nymphet by Margaret Taylor.
The Second Sex by Simone de Blauvoir.
The Dangerous Games by Tereska Torres.
The Beauty of their Skins by Henry Maisorley.
The Golden Runaways by Stephen Longstreet.
The Nude Who Never by Ted Mark.
The Garden of Heaven by Peter Dane.
The Passion Players by Edmund P. Marray.
The Innocent Bystanders by James Munro.
The Bond by Jacques Borel.
The Golden Serpent by Nick Carter.
The Puritan Jungle by Sara Harris.
The New Female Sexuality by Manfred F. De Martino.
The Leather Scene by Roger Frárley Gray.
The Kinky Crowd Vol. I by Clavel Brand.
Two-Way Lover by Jason Douglas.
The Order of the Rod by Anonymous.
The Girl Nadja by N. Yurievich.
The Awful Disclosures of Maria Monk by Anonymous.
Twilight Women around the World by R. Leighton Hasselrdt.
The Miniskirt and Beyond by Roger Farley Gray.
The Submissives by R. J. B. Krauss.
The New Art of Love by G. R. Scott.
The Jockey by Ronald.
The Reefs of Eden by Conn Maguire.
The Courtyard by James Moffat.
The Gynaecologist by Leslie Herron.
Web of Spices by Nick Carter.
491 by Lars Gorling.
Boys and Sex by Wardell B. Pomeroy. G.N. 4/1971
Callboy by Jeff Lawton.
The Confession of Georgina.
Coming out West by Billy Peale.

Crack by R. John Smythe.
The Diamond Bikini by Charles William.
The Exquisite Thing by Joyce Maclover.
Fallen Angel by Jonathan.
He and She by Kenneth Barnes.
Hell's Angels by Hunter S. Thompson.
Jan Cremer.
Lust in the Woods by Jason Forkes.
The Munich Involvement by Frederic Mullary.
May I Borrow Your Husband by Graham Greene.
The Menstrual Cycle by Katherine Dalton.
The Other Face of Love by Rexmond de Becker.
The Rose of Tibet by Lionel Davidson.
Sex in the Near East by John Rosemberger.
Sex and Censorship in the Visual Arts, Volumes I and II by Donald H. Gilmore.
Shafter by Sonny Barker.
The Strange Affair by Bernard Tome.
2069 + 1 by Larry Townsend.
A Wilderness of Monkeys by Paige Mitchell.
Sexual Behaviour of Young People by Michael Scofield.
Another Country by James Baldwin. G.N. 101/1971
Carter by Ted Lewis
Female Methods of Birth Control published by Luxor Press.
Lesbian Secrets by Evelyn Theodor.
Lolita by Vladimir Nabakov.
New Approaches to Sex in Marriage by John Eichenlaub, M.D.
Rogue Roman by Lance Horner.
Such Good Friends by Lois Gould.
Several Perceptions by Angela Carter.
Sweet Seventeen/Villette published by Luxor Press.
The Second Window by Robin Mangham.
The Man Above Suspicion by James Mayo.
The New Pamela by Una Stannard.
The Rape of Tamara by Dan Jacobson.
The Way of a Virgin: published by Luxor Press.
The Sexual Love Photo Book: published by Luxor Press.
The Submissives by R. J. B. Krauss.
The Three Sirens by Irving Wallace.
Violation: published by Luxor Press.
Chewsday by Dan Greenburg.

The Slave Stealer by Boyd Upchurch. G.N. 232/1971
Rainbow Child by Annettee Eyre.
Child's Play by Kate Christie.
Philly by Dan Greenburg.
Young Proud & Naked: published by Luxor Press.
The Body by Anthony Smith.
Progress En Amour Assez Lents by Jean Paulhan.
Histoire Amoureuse des Gaules by Bussy-Rabutin.
Sex Power After Forty by Gilbert Oakley.
Bisexuality by Jason Douglas.
Jungle Lovers by Paul Theroux. G.N. 281/1971
Slave Ship by Eric Corder.
The Hand Reared Boy by Brian W. Aldiss.
The Truth About Incest by Daniel Hawkes.
Promiscuous Pauline, translated by R. J. B. Krauss.
School Girl Sex by G. Jorgens.
Hidden Gems of Erotica by James Paunce.
Sex for the Young by A. C. C. Jorgens.
Erotic Letters and Graffiti by Daniel Hawkes.
The Age of Perversion by Jason Douglas.
How to make Love to a Woman by G. and A. Jorgens.
Oh! Oh! Josephine Mutzenbacher: published by Luxor Press.
Sexual Deviation by Roger Farley-Gray.
In the Hands of the Inquisition: published by Luxor Press.
Sex A—Z by Howard Weiner.
The Graduate Mistress by Kenneth Gunnell.
The Drag Scene by Desmond Monthmoreney.
The Garden of Torture by Octave Mirbeau.
The Lovers by Tina Tranter.
The Passions and Lechery of Catherine the Great by Bernard Gib.
Vive Ie Sex by lea Vilander.
Far Eastern Sex Life by G. R. Scott.
Welcome Sherazad by Alfred Mazure.
How You Began by Hilary Spiers.
How Human Life Begins by J. J. Head.
Katrina by R. Kirkbride.
Married Life in an African Tribe by Isaac Schapera.
Sex, The Plain Facts by James Bivan.
Styricon by Paul Gillette.
Everything you Always wanted to know about Sex by David Reuben.

A Kiss a Day keeps the Corpses Away by James Yardley.
A Skeleton for my Mate by George Sava.
They Don't Make them like that Anymore by James Leasor.
Lesbos: A Photobook of Lesbian Love by Axel Hoving.
Love, Sex and Being Human by Paul Bohannan.
One Fearful Yellow Eye by Travis McGee.
The Other Love by H. Montgomery Hide G.N. 21/1972
The Rationale of Dirty Jokes by C. Legman
Going to the Moon by Philip Callow
The Girl Who played Gooseberry by Jill Neville.
The Green Man by Kingsley Amis.
Confession of a Mask by Yukio Mishima.
Jan Gremer 2 by Anonymous.
A Spy in the Family by Alec Waugh
Growing Sideways by Joe Potts
No, John, No by Cressida Lindsay.
The Sexual Radicals by Paul A. Robinson
The School of Venus by Michel Millot and Jean L'ange.
The Mouth by Paul Ableman
The Westbank Group by Henry Sackerman.
King of the Witches by June Johns.
Sindicato Del Terrore by Don brewster.
Un Guinzaglio Chiamato Donna by Perry Landers.
Due Gemelle Bionde by Perry Landers.
Jet Caley e Il Colpo Gobbo by Mike Chandler.
Un Tipo In Gamba by Artie Holland.
Jet Caley e i Quarttro Di Boston by Mike Chandler.
La Nostra Legge by Peter Kane.
La Bionda Del Clan by Jim Reevels.
Operazione Drago D'oro by Jim Reeves.
Il Colpo Del Killer by Fred Burke.
La Donna Della Casa Accanto by Tesmesse Hunger.
Seventeen Part 1 by Soya.
Seventeen Parts 2 and 3 by Soya.
3 In the Attic by S. H. Yafa.
I am the Beautiful Stranger by Rosalyn Drexler.
Spring Fire by Vin Packer.
The Life and Loves of Mr. Jiveass Nigger by Cecil Brown.
Oh, Wicked Wanda by Frederic Mulally.
Dicky by D. D. Bell.

The Image by Jean De Berg.
Love 1 by Various.
Numbers by John Rechy.
Miss High Heels by Anonymous.
New York Unexpurgated by Petronius.
Lily by Sandrine Forge.
La Tarantula by Don Luis de V.
Juliette by Marquis de Sade.
I was Curious by Vilgot Sjoman.
An Excess of Love by Jose Landers.
Life Full of Holes by Driss Ben Hamed Charhadi.
Morfie by Linda Due Breuil.
The Mandarin Orgies by A. De Granamour.
Half Past Sex by D. Barry Linder.
The Loves of Antonio d'Agnolo by Theodore Read.
Sex 69 by Erik Dahl.
The Koka Shastra by Alex Comfort.
Kiss, Screw, Pleasure and Sex by William Teach.
The Memoirs of a Man of Pleasure by James Graham.
Eros Denied by Wayland Young
A study in Incest by Ivan Sagan.
The Incest Sport by Ralph Cingara.
Erotic Exploits of Older Women by Garson Gallico.
Doctor Delight by Amos Dickens Jr.
Lust's Castaways by Harry Best.
The XYZ of Love by Inge and Sten Hegeler.
New York After Dark by Colin Ross.
Deviation by D. Gunther Wilde.
Paris After Dark by Jean de Ballard.
The Tour by Also Lucchesi.
No Score by Chip Harrison.
I, Woman (Part 2) by Siv Holm.
One or Another by Rosalyn Drexler.
Cocksure by Mordecal Richler.
The Judas Boy by Simon.
Under the Hill by Aubrey Beardsley.
Night by Francis Pollini.
Men by Gloria.
The Love Student by Mike Stout.
Radcliffe by David Storey.

The Movie Makers by Herbert Kastle.
The Celluloid Womb by Hoffman and Aid.
Sam's Song by Shirley Schoonover.
The Center of the Action by Joreme Widman.
The Nuptials by John Haase.
The Motor Cycle by Andre Pieyre de Mandiargues.
The Wonder of Love by Oswalt Kolle.
Forty Whacks by Fanny Howe.
Octobriana by Peter Sadecky.
The Swingers by Peter Dane.
The Love of Bob and Daphne by B. Aalberge.
Klute by William Johnston.
Let Noon Be Fair by Willard Motley.
The Last Mirage by Oliver Anderson.
Love is a Well Raped Word by Doreen Wayne.
Sex Games That People Play by Daniel Gordon.
Fancy by Robert Krepps.
The Sensualist by George B. Medler.
The Sporting Club by Thomas McGuane.
A Moment of Love by Brian Moore.
Blow Me Hot, Blow Me Cool by Richard Cox.
Neighbourhood Nymph by Ralph Angora.
Leatherbound Wife by Jules Roblais.
Suck Baby by Dore Fox.
Swap 'n Cousins by Andy Grant.
V. for Victoria by Florin du Shane.
Go Down, Go Under by Richard Cox.
Blackmail Swap by Lawrence Leacock.
The Fag Chaser by Warren Brown.
To want a Boy by Bert Sbrader.
Bitch Boy by Dale Evans
The Reamers by Dick Appleby.
Portnoy's Complaint by Philip Roth.
The Basis of Happy Marriage by Louis Berg and Robert Street.
Sexus by Henry Miller.
The Pleasures of Love by Barbara Bross.
Sex and Society in Sweden by B. Linner.
Mademoiselle 1 + 1 by Marcel Veronese and Jean-Claude Peretz.
November Girl by Sam Haskins.
The Exhibitionist by Henry Sutton.

Anatomy of Swearing by Ashley Montague.
The Love Laboratory by Robert Kyle.
Couples by John Updike.
Five Girls by Sam Haskins.
How to Achieve Sexual Ecstasy by Stephen Gregory.
Last Exit to Brooklyn by Hubert Selby.
The Erotic Minorities by Lars Ullerstam.
New Adventure to Sex in Marriage by John Eichenlaub.
Yvonne by Marry Suckit.
Whipped Women by Jean de Villot.
Up in Heaven by Pierre La Tour.
New Ladies' Tickler by Anonymous.
Spartacus: published by JDS Publications, Brighton, England—past and future issues.
TIMM: published by Timm House Limited, London—past and future issues.
Jeremy: published by Jeremy Enterprises Ltd., London—past and future issues.
The Male Swingers: published by Rick Sampson, Washington, U.S.A.—past and future issues.
Daily Girl: published by Daily Girl Press, Berlin, West Germany—past and future issues.
Playgirl: published by Man Junior Magazine (Pty.) Ltd., Sydney—past and future issues.
Face and Figure: published by Man Junior Magazine (Pty.) Ltd., Sydney—past and future issues.
Private: published by Private Press AB, Stockholm, Sweden— past and future issues.
Color: published by Delphi Production, Uddevalla, Sweden—past and future issues.
Color Orgasm: published by Delphi Production, Uddevalla, Sweden—past and future issues.
117 Sexual Positions: published by E. Erikson, Stockholm, Sweden—past and future issues.
29 Sex Various: published by E. Erikson, Stockholm, Sweden—past and future issues.
Spritz Colour Magazine: published by E. Erikson, Stockholm, Sweden—past and future issues.
Homo Action: published by Fa. Reflex, Taby, Sweden—past and future issues.
Pocket Porno: published by Fa. Reflex, Taby, Sweden—past and future issues.
Color Passion: published by Fa. Reflex, Taby, Sweden—past and future issues.
Man Alive: published by Spartacus Book Service, Brighton, England—past and future issues.
Sons of the Zodiac: published by J.D.S. Publications, Brighton, England—past and future issues.

Desire published by Delphi Production, Sweden—past and future issues
Dream

Darling
Sensation

A Cut Loaf by Sean Hignett.
The Conscripts by Walter Wineard.
The Double View by Caudler Brossard.
The Exorcism by Ronald Pearsall.
The Hammerhead by James Mayo.
The Magus by John Fowles.
The Nature of Sex by Nat Lehrman.
The Naked Ape by Desmond Morris.
Onward virgin Soldiers by Leslie Thomas.
How Life Begins (Biology for Individual Book 2) by Donald Reid and Philip Booth.
NOVA: published by IPC Magazines Ltd., London, England—past and future issues.

The Chronicle published by the Rhodesian Printing and Publishing Co. Ltd., Gordon Avenue G.N. 156/1972

The Consultant by Alec Hilton. G.N. 173/1972
Forbidden Colours by Yokio Mishima.
Good Time Coming by Edmond Schiddel.
The Two of Us by Alberto Moravia.
My Mother by George Bataille.
G by John Berger.
Sexualia: published by Duo Forlags AB, Malmo, Sweden— past and future issues.
The Financiers by Brian Glanville. G.N. 81/1973
A Cry of Crickets by Brian Glanville.
The God Father by Mario Puzo.
Sex, Surgery, People by George Sava.
Scoring by Dan Greenburg.
A Bouquet of Barbed Wire by Andrea Newman.
Sergeant Death by James Mayo.
Who Needs Men by Edmund Cooper.
Rebecca's Brat by Ronald Basset.
Orange Wednesday by Leslie Thomas.
A Start of Life by Alan Sillitoe.
Down All the Days by Christy Brown.
The Man Whose Dreams Came True by Julian Symons.
Every Woman by Dereke Llewellyn-Jones.
Gemini (22 May-20 June) by Derek & Julia Parker.

King's Road by Mariella Novotny. G.N. 105/1973
Falk by Keith Hanks.
Because of Women by Mbella Sonne Dipoko.
The Green Revolution by Stanley Johnson. G.N. 145/1973
Devil and All His Works by Dennis Wheatley. G.N. 160/1973
Catch 22 by Joseph Hellers.
Crash by J. G. Ballard.
American Mischief by Alan Lelchuk.
Son of Woman by Charles Mangua.
Featuring Laura Curtis by Joanna Barnes.
Poor Christ of Bomba by Mongo Beti.
Seventh Avenue by Norman Bogner.
You Nice Bastard by G. F. Newman. G.N. 12/1974
The Spy Who Loved Me by Ian Fleming.
Play It as It Lays by Joan Didion.
Nightlines by John McGahern.
Latecomers by E. M. Nathanson.
King, Queen, Knave by Nabokov.
I am Mary Dunne by Brian Moore.
Jeb by Jeffrey Lord.
The Friends of Eddie Coyle by George V. Higgins.
Shaft has a Ball by Ernest Tidyman.
Poor Cow by Nell Drunn.
Go Ask Alice by Anonymous.
Myra Breckenridge by Gore Vidal.
Cape of Storms by John Gordon Davis.
About Your Marriage by J. R. Ludlow.
The Drifters by James A. Michener.
The Fifth Child's Conception in the Runaway Wife by Francis Jessup.
Case History by Benjamin Siegel. G.N. 65/1974
The Player & the Guest by G. F. Newman.
Behold the Man by Michel Moorcock.
Shaft Among the Jews by Ernest Tidyman.
Getting Rid of Richard by Joyce Elbert.
Running from their Horrifying Thoughts by Chris Penn.
Don't Talk to me about Love by Craig McGregor.
The Occupation by David Caute.
The Infernal Idol by Henry Seymour.
Reign of Hell by Sven Hassel.
Brandy Wine's War by Robert Vaugham and Monroe Lynch.

Leo on the Ascendant by Patricia Welles.
The Memoirs of a Venus Lackey by Derek Marlowe.
Carter by Ted Lewis.
La Vida by Oscar Lewis.
The Exile of Capri by Roger Peyrefitte.
It's not How Long You Make it by Troy Conway.
Vendetta by Charles Durbin.
First Blood by David Morrell.
Hell's Belle by Joan Fleming.
Brothers in Blood by P. D. Ballard.
Welcome to the Club by Clement Biddle Wood.
Slaughter House 5 by Kurt Vonnegut.
We are the people our parents warned us against by Nicholas Von Hoffman.
The Whore-Mother by Shaun Herron.
Homo Sexuality by D. J. West.
Am I too Heavy, Dear by W. H. Manville and James Wright.
Out of Hiding by W. J. Weatherby. G.N. 98/1974
Hot Times by William R. Cox.
Scarlet Plume by Frederick Manfred.
Karate is a Thing of the Spirit by Harry Crews.
Leon Trotsky 1905 by Leon Trotsky.
Confessions of a Hitch-Hiker by Adrian Reid.
The Romantic English Woman by Thomas Wiseman.
Rugby Jokes by Sphere.
The Camel's Back by Ralph Levene.
Das Grosse Liebesspiel by Dr. J. Furstauer.
Stack by Walter Keath.
Hollensfahrt des Marquis de Sade by Charles Waldermar.
Sex Rausch und Ekstase by Dietrich Koehr.
Because of Fear in the Night by Madelaine Duke.
The Smell of It by Sonollah Ibrahim.
The Assassin by Peter McCurtin.
The Paper Dragon by Evan Hunter.
The Ficke Finger of Fate by John A. Keel.
Brooks Wilson LTD by J. M. Ryan.
The Perfect Day by Iran Levin. G.N. 200/1974
What Rugby Jokes Did Next—collected and presented by Sphere Books Ltd.
Son of Rugby Jokes.
Miss Owen—Owen is at home by Margaret Foster.
Desolation of Angels by John Kerouac.

Think Inc by Adam Diment.
The Bust Up by Petra Christian.
The Third Man at Berezna Bridge by Geoff Parnell.
The Arrangement by Elia Kazan.
The Mistress by Andrew Maccall.
If Beale Street Could Talk by James Baldwin.
Liv by J. P. Miller.
House Made of Dawn by N. Scott Momaday.
The Day of the Jackal by Frederick Forsyth.
Forever Amber—Volume II by Kathleen Winsor.
One Finger by Fergus MacPherson.
Trespasses by Paul Bailey. G.N. 16/1975
The Tattooed Rood by Kyle Onstott and Lance Horner
The Girl with a Peppermint Taste by Andre Launay.
Arthor McCann and all his Women by Leslie Thomas.
The Beauty Trap by Jeanne Rejaunier.
Open Season by David Osborn.
The Roxton Kibbutz by Laurence Moody.
Return to Peyton Place by Grace Metalious.
The Crying Game by John Braine.
That'll be the Day by Ray Connolly.
The Studhorse Man by Robert Kroetach.
The Rogue Black by Raymond Girls.
Freddy Hill by Patrick Skene Catling.
The Late Boy Wonder by Angus Hall.
King Blood by Jim Thompson.
Gumdrop by Jeannie Sakol.
The Sling and the Arrow by Stuart Engstrand.
The Terminator by Kenneth McKenny.
A Cold Wind in August by Burton Wohl.
It's Your Money in My Pocket by P. Lawrence and Christ Trengove. G.N. 91/1975
A State of Heat by Sheilah Graham.
Encyclopaedia of Murder by Colin Wilson and Pat Pitman.
Goldengrove by Darryl Peniesan.
The Sewing Machine Man by Stanley Morgan.
A Garden of Sand by Earl Thompson.
The Killer Inside Me by Jim Thompson.
Girl 20 by Kingsley Amis.
Fear of Flying by Erica Jong.
The Keepers by Sam Ross.

The Devil's Emissary by Peter Grange.
Founder Member by John Gardener.
The Debt Collector by Stanley Morgan.
Melinda by Gaia Servadio.
Poor Lazarus by Maurice Leitch.
The Girls in the Office by Jack Olsen.
Book of Bathing Beauties by Ronnie Barker.
My Life in the Mafia by V. Charles Teresa.
Running Scared by John Buremister.
John Adam, Samurai by Christopher Wood.
Close of Play by Simon Raven.
The Talent Scout by Romain Gary.
Cabral by Victor Wolfson.
The Dolly Dolly Spy by Adam Dimment.
The Green Eagle Score by Richard Stark.
The Man Who Was Not With It by Herbert Gold.
Kisses From Satan by George B. Mair.
The Paradise Party by Evan Hunter.
The Revenger: The Chinese Coffin by Joseph Hedges. G.N. 114/1975
Tamiko by Ronald Kirkbride.
A Hot Property by Judy Feiffer.
Panic by Colin Spencer.
The Night of the Iguana by Tennessee Williams.
The Loo Sanction by Trevanian.
The Revenger: Arms for Oblivion by Joseph Hedges.
Play Power by Richard Neville.
Something of Value by Robert Ruark.
Dando Shaft by Don Calhoun.
Night by Edna O'Brien.
The Favourite Game by Leonard Cohen.
Return to the Shadows by Robert Serumanga.
Mainly for Wives by Robert Chartham.
Modern Makonde Art-Jorn Korn: Art by Jesper Kirknaes.
Nicholas and Alexandra by Robert K. Massie.
Going to Meet the Man by James Baldwin.
Giovanni's Room by James Baldwin.
One Day When I was lost by James Baldwin.
Another Country by James Baldwin.
Crazy Joe by Mike Barone.
The House of 10,000 Pleasures by Sara Harris.

The Naked Lunch by William Burroughs.
The Ten Percent of Your Life by Stanley Winchester.
Judgement on Deltchev by Ambler.
That Girl From Boston by Robert H. Rimmer.
The Private Wound by Nicholas Brake.
Tell me How Long the Train's been gone by James Baldwin. G.N. 135/1975
The Mandarins by Simone de Beauvoir.
Cotton comes to Harlem by Chester Himes.
The Players and the Game by Julian Symonds.
The Satanist by Denis Wheatley.
Lord Tyger by Philip Jose Farmer.
The Beastly Beautitudes of Bathazar B by J. P. Donleavy.
The Soft Machine by William Burroughs.
The Carpet Baggers by Harold Robbins.
Through Lightest Africa by John Barratt.
Confessions of a Window Cleaner by Timothy Lea. G.N. 152/1975
The Airline Pirates by John Garden.
The Luciano Story by Sid Feder and Joachim Joesten.
A Singular Man by J. P. Donleavy.
Lover in the Sky by Samuel Kahinga.
Rock Life by Hamlyn Publishers.
The Book of the Zodiac by Fred Gettings.
The Revenger (Rainbow Coloured Shroud) by Joseph Hedges. G.N. 153/1975
Soul Catcher by Frank Herbert.
Night World by Robert Block.
Voices in an Empty Room by Philip Loraine.
The Further Bulletins of President Idi Amin by Alan Coren.
A Second-Hand Life by Charles Jackson.
Sex and Marriage in England Today by Geoffrey Gorer.
Paul Wheeler by Ransom.
Evil in a Mask by Dennis Wheatley.
The Don by Forrest V. Perrin.
Neither Five Nor Three by Helen MacInnes.
Operation Fireball by Dan J. Marlowe.
The Payoff by Don Smith.
Mr. Sammler's Planet by Saul Bellow.
Let Sleeping Girls Lie by James Mayo.
The Plantation by George McHeill.
The Bang Bang Birds by Adam Diment.
Growing Up Puerto Rican by Paulette Cooper.

The Diary of a New York Career Girl by Toni Kanover.
The Orgy of Bubastis by Derek Hyde-Chambers.
This Time next October by Andrew Warren. G.N. 31/1976
Palaver by Wilfred Cartey.
George Sand by Noel B. Gerson.
The Prisoner in the Opal by A. E. Mason.
The Abortion by Richard Brautigan.
A Touch of Danger by James Jones.
The Case Against Satan by Ray Russell.
Want to Stay Alive by James Hadley Chase.
A Dream of Kings by Harry Mark Petrakis.
Gateway to Hell by Dennis Wheatley.
Mistress of the Lash by Robert Vaughan.
The Digger's Game by George V. Higgins.
Stay Hungry by Charles Gaines.
None Dare Call it Treason by John A. Stormer.
The Encyclopedia of Sex Practice by Norman Haire.
Devil Daddy by John Balckburn.
The Birds Fall Down by Rebecca West.
The Destroyer: Murder's Shield by Richard Sapir and Warren Murphy.
Body Talk (The Science of Kinesics) by Maude Poiret.
Studies in Occultism by H. P. Blavatsky.
The Marabi Dance by Modikwe Dikobe. A Sudden Silence by John Minahan.
All My Friends are Going to be Strangers by Barry McMurtry. G.N. 105/1976
The Revenger: Mexican Mourning by Joseph Hedges.
The Cat Cay Warrant by Allan Morgan.
Diseases of Women by G.E.H. (G.E.H.).
Sexual Relations in Marriage by Dr. G. Lombard Kelly.
The Hunting Animal by Norman Bogner.
Diecast by Michael Brett.
Mattie Silks by Matt Braun.
Skyjack by David Phillips.
Any Woman by David Reuben, M.D.
Harlots House by E. G. Cousins.
Kronk by Edmund Cooper.
The Destroyer: Summit Chase by Richard Sapir & Marren Murphy.
Come to Mother by David Sale.
The Man with the Power by Leslie Thomas.
The Big Red Ball by Lou Cameron.
Unless They Kill me First by Vincent Siciliano

The Day of Death by Louis Masterson.
Seven Against Greece by Nick Carter.
The Wild Boys by William S. Burroughs.
The Liquidator by R. T. Brent.
The Libyan Contract by Don Smith.
Yama the Pit by Alexandre Kuprin.
Revolution and Chinese Foreign Policy by Peter Van Ness.
Muffled Drums by William A. Hachte.
The Book of Love by David Delvin.
The Erection Set by Mickey Spillane.
A Dark Corner by Celia Dale.
Story of O by Pauline Reage.
The Gentle Sex by Angus Hall.
Meat by W. A. Harbinson.
Hard to Kill by James Marcott.
The Piraeus Plot by Harry Arvay.
The Hungarian Game by Roy Hays.
Camwood on the Leaves by Wole Soyinka.
Final Analysis by Lois Gould.
Vengeance is Mine by Mickey Spillane.
The Female Enuch by Germaine Greer.
Fertility and Family Planning by S. J. Benrman, M.D., Leslie Corsa, JR., M.D., and Ronald Freedman.
The Plantation by George McNeill.
The Last Cop Out by Mickey Spillane.
The Favourite Game by Leonard Cohen.
Necessary Objects by Lois Gould.
The Naked i by Frederick R. Karl and Leo Hamalian.
New Orleans Gamble by Louis Masterson.
The Human Zoo by Desmond Morris.
Dawn Sugar or Someone to Sleep with by Annabel Dilke.
Intervention and Revolution by Richard J. Barnet.
The Occult by Colin Wilson.
Looking Out For by Mark Monsky.
Dragonard by Rupert Gilchrist.
Confessions from a Hotel by Timothy Lea.
The Run to Morning by James Graham.
The Streetfighter by Gordon Newman.
Mahogany by Burton Wohll.
The Terrible Ones by Nick Carter.

More Bear by Posy.
Two-Minute Warning by George LaFountaine.
Behind the Rising Sun by S. O. Mezu.
The Mother-Land by Gwen Davis.
The Wanderers by Richard Price.
Mankind Child of the Stars by Max H. Flindt and Otto O. Binder.
The Four-Letter Crowd by Peter Lesie.
Advertisement for Myself by Norman Mailer.
Dubu by Maslyn Williams.
Hold my Hand I'm Dying by John Gordon Davis.
Topaz by Leon Uris.
Have it Your Way by Stephen John.
An Assassins Diary by Arthur Bremer.
Norman's Letter by Gavin Lambert.
Killer by Dave Fisher and Joey.
The Outcasts by Bonnie Lubega.
Death Wish by Brian Garfield.
Target: De Gaule by Christian Plume and Pierre Demaret.
A Month of Sunday by John Updike. G.N. 126/1976
There's a Hippie on the Highway by James Hadley Chase.
Ernesto by Hilda Gadea.
Thin Ice by Gary Cartwright.
Luck and Pluck by Glendon Swarthout.
A Domestic Animal by Francis King.
Harvest Home by Thomas Try on.
Word Play by Peter Farb.
Deliverance by James Dickey.
Body Language by Julius Fast.
Children of the Night by Richard Lortz.
Play Power by Richard Neville.
The Golden Serpent by Nick Carter.
The Descent of Woman by Elaine Morgan.
The Secret Hour by Denise Robins.
Tripwire by Brian Garfield.
Midnight Plus One by Gavin Lyall.
Belle, de Paris by Marcel Haedrich. G.N. 157/1976
Dealing by Michael Douglas.
Old Glory and the Real-Time Freaks by Ralph Blum.
The Stone Leopard by Colin Forbes.
A Cold, Wild Wind by Frances Casey Kerns.

Gray Matters by William Hjortsberg.
Hit! by Arthur Stackman.
Cindy on Fire by Burt Hirschfeld.
Compulsion by Meyer Levin.
Vital Parts by Thomas Berger.
The Green Wolf Connection by Nick Carter.
Zee & Co. by Edna O'Brien.
Transparent Things by Valdimir Nabokov.
Savage Rite by Eric Corder.
An Operational Necessity by Gwyn Griffin.
Assignment: Israel by Nick Carter.
The Tormented by Frederick E. Smith.
The Garden Game by Jon Manchip While.
A Brief Assignment by Ayub Ndii.
Butcher of Belgrade by Nick Carter.
The Judas Spy by Nick Carter. G.N. 164/1976
The Defector by Nick Carter.
Time Clock of Death by Nick Carter.
Agent Counter-Agent by Nick Carter.
Eyes on the Tiger by Nick Carter.
Moscow by Nick Carter.
The N3 Conspiracy by Nick Carter.
Target Doomsday Island by Nick Carter.
Assault on England by Nick Carter.
Fraulein Spy by Nick Carter.
Assignment: Intercept by Nick Carter.
Istanbul by Nick Carter.
The Black Death by Nick Carter.
The Mind Killers by Nick Carter.
Death Message: Oil 74-2 by Nick Carter.
The Code by Nick Carter.
Macao by Nick Carter.
Code Name: Werewolf by Nick Carter.
An Ear to the Ground by James Hadley Chase.
The Schoolgirl Murder Case by Colin Wilson.
Madhouse by Angus Hall.
The Sin was Mine by Denise Robins.
One Just Man by James Mills.
The Destroyer: 13 Slave Safari by Richard Sapir and Warren Murphy.
The Joy of Sex by Alex Comfort.

Assassin: Code Name Vulture by Nick Carter.
Patters of Sex and Love by Jaques Remy and Robert Woog.
Eve by James Hadley Chase.
The Infernal Desire Machines of Doctor Hoffman by Angela Carter.
Come Back Charleston Blue by Chester Himes.
Fire Island by Burt Hirschfeld.
Gangrene by Jef Geeraerts.
Edward, Edward by Lolah Burford.
Nana by Emile Zola.
Getting Back Together by Robert Houriet.
The Rosemary Touch by Lois Wyse.
The Masters Affair by Burt Hirschfeld.
Ending Up by Kingsley Amis.
The Inca Death Squad by Nick Carter.
Blow-Dry by Nathan Butler.
Massacre in Milan by Nick Carter.
Harvest Home by Thomas Tryon.
The 14th Spy by Nick Carter.
The Jerusalem File by Nick Carter.
The Romance of Atlantis by Taylor Caldwell with Jess Stearn.
You've Got It Coming by James Hadley Chase.
I know What I'm Doing by Hans Koning.
Blood on the Wind by Helga Moray.
Have This One On Me by James Hadley Chase.
The Naked and the Dead by Norman Mailer.
The LSD Story by John Cashman.
Something Happened by Joseph Heller.
The Strategy of Deception by Jean J. Kirkpatrick.
The Springtime of Freedom by William McCord.
The Innocent Party by John Hawkes.
Tike and Five Stories by Jonathan Strong.
A Dream of Kings by Harry Mark Petrakis.
America in the Sixties by Ronald Berman.
Theatre World by John Willis.
Prize Stories 1975: The O. Henry Awards Edited by William Abrahams.
Too Far to walk by John Hersey.
A New Life by Bernard Malamud.
Death Kit by Susan Sontag.
Blood Sport by Robert F. Jones.
The Malaspiga Exit by Evelyn Anthony.

The Arab Plague by Nick Carter.
Secret Mission: Morocco by Don Smith.
Paradise Road by David Scott Milton.
Those About To Die by Daniel P. Mannix.
Fire in the Embers by Burt Hirschfeld.
Acapulco by Burt Hirschfeld.
The Primal Urge by Brian Aldiss.
The Sea Trap by Nick Carter. G.N. 9/1977
The Liquidator by Nick Carter.
The Spanish Connection by Nick Carter.
Counterfeit Agent by Nick Carter.
Cimarron Jordan by Mathew Braun.
Ratoon by Christopher Nicole.
The Years of the Hungry Tiger by John Gordon Davis.
Room at the Top by John Braine.
The Night Strangler by Jeff Rice.
The Hilton Assignment by Patrick Seale and Maureen McConville.
Switch Bitch by Roald Dahl.
The Dream Team by Joe McGinniss.
The Demonstration by David Caute.
Here, Away from it all by Maryann Forrest.
Marie, The Captain's Mistress by Robert Gaillard.
The Fifty Mayflower Book of Black Magic Stories by Michel Parry.
Number One with Bullet by Elaine Jesmer.
The Voice of Armageddon by David Lippincott.
A Case for Inspector West by John Creasey.
The Kung Fu Avengers by Michel Minick.
The Tenants by Bernard Malamud.
Saigon by Nick Carter.
The Killing by David Wilson.
Jesus Christ Heir to The Astronauts by Gerhard R. Steinhauser.
The Nick Adams Stories by Ernest Hemingway.
An Introduction to the American Underground Film by Sheldon Renan.
American Marriage by Ruth Shonle Cavan.
African Directions by C. D. Chindongo (Editor-in-Chief), and published by Chindongo Publishers. G.N. 114/1977
Black Sunlight by Dambudzo Malechera. G.N. 31/1981
Blood Rites by Barry Nazarian.
Blood for Breakfast by Dean Balenger.
Gossip by Mark Olden.

Related to Sex by Claire Ryner.
Death of a Courier by Robert Hawkes.
Death List by Robert Hawkes. G.N. 87/1981
Lover and the Bombshell by Carter Brown.
To Reach a Dream by Nathan C. Heard.
Between Cloris and Amy by John Colleton.
Dream Makers by John Sherlock. G.N. 140/1981
On or About the First Day of June by John Colleton.
On Our Backs by Sweetman Rosita.
Sunday Simmons and Charlie Brick by Jackie Collins.
Triangle of Death by John Hart.
Unholy Child by Catherine Bresil.
The Dirty Half Mile by Lance Peters. G.N. 16/1982
The Natives were Friendly ... So We Stayed the Night by Noel Barber.
Bethany's Sin by Robert R. McCammon.
Better is Your Love than Wine by Jean Banyolak. G.N. 75/1982
My Uncle Oswald by Roald Dahl.
The Act of Marriage by Tim and Beverly La Haye.
The Men in My Life by Marthe Watts.
The Queen's Bedfellow by Roger Bowdler.
Arabian Sex Technique by Sheikh Nefzaoui. G.N. 94/1982
Eros Defiled by John White.
The First Deadly Sin by Lawrence Sanders.
High Priestess of Sex by Abdul Rahman.
The Judgement of Paris by Gore Vidal.
The Love Beach by Leslie Thomas.
The Secret Memoirs of Lord Byron by Christopher Nicole.
Advice to Men by Robert Charthan. G.N. 108/1982
Mystical Catalogue by Roger Parker.
The Beacon by Susan Barret.
The Bourth Monkey by Roger Parker.
The New Girls by Betha Gutcheon.
Sinai Tapestry by Edward Whittemore.
Bits on the Side by Ken Welsh. G.N. 16/1984
Blaze of Passion by Stephanie Blake.
Bright Dawn by Francesca Greer.
Chameleon by William Dieal. G.N. 22/1984
Death of a Lady's Man by Leonard Cohen.
Second Sunrise by Francesca Greer.
Dry Hustle by Sarah Kernochan. G.N. 34/1986

Beach of Passion by D. Bowie. G.N. 53/1986
Night Chill by D. R. Koontz.
Royal Slave by J. Fitzgerald.
Amazon—The by Nick Carter.
Assassination Day by Evan Lodge and Marjorie Brayner.
Another Roadside Attraction by Tom Robbins.
Amphetamines and Pearls by John Harvey.
Assignment Gestapo by Sven Hassel.
Black Magic Stories by Michael Parry.
Beast by Leslie Gladson.
Big Nickel by Calder Willingham.
Blood Secrets by Craig Jones.
Black Price by Stuart Jason.
Black Harvest by Roger Blake.
Beautiful Couple—The by William Woolfork.
Bestsellers—The by Stephen Lewis.
Big Morning Blues by Gordon Williams.
Bullet for Fidel—A by Nick Carter.
Black Spring by Henry Miller.
Black Lust by Stuart Jason.
Conflict of Interest by Les Whitten.
Cambodia by Nick Carter.
Cairo Mafia—The by Nick Carter.
Choir Boys—The by Joseph Wambaugh.
Cross Country by Herbert Kastle.
Coffee, Tea or Me Girls—The Lay it on the Line by Trudy Baker.
Doll Baby by Hugh Barron.
Double Bed by Jonathan White.
Double Up by Jonathan White.
Double Trouble by Jonathan White.
Double Exposure by Jonathan White.
Double Dutch by Jonathan White.
Dead City by Stewart Farrar.
Dead Finders Talk—The by William Burroughs.
Dark Secrets by Shane Stevens.
Dubonnet by Francis Pollini.
Deveil's Kisses—The by Linda Lovecraft.
1001 Erotic Dreams Interpreted by Graham Masterton.
Edge Echos of War by George G. Gilman.
Exhibition by Simon Cooper.

Eye in the Pyramid—The by Robert Shea and Robert Auton Wilson.
Eve of Midsummer—The by Jack D. Shackleford.
Enterpreneur by I. G. Broat
305 Last by Paul Gillette.
Fog—The by James Herbert.
Feathers of Death—The by Simon Raven.
First Love, Last Rites by Ian McEwan.
Friends and Lovers by Maurice Captanchik.
Generation of Victors by Hurt Hirschfield.
God of the Labyrinth by Colin Wilson.
Gang—The by Herbert Kastle.
Gates of Fire by Elwyn Chamberlain.
Girl Like Me—A by Sandra Harmon.
Gravy Train Hit—The by Curtis Stevens.
Hide and Seek by Dennis Potter.
Him by Anonymous.
Honey by Honey Bruce and Dona Benson.
Incredible Brazilian—The by Zulfikar Ghose.
Ice Bomb Zero by Nick Carter.
I, a Missionary by Sixtus Holm.
Innocence Has Gone Daddy by Andre Launay.
Is this Trip Necessary by Murray Hozinsky.
I'm Penny, Fly Me by Penny Sutton.
Jewel of Doom by Nick Carter.
Junketteers—The by I. G. Broat.
Journal of a Young Rake by Christopher Nalan.
Keep it up Downstairs by Elton Kawke.
Lecherous Limericks by Isaac Asimon.
Limerick Volume I—The by G. Legman.
Let's Fall in Love by Carol Hill.
Letters to the Happy Hooker by Xaviera Hollander.
La Batarde by Viollette Leduc.
Lovers and Gamblers by Jack Collins.
Limerick Volume II—The by G. Legman.
Love Machine—The by Jacqueline Susan.
Line of Duty by Leslie Thomas.
Loving Free by Paul and Dick MacDonald.
Lola by Heller Toren.
Marc of Cosa Nostra by Nick Carter.
Me by Anonymous.

Melon of Ecstay—A by John Fortune and John Wells.
Mumbo Jumbo by Ismael Reed.
Nails by R. Lance Hill.
Natural Mind—The by Andrew Well.
Operation Blacklash by Leslie MacManies.
Omega Terror—The by Nick Carter.
Off Shore by Gary Brandner.
Official While Tolks Joke Book by Harry Wilde.
Panther—The by Armand Hoft.
Peking: The Tulip Affair by Nick Carter.
Pretenders—The by Gwen Davies.
Power and the Passion—The by Christina Nicholson.
Quiet Days in Clichy by Henry Miller.
Revenger, The: The Chauffer-Driven Pyre by Joseph Hedges.
Red Guard by Nick Carter.
Revenger, The: The Gates of Death by Joseph Hedges.
Rise of Randy Comfort—The by Stanley Morgan.
Rambling Rose by Calder Willingham.
Rafe by Peter Gentry.
Rhodesia by Nick Carter.
Songs and Ballads of World War II—The by Martin Page.
Strictly No Males by Anne Worth.
Stranger in the Mirror—A by Sidney Sheldon.
Shakeout—The by Ken Follett.
Studio—The by Parley J. Cooper.
Stand Up Virgin Soldiers by Leslie Thomas.
Sign—The by Robin Maughan.
Submissions of Lady Wrestler by Rosalyn Drexler.
Six Fingered Stud by Lance Horner.
Sucking Pit—The by Guy Smith.
Slaver by Leslie Gladson.
Secret Mission: Angola by Don Smith.
Street 8 by Douglas Fairbairn.
Sobbing Sounds—The by Omunjakko Nakimbiri.
Survivors—The by Simon Raven.
Seven Swords—The by R. E. Harringdon.
Strangler by Jeff Williams.
Salon Kitty by Peter Norden.
Special People by Hugh Baron.
Sandsong by Alex Card.

Season—The by Patricia Hornung and Robert Moore.
Sorcerer—The by Eric Ericson.
Sin City by Ralph Shaw.
Six Bloody Summer Days by Nick Carter.
Six Days to Sunday by Bernard Brunner.
Tripoli Documents—The by Henry Kane.
Touching by Gwen Davies.
That Girl from Boston by Robert Rimmer.
Trick or Treat by Ray Connolly.
Twins by Bari Wood and Jack Geasland.
Two Songs by Okot p'Bitek.
US by Anonymous.
Upstart—The by Piers Paul Read.
Valkyrie Mandate—The by Robert Vaughan.
Vengeance of Chance by Norman Grant.
Witchfinder by Brain Ball.
What Witches Do by Stuwart Farrar.
Willard and His Bowling Trophies by Stuwart Farrar.
Woman's Eyes—A by Gus Weil.
You by Anonymous.
You and I . . . Searching For Tomorrow by Robert H. Rimmer.
Black Fire by Michael Raeburn. G.N. 32/1988
Cain's Book by Alexander Trochi.
Come to the War by Leslie Thomas.
Demond Seed by Dean R. Koontz.
Destruction of the Temple—The by Barry N. Malzberg.
Donovan's Delight by Carter Brown.
Doctor No. 1 by William Rice.
Double Act by Jonathan White.
Golden Voyage by Simon Finch.
Hawkline Monster—The by Richard Brantigan.
Horn of My Love—The by Okot p'Bitek.
In Love by Nicola Thorne.
Judas by P. V. Green way.
Killer—The by Collin Wilson.
Love All by Molly Parkin.
Love's Scarlet Banner by Fiona Harrowe.
Loverman—The by P. Summers.
Marry Me by John Updike.
Our Agent in Rome is Missing by Nick Carter.

Pirate's Love—A by Johanna Lindsey.
Province Town by Burt Hirschfield.
Quadrophenia by Alan Fletcher.
Rabbit Redux by John Updike.
Rattlers by Joseph L. Gilmore.
Reefs of Eden—The by Conn Maquire.
Ring—The by Richard Chopping.
Room—The by Hubert Selby Jr.
Spanking Girls—The by Carter Brown.
Seventy Poems by John Updike.
Some Unknown Person by Sandra Scoppettone.
Strawberry-Blond Jungle—The by Carter Brown.
Synaptic Manhunt by Mick Farren.
Tao of Love and Sex—The by John Chang.
Adventures of Una Perton and Catherine Cornelius—The by Michael Moorcock. G.N. 33/1988
Bad Timing by Michael James.
By Reason of Insanity by Shane Stevens.
Dark Summer by Mark Upton.
Family, The by Ed. Sanders.
Hamptons, The by Charles Rigdon.
Islander, The by Bez Newton.
Manhattan by Neal Travis.
Night Letter, The by Paul Spike.
Other People by Sol Stein.
Oversexed Studs and Chicks by Ed. Mrs. Morio Yost.
Tell Me Who I am Before I die by Christian Peters with Ted Schwarz.
Traveller's Guide to Africa (3rd Edition).
Violator, The by John Warwick.
Woman's Body by The Diagram Group.
Black is the Colour of my Love's Heart by Catherine Raynolds. G.N. 34/1988
Carnival by Chiara Samugheo.
Mother's Day by Ramsey Campbell.
New Terrors by Ramsey Campbell.
9½ Weeks by Elizabeth McNeil.
Psychology of Murder, The by Colin Wilson.
Spear, The by James Herbert.
Specialist, The by Jasper Smith.
Sweetman Curve, The by Graham Masterton.
The Altar of Venus by Anonymous. G.N. 35/1988

Baby Love by Joyce Maynard.
Delta of Venus by Anais Nim.
First Fire by Francesca Greer.
The Lure of the Limerick by W. S. Baring-Gould.
Looking for Mr. Goodbar by Judith Rossner.
Black Heart by E. V. Cusbader G.N. 6/1988
Other Women by L. Alther
Oni by Mark Olden G.N. 20/1989
The Satanic Verses by Salman Rushdie G.N. 44/1989
The kindness of Women by J. G. Ballard G.N. 109/1992

GRAMOPHONE RECORDS

Unyang'anya by Joseph Nangalembe
Wabvala Mkanda Woyera by Joseph Nangalembe
Just a Little Piece of You by Betty Everett
Tonight is the Night by Beny Wright
I Can't Leave Your Love Alone by Clarence Carter
The Streak by Ray Stevens
The Woman is the Nigger of the World by the Beatles
Nation by Tortoise
Girl of Mine by Engelbert Humpherdink
I Wonder by Fixto Rodriquez
Mendocino by Sir Douglas Quintet
Hook Up and Get Down by the Ebonys
Your Rocks Off by Dennis Coulson, Dixie Dean, Hughie Funt, Tom MacGuiness
Sexy Way by the Ebonys
Tonight by Elephant Memory
Need Someone by Alan Garrity
Hilly Brown by Southern Comfort
I Dig Your Act by Ojays
Lying in Bed by John Mayall
Get Your Rocks Off by Dr. Hook and the Medicine Show
Bring Back the Love by Copperfield
Get the Cream off the Top by Eddie Kendricks
Soap Opera by the Kinks
You Can't Stop a Girl in Love by the Supremes
You Sexy Thing by Hot Chocolate
You Sexy Thing by Top of the Pops
First Impression by Olivia Newton-John
Bum to Bum by Osibisa
Get Down Tonight by K.C. and the Sunshine Band G.N. 165/1976

Half Way to Heaven by Harry Chapin
Moving Violation by Jackson “5”
Rock Me Gently by Andy Kim.
I Just Want to Make Love to You by Isaac Hayes
He Don't Love You Like I Love You by Tony Orlando and Dawn
How Silly by Donvan
Tell Me You Love Me by Frank Zappa
Rock Your Baby by George Maccrae
I Feel Like Making Love by Jimy Smith G.N. 10/1977
Machine Gun T.M.C. 5269 by Commodores
I will do for you Anything you want me to do by Barry White
Sweetness in the Dark by The Temptations
I Want to Satisfy You by Leon and Marry Russell
Is this whatcha wont? by Barry White G.N. 81/1981
Steady and Slow by Sonny Okosun G.N. 94/1982
Leisure Suite by Country Joe MacDonald G.N. 33/1988
I Feel Like Making Love by Richard Jon
Testifying by Clarence Carter
I Want to Make Love to You by Randay Brown

TEXTILE FABRICS

Any printed textile fabric bearing a design consisting of the two words “HANG” and “TEN” repeated a number of times. G.N. 1/1976

Any printed textile fabric bearing the portrait of any person printed, either before or after the coming into operation of this Order, by either of the two following companies, that is to say—

(i) SHONAN KOGYO COMPANY LIMITED;

(ii) KASANO DYEING AND PRINTING COMPANY LIMITED both of—

KAINAN CITY, WAKAYAMA PREFECTURE, JAPAN

Any printed textile fabric bearing— G.N. 105/1990

(a) a lady with plaited hair in a circular design; and

(b) the words “QUAL-JE-FAIT” and “N' ZELIBESSE".

MAGAZINES

Secret Confessions. G.N. 56/1975

Master Detective: published by Williams Press (Berks) Limited. G.N. 94/1982

How to draw the Human Body: published by Victor Ambrus Brain Tradd Publishing House Limited.

CINEMATOGRAPH FILMS/VIDEO TAPES

Expo Films
Marmalade Films (Colour)
Marmalade Films (Black and White)

Party Colour Films
Topsy's Films
Climax Original Films
World Mailing Service Films
Barbarella
Helga
The Boston Strangler
Bonnie and Clyde
Rillington Place
Mondo Teeno
The Best House in London
Sweet Sins of Sexy Suzanne
The Young Lovers
A Town Called Bastard
Desire G.N. 105/1990
More desire within girls
Last Exist to Brooklyn
Erotica collection Vol. Eleven
Bad Girls Dormitory
Coming to America
Fear No Evil
Hustler
She's Gota Have It G.N. 85/1991
Live on the Sun Strip by Richard Pryor G.N. 105/1991
Porkey's Revenge by Don Monaham, Wyatt Knight, Tony Ganios
Assault at Party Nerds G.N. 41/1992
Beyond Darkness
Franken Hooker
Hot Licks G.N. 109/1992
Querell
Scream Bloody Murder
Street Soldier
Catch Twenty-Two.
The Skyjack. G.N. 105/1973
The Return of Count Yorga. G.N. 160/1973
Ché.
Refreshing Breakfast. G.N. 28/1982
Double Your Pleasure
Upstairs and Downstairs.
Doctor Feel Good.

Pro-Ball Cheer Leaders.
Getting Off.
Lady Chatterley's Lover. G.N. 75/1982
The Cannibals.
Death Trap.
Drive-In Massacre. G.N. 19/1983
Nightmares in a Damaged Brain.
Porky.
Scum.
Eniti Eeopkieth (House of Exorcism). G.N. 108/1983
Pista Arriva Gatto.
Rise and Fall of Idi Amin.
The Sadist.
The Cat People (Video). G.N. 155/1983
Cannibal (Video).
Brimstone and Treacle (Video).
The Burning (Video).
Equus.
And Now the Screaming Starts (Video).
Monsignor.
Going Steady (Video).
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Embryo.
The Exterminator.
The Great British Strip Tease Competition.
East Side Hustle.
Eaten Alive.
I, The Jury.
Last Tango In Paris.
Lady of Paris.
Madam Zenobia.
Oriental Blue.
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The Vampire Cicle.
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The Clinic. G.N. 53/1986
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L'urlo.
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Sorceress.
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A Tom Page of Glory.
Beyond the Darkness.
Bilitis.
Black Gold.
Blue Comedian.
Centrefold Girls.
Devils, The.

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Double Jeopardy.
Giboorte.
Hell Prison.
Hot Blood.
Intimate Relation.
I want to be a Woman.
L'Eden Et Press.
Mata Hari.
Mistress, The.
Norma.
One On Top Of the Other.
Private Lesson, The.
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Great Rock Swindle, The.
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Naughty Wives, The.
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Tender Cousin.
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C. B. Hustlers.
Deadly Reef.
Deported Women of the Special Section.
Disco Dynamite.
Dynamite Chicken.
Evilspeak.
Ginger.
God's Children.
Hot Lines.
If You Don't Stop It You Will Go Blind.
Inn Of The Damned.
Intimate Moments.
Journey Among Women.
Kiss Me Killer.
Lady And The Bus.
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Polyester.
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Breeders, The. G.N. 57/1987
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R.S.V.P.
Screw Balls.
Street Killers.
Super Vixens.
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Bluebeard. G.N. 145/198
Class of Nuke Them High.
Commuter Husbands.
Day of the Dead.

Dream Come True.
Graveyard Shift.
Happy Hooker.
Hidden Thoughts.
Hot Waters.
Let's Get Laid.
Las Vegas Weekend.
Maria's Lovers.
Recruits.
Reform School Girls.
Sexy Emanuelle.
Slumber Party.
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Private Lessons. G.N. 35/1988
Star '80.
Carry on Emmanuelle.
Devil Hunter, The.
Heavy Metal.
XTRO.
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Charlie and the Hooker. G.N. 32/1988
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The Curse.
Emmanuelle 3.
Draculas' Last Rite.
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Delirious. G.N. 20/1989
Q.E.D. Sexual Attractions.
Death has blue eyes.

Roller Blade.
Lady Beware.
Pretty Smart.
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'The Thing'
The Video Dead. G.N. 44/1989
Witchmaker.
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Everything you have always wanted to know about sex but was afraid to ask.
Return of the Living Dead.
The Tender Age.
Killer Nun.
Blood Bath of Dr. Jekyll.
Near Dark.
Hell Island.
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The Fantasist.
Hell Raiser.
Contagion.
Scorpion Thunderbolt.
U.D.F. News G.N. 25/1993
The Malawi Democrat

UNLAWFUL SOCIETIES ORDER
under s. 64 (2) (ii)
G.N. 235/1969
127/1967
85/1993

[Revoked by G.N. 85/1993]

APPLICATION OF SECTION 185 ORDER
under s. 185
G.N. 189/1955

It has been directed that section 185 of the Penal Code shall extend to the areas described in the Schedule hereto.

SCHEDULE

1. The City of Blantyre whose boundaries are set out in G.N. 11/ 1964 (N) (L.G. Supp. Cap. 22:01).

2. The City of Lilongwe whose boundaries are set out in G.N. 157/ 1966 (L.G. Supp. Cap. 22:01).

3. The Salima Township whose boundaries are set out in G.N. 162/ 1966 (L.G. Supp. Cap. 22:01).

4. The Municipality of Zomba whose boundaries are set out in G.N. 163/1966 (L.G. Supp. Cap. 22:01).

REMOVAL ORDERS (APPEALS) RULES

under s. 186 (4)

G.N. 11/1956

1. Citation

These Rules may be cited as the Removal Orders (Appeals) Rules.

2. Time of appeal

Every appeal against a removal order shall be entered within thirty days of the date of such order:

Provided that—

(a) in computing the said period of limitation the time requisite for obtaining a copy of the order appealed against shall be excluded; and

(b) the High Court may for good cause admit an appeal though the period of limitation prescribed in this Rule has elapsed.

3. Form of appeal

(1) Every appeal against an order made under section 185 of the Penal Code shall be made in the form of a petition in writing presented by the appellant or his legal practitioner, and every such petition shall, unless the High Court otherwise directs, be accompanied by a copy of the order appealed against.

(2) Where the appellant is represented by a legal practitioner the petition shall contain particulars of the matters of law or of fact in regard to which the subordinate court appealed from is alleged to have erred.

4. Appeal by a prisoner

If the appellant is in prison he may present his petition of appeal and the copies accompanying the same to the officer in charge of the prison, who shall thereupon forward such petition and copies to the Registrar of the High Court.

5. Notice of hearing

The High Court shall cause notice to be given to the appellant or his legal practitioner and to the Chief Public Prosecutor of the time and place at which such appeal will be heard, and shall furnish the Chief Public Prosecutor with a copy of the proceedings and of the grounds of appeal.

6. Right to attend hearing

The appellant whether in custody or not shall be entitled to be present at the hearing of his appeal.

7. Judgment

(1) When a case is decided on appeal by the High Court, the High Court shall certify its judgment or order to the court by which the order appealed against was recorded or passed.

(2) The court to which the High Court certifies its order shall thereupon make such orders as are conformable to the judgment or order of the High Court, and, if necessary the records shall be amended in accordance therewith.

8. Additional evidence

(1) In dealing with an appeal under section 186 of the Penal Code the High Court, if it thinks additional evidence is necessary, shall record its reasons, and may either take such evidence itself or direct it to be taken by a subordinate court.

(2) When additional evidence is taken by a subordinate court on the direction of the High Court, such subordinate court shall certify such evidence to the High Court, which shall thereupon proceed to dispose of the appeal.

(3) Unless the High Court otherwise directs, the appellant or his legal practitioner shall be present when any additional evidence is taken.

(4) Evidence taken in pursuance of this rule shall be taken as if it were evidence taken at a trial before a subordinate court.