[Chap3304]CHAPTER 33:04
NATIONAL FAMILY WELFARE COUNCIL OF MALAWl
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20 of 1990
G.N.126/1990

An Act to make provision for the co-ordination, promotion, fostering and implementation of family welfare programmes in Malawi; the establishment of a National Family Welfare Council of Malawi; and further to provide for matters incidental thereto or connected therewith

[4TH JANUARY 1991]

PART I
PRELIMINARY

[Ch3304s1]1. Short title

This Act may be cited as the National Family Welfare Council of Malawi Act.

[Ch3304s2]2. Interpretation

In this Act, unless the context otherwise requires—

"Chairman" means the person designated as Chairman of the Council under section 8;

"Council" means the National Family Welfare Council of Malawi established under section 3;

"Family Welfare" means the well-being of all persons in Malawi in all aspects of their cultural, social, economic and other forms of human development, reproduction, growth, population and other human development related matters.

PART II
THE NATIONAL FAMILY WELFARE COUNCIL OF MALAWI

[Ch3304s3]3. Establishment of the Council

There is hereby established a body to be known as the National Family Welfare Council of Malawi which shall be—

(a) a body corporate with perpetual succession and a common seal;

(b) in its corporate name, capable of suing and being sued;

(c) capable of holding, purchasing and otherwise acquiring and disposing of any property, moveable or immoveably, for the purposes, or in the course, of carrying out its functions; and

(d) capable of doing and performing all such acts and things as bodies corporate may by law do and perform.

[Ch3304s4]4. Composition of the Council

(1) The Council shall consist of—

(a) The following members appointed by the Minister—

(i) three persons representing religious organizations in Malalwˆi;

(ii) a representative of the Private Hospital Association of Malawi;

(iii) a representative of the Council for Social Welfare;

(iv) a representative of the Malawi Broadcasting Corporation;

(v) a representative of the Chitukuko Cha Amayi m'Malawi;

(vi) not less than three and not more than five other members representing the non-governmental sector;

(b) the following ex-officio members—

(i) the Secretary for Health or his representative;

(ii) the Secretary for Community Services or his representative;

(iii) the Secretary for Education and Culture or his representative;

(iv) the Secretary to the Treasury or his representative;

(v) the Secretary for Media Services and Public Affairs or his representative; and

(vi) the Secretary for Economic Planning and Development or his representative.

(2) A representative of an ex-officio member referred to in subsection (1) (b) shall be designated by, or on behalf of, the ex-officio by a notice in writing to the Council to attend the meetings thereof, and upon such designation such representative shall not attend to the business of the Council by representation.

(3) A member of the Council appointed under subsection (1) (a), shall hold office for a period of two years unless his appointment is terminated sooner than the expiry of that period and shall be eligible for re-appointment.

(4) The names of all members of the Council as first constituted and every change in the membership of the Council shall be published in the Gazette.

[Ch3304s5]5. Vacation of office of members

The office of a member, other than an ex-officio member, shall become vacant—

(a) upon his death;

(b) if he has been absent from three consecutive meetings of the Council, of which he has had notice, without the permission of the Chairman;

(c) if he has been convicted of an offence without the option of a fine and sentenced to imprisonment for a period exceeding six months;

(d) if in the opinion of the Minister he becomes mentally or physically incapable of efficiently performing his duties as a member of the Council; and

(e) if the Minister so directs.

[Ch3304s6]6. Filling of vacancies on the Council

(1) On vacation of office by a member of the Council, the vacancy shall be filled by a person appointed in accordance with the relevant provisions of section 4 (1) (a) under which the former member was appointed:

Provided that if the remaining period is less than six months, the Minister may decide not to have the vacancy filled until the expiry of the period.

(2) If any member of the Council is granted leave of absence by the Council, the Council may, if it sees fit, co-opt a person who belongs to the same organization as the member who has been granted leave to fill the vacancy during the absence of that member.

[Ch3304s7]7. Co-opted persons

The Council may in its discretion at any time and for any period invite any person, and the Minister may in like manner nominate any officer in the public service, to attend any meeting of the Council and take part in the deliberations of the Council, but such person or officer shall not be entitled to vote at that meeting.

[Ch3304s8]8. Chairman and Vice-Chairman

(1) The Minister shall, by writing under his hand, designate one member of the Council to be the Chairman thereof and the person so designated shall, subject to subjection (2), hold office for the duration of his membership on the Council.

(2) The office of the Chairman shall become vacant—

(a) if the holder resigns his office by notice to the Minister;

(b) if the holder of the office ceases to be a member of the Council;

(c) if the Minister so directs.

(3) The Council shall elect a Vice-Chairman from amongst its members who shall subject to subsection (4), hold office for the duration of his membership on the Council.

(4) The office of the Vice-Chairman shall become vacant—

(a) if the holder resigns his office by notice in writing to the Council;

(b) if the holder of the office ceases to be a member of the Council; and

(c) if the Council so directs.

(5) Whenever the Chairman is absent or is for any cause unable to discharge the functions of his office, the Vice-Chairman shall discharge the functions of the Chairman.

[Ch3304s9]9. Remuneration of members of the Council

A member of the Council other than an ex-officio member, shall be paid out of the funds of the Council, such remuneration and allowances, if any, as the Minister may determine.

[Ch3304s10]10. Meetings of the Council

(1) Subject to subsection (2), the Council shall hold ordinary meetings for the dispatch of business at least four times a year.

(2) An extraordinary meeting of the Council—

(a) may be convened by the Chairman at any time; and

(b) shall be convened by the Chairman within twenty-one days of receipt by him of a request in writing signed by not less than five members of the Council and specifying the purpose for which the meeting is to be convened.

(3) At any meeting of the Council—

(a) the Chairman or, in his absence, the Vice-Chairman, shall preside;

(b) in absence of both the Chairman and Vice-Chairman, the members present and forming a quorum shall elect one of them to preside; and

(c) the quorum shall be formed by a majority of members.

(4) An ex-officio member of the Council shall attend any meeting of the Council in person.

(5) At any meeting of the Council a decision on any matter shall be that of the majority of the members present and voting at that meeting, and in the event of an equality of votes, the Chairman, Vice-Chairman or the person presiding shall have a casting vote in addition to his deliberative vote.

(6) The Council shall have power to regulate its own procedure.

(7) The Council shall cause minutes of every meeting of the Council or Committee to be kept.

[Ch3304s11]11. Non-liability of members of the Council or of committees

No member of the Council or of any committee of the Council shall be liable for any act or default of his, or of the Council, done in the exercise in good faith of the functions or powers of the Council.

PART III

FUNCTIONS AND POWERS OF THE COUNCIL

[Ch3304s12]12. Functions of the Council

The Council shall be responsible for co-ordinating, promoting, fostering and implementing family welfare programmes in Malawi, and without prejudice to the generality of the foregoing the functions of the Council shall be—

(a) to develop family welfare services where they are nonexistent and strengthen such services where they are inadequate;

(b) to promote standardization of family welfare services;

(c) to promote and encourage the piloting of alternative family welfare service delivery methods;

(d) to develop and maintain an effective management information system aimed at achieving optimum family welfare services and further to promote effective dissemination and use of such information;

(e) to advise the Government on policies relating to family welfare and implement such policies either directly or through other organizations and agencies;

(f) to promote an acceptable image of family welfare activities in Malawi;

(g) to promote optimum standards of contraceptive care in Malawi by ensuring adequate and appropriate supply and wide distribution of a variety of methods of contraceptives;

(h) to promote motivation of persons of child bearing age as a key factor in fostering the acceptability and sustenance of usage of contraceptives; and

(i) to develop and institute guidelines for cooperation, for the purposes of this Act, between the Government and other orgnizations and agencies operating in Malawi.

[Ch3304s13]13. Powers of the Council

For the better performance of its functions, the Council shall, subject to the provisions of this Act, have power—

(a) to employ technical and administrative personnel;

(b) to acquire by purchase, gift or otherwise any property, moveable or immoveable, and any rights or interest therein or thereover;

(c) to enter into any contract or agreement;

(d) with the approval of the Minister, to raise and receive funds and donations to be applied for the family welfare activities;

(e) subject to the Finance and Audit Act, to raise moneys by way of loans or overdrafts; Cap. 37:01

(f) to invest any moneys not immediately required in any investment approved by the Minister or for the time being authorized by law;

(g) to cooperate with the Government and other organizations and agencies in research activities;

(h) to publish any technical or other information as it deems necessary or expedient for the promotion of family welfare; and

(i) to do all such acts, matters and things as may be necessary for fulfilling the functions of the Council.

[Ch3304s14]14. Committees of the Council

(1) In addition to the Policies, Programmes and Procedures Committee, Quality Control Committee and Education Committee and save as otherwise provided in relation to those committees, the Council may establish any number of other committees to carry out any special or general functions determined by the Council and may delegate to any such committee such of the functions of the Council as the Council may consider expedient.

(2) The Chairman shall, by reason of his office, be a member of every committee established under subsection (1).

(3) The Chairman of each committee shall be appointed by the Council from amongst the members of the Council.

(4) Each committee may in its discretion invite any person, not being a member of the Council, to attend a meeting of the committee and take part in the deliberations of the meeting but such person shall not be entitled to vote.

(5) The Chairman of a committee may, at any time and place, convene a meeting of the committee of which he is chairman.

(6) The Chairman may, at any time, direct the chairman of any committee to convene a meeting of such committee and such chairman shall, as soon as is practicable, comply with such direction.

(7) At all meetings of a committee the quorum shall be formed by a majority of members.

(8) At all meetings of a committee each member present shall have one vote on a question before the committee and, in the event of an equility of votes, the chairman shall have, in addition to a deliberative vote, a casting vote.

(9) Every committee shall have the power to regulate its own procedure.

(10) Every committee shall keep minutes of its meetings and shall inform the Council of its activities and shall conduct its proceedings in such manner as the Council may direct.

(11) A member of a committee who is not an officer in the public service shall, in respect of expenses incurred by him in travelling and subsistence while discharging his duties as member of that committee, be paid out of the funds of the Council such allowances as the Council may, with the approval of the Minister, determine.

PART IV

MANAGEMENT OF THE COUNCIL

[Ch3304s15]15. Appointment of an Executive Secretary and other staff

(1) Subject to the provisions of this section, the Council—

(a) shall appoint a person to be designated as the Executive Secretary of the Council upon such terms and conditions as the Council shall determine with the approval of the Minister;

(b) may appoint such other employees as it considers necessary or desirable in the discharge of its duties and upon such terms and conditions as it may determine.

(2) The Executive Secretary, after consultation with the Chairman, may appoint temporary employees at such daily rates of pay, not below the minimum rates otherwise prescribed by law, as he may consider appropriate and shall, after he has appointed any such employee, report the fact thereof to the Council at its next meeting.

(3) The Executive Secretary shall be the secretary to the Council and shall, on the instructions of the Chairman, convene meetings of the Council.

(4) An officer of the Council duly appointed by the Executive Secretary shall be secretary to a committee of the Council and shall, on the instructions of the chairman of the committee, convene meetings of the committee.

PART V

FINANCIAL PROVISIONS

[Ch3304s16]16. Funds, accounts and audit

(1) The funds of the Council shall consist of—

(a) such sums as may be appropriated by Parliament for the purposes of the Council; and

(b) such moneys as may be given to the Council by way of donation, contribution, collection or gift approved by the Minister.

(2) The Council shall keep proper accounts and other records relating thereto in respect of its funds and shall in every respect comply with the provisions of the Finance and Audit Act. Cap. 37:01

(3) The accounts of the Council shall be examined and audited annually by auditors appointed by the Council and approved by the Minister.

(4) The expenses of and incidental to any audit shall be borne and paid by the Council.

PART VI

COMMITTEES OF THE COUNCIL

[Ch3304s17]17. Policies, Programmes and Procedures Committee

(1) There shall be a Policies, Programmes and Procedures Committee which shall consist of—

(a) one member of the Council appointed and designated by the Council as chairman of that committee;

(b) every officer who is the head of a department of the Council;

(c) the financial officer of the Council, if one be appointed; and

(d) four other persons conversant with personnel and administration matters appointed by the Council and who may or may not be members of staff of the Council.

(2) Subject to the general directions of the Council, the functions of the Policies, Programmes and Procedures Committee shall be—

(a) to review and formulate policies, programmes and procedures of the Council for approval by the Council;

(b) to implement or supervise the implementation of the policies and programmes of the Council; and

(c) to produce periodic reports on the programmes and activities of the Council.

[Ch3304s18]18. Quality Control Committee

(1) There shall be a Quality Control Committee which shall consist of—

(a) one member of the Council appointed and designated by the Council as chairman of that committee;

(b) every officer who is the head of a department of the Council;

(c) an obstetrician and gynaecologist practising at a Government hospital, appointed by the Council;

(d) one person experienced in providing health education, appointed by the Council;

(e) two persons appointed by the Council from amongst persons suitably qualified to assist the committee in its work; and

(f) a representative of the Malawi Bureau of Standards.

(2) Subject to the general directions of the Council and in collaboration with other departments of the Council, the functions of the Quality Control Committee shall be—

(a) to monitor and supervise all contraceptive care services relating to family welfare;

(b) to set up standards for supervisory activity and to receive and review reports in respect thereof;

(c) to develop and disseminate information on the quality of methods of contraceptive care; and

(d) to review and approve standards for clinic procedures aimed at ensuring proper client flow, availability of reference materials to service providers and proper direction of other matters.

[Ch3304s19]19. Education Committee

(1) There shall be an Education Committee which shall consist of—

(a) one member of the Council appointed and designated by the Council as the chairman of that committee;

(b) every officer who is the head of a department of the Council;

(c) one person representing the Ministry of Education and Culture;

(d) one person representing the Ministry of Health;

(e) one person representing the Ministry of Community Services;

(f) one person representing the Medical Council of Malawi;

(g) one person representing the Nurses and Midwives Council of Malawi; and

(h) one person representing non-governmental organizations in Malawi

(2) Subject to the general directions of the Council, the functions of the Education Committee shall be—

(a) to make or review proposals for approval by the Council for family welfare training curricula;

(b) to review materials of the Council relating to information, education and communication systems and to ensure that such materials are properly distributed for the purposes of the programmes of the Council;

(c) to ensure liaison with the Government and other organizations involved in the programmes of the Council; and

(d) to standardize family welfare education materials and programmes.

PART VII
MISCELLANEOUS PROVISIONS

[Ch3304s20]20. Regulations

The Minister may, with the advice of the Council, make regulations for carrying out or giving effect to the provisions of this Act.