GOVERNMENT NOTICE NO. 30

NON GOVERNMENTAL ORGANIZATIONS ACT

(CAP. 5:05)

NON-GOVERNMENTAL ORGANIZATIONS (FEES) REGULATIONS, 2021

ARRANGEMENT OF REGULATIONS

REGULATION

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IN EXERCISE of the powers conferred by section 35 (1)(*a*)(iii) of the Non-Governmental Organizations Act, I, DR. PATRICIA ANNIE KALIATI, Minister of Gender, Community Development and Social Welfare, in consultation with the Non-Governmental Organizations Board of Malawi, make the following Regulations—

PART I—PRELIMINARY

Citation

1. These Regulations may be cited as the Non-Governmental Organizations (Fees) Regulations, 2021.

Interpretation

2. In these Regulations unless the context otherwise requires—

"annual fees" means fees payable by a registered NGO at the beginning of each calendar year; and

"registration fees" means fees paid by an NGO to the Board in order to operate in Malawi;

PART II—FEES

Registration fees

3.—(1) Where the Board approves an application for registration, the Board shall, within fourteen (14) days, inform the applicant, in writing, of the approval and the fee required to be paid by the applicant as prescribed in the First Schedule.

(2) Registration fees shall be paid once only, upon registration.

Annual fees

4.—(1) A registered NGO shall pay annual fees prescribed in the Second Schedule.

(2) Annual fees shall be calculated based on the audited financial statements of the registered NGO for the previous calendar year.

(3) Annual fees shall be paid within three (3) months from the beginning of the calendar year.

Surcharge

5.—(1) Where an annual fee is not paid within three months of the commencement of the calendar year, a surcharge of five per cent (5%) of the fees due shall be payable within three (3) months, after which period, the Board shall suspend operations of the registered NGO in accordance with the Act.

(2) A suspension under subregulation (1) shall remain in force until the outstanding annual fees and surcharge are paid.

Insufficient funds

6.—(1) An NGO that does not have sufficient funds to operate in a year, shall report the matter to the Board within two months of the beginning of its financial year and the Board shall verify the financial status of the NGO.

(2) Where the Board is satisfied that the NGO does not have sufficient funds to operate, the Board shall suspend the obligation of the NGO to pay annual fees until the NGO has acquired sufficient funds to operate.

(3) Where the NGO acquires funding after expiry of at least three months from the beginning of its financial year, the prescribed annual fees payable shall be reduced *pro-rata*.

Recovery of fees and penalties

7.—Any fee or surcharge payable by an NGO under these Regulations shall be a debt due to the Board and may be recovered from the NGO as a civil debt at the instance of the Registrar or any person authorized by the Registrar in that behalf.

False statements

8.—(1) An NGO which, with intent to evade payment of any fee or surcharge due under these Regulations, makes false statement of accounts, commits an offence.

(2) The Registrar shall, upon becoming aware of the allegation regarding the falsity of the accounts presented to the Board, report the matter to the Board.

(3) The Board shall, upon receiving the report referred to in sub-regulation (2)—

(*a*) institute an inquiry to confirm the falsity of the accounts;

(*b*) where the falsity is confirmed, institute disciplinary action against the NGO; and

(*c*) report the NGO to a relevant authority.

PART III—MISCELLANEOUS

Transition

8. An NGO that has not paid annual fees for the year 2021 on the date these Regulations come into force shall pay the prescribed fees within three months from that date.

FIRST SCHEDULE (r.3)

REGISTRATION FEES

	ITEM	*FEES* K t
1.	On registration of an NGO.	250,000.00
2.	On replacement of lost or damaged registration certificate	50,000.00

SECOND SCHEDULE (r.4)

ANNUAL FEES

Category	*Annual Income For Previous Year*	*Annual Fee* K t
A	Below K100,000,000.	100,000.00
B	Above K100,000,000 but below K500,000,000.00	250,000.00
C	Above K500,000,000 but below K2,000,000,000	1,000,000.00
D	Above K2,000,000,000	2,000,000.00
E	Surcharge	5% of fees due for each month or part thereof during which the fees remain unpaid

Dated this 7th day of May, 2021.

DR. P. A. KALIATI
Minister of Gender, Community Development and Social Welfare

(FILE NO. ADM/02/21)