

The Malawi Gazette Supplement, dated 8th July, 2011, containing
Act (No. 3C)

MALAWI GOVERNMENT

(Published 8th July, 2011)

Act

No. 11 of 2011

I assent

NGWAZI PROF. BINGU WA MUNTHARIKA

PRESIDENT

30th June, 2011

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Replacement of s. 10 of Cap. 6:01

An Act to amend the Civil Procedure (Suits by or against the Government or Public Officers) Act

1. This Act may be cited as the Civil Procedure (Suits by or against the Government or Public Officers) (Amendment) Act, 2011. Short title

2. Section 10 of the Civil Procedure (Suits by or against the Government or Public Officers) Act is repealed and replaced with the following new section— Replacement of s. 10 of Cap. 6:01

“Restrictions on the grant of injunctions against Government” **10.—**(1) An application for an injunction against the Government or a public officer shall, subject to subsection (2), be heard by the court only if the application is made *inter partes*.

(2) Where an *inter partes* application for an injunction against the Government or a public officer is made, the court shall hear the application within three days from the date the application, and evidence in support of the application, were served on the Attorney General:

Provided that where the Attorney General, after being served with an application for an injunction and evidence in support of such application, fails to attend the court on an appointed day, the court shall proceed to hear the application *ex parte*.

(3) The court shall not, in any proceedings, grant an injunction or make any order against the Government or a public officer if the effect of granting the injunction or making the order would be to give any relief against the Government or a public officer which could not have been obtained in a suit against the Government or a public officer.”.

Passed in Parliament this sixteenth day of June, two thousand and eleven.

M. M. KATOPOLA
Clerk of Parliament