

MALAWI GOVERNMENT

(Published 11 May 2018)

Act

No. 10 of 2018

I assent

PROF. ARTHUR PETER MUTHARIKA

PRESIDENT

8th May, 2018

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement
2. Amendment of section 5 of Cap. 37:01
3. Insertion of sections 5A and 5B into the principal Act
4. Insertion of section 8A into the principal Act
5. Amendment of section 14 of the principal Act
6. Insertion of section 17A into the principal Act

An Act to amend the Public Audit

ENACTED by the Parliament of Malawi as follows—

1. This Act may be cited as the Public Audit (Amendment) Act, 2016 and shall come into force on a date appointed by the Minister, by notice published in the *Gazette*.

Short title and
commence-
ment

2. The principal Act is amended in section 5 by repealing subsections (1), (2) and (3) and replacing therefor with the following new subsections—

Amendment
of section 5 of
Cap. 37:01

“(1) There shall be appointed an Auditor General in accordance with subsection 3 of section 184 of the Constitution.

(2) The Auditor General shall be a public officer and shall be the Head of the National Audit Office.

(3) A person shall be appointed as Auditor General if that person—

- (a) is a Malawian citizen;
- (b) is a qualified accountant and holds a professional qualification from a professional accounting body recognized by the Malawi Accountants Board;
- (c) has at least ten years post qualification experience;
- (d) is in possession of a valid practicing certificate issued by the Malawi Accountants Board;
- (e) is of high, moral and ethical character and integrity;
- (f) has and maintains interest in the undertaking of any work required by this Act or the National Audit Office other than interest in accordance with members of the public generally;".

Insertion of
sections 5A and
5B into the
principal Act

3. The Principal Act is amended by inserting immediately after section 5, new sections 5A and 5B as follows—

"Filling of
Vacancy

5A.—(1) In the event of a vacancy in the office of the Auditor General, the Minister shall publish in the *Gazette* and at least two newspapers of widest circulation in Malawi and carry out short listing and interviews in order to select a minimum of two and a maximum of three candidates for the position.

(2) The Minister shall upon receipt of applications immediately constitute a selection panel to interview the shortlisted applicants.

(3) The selection panel shall within fourteen (14) days of the selection of candidates under subsection (2) forward the names of the selected candidates to the President for nomination.

(4) Short listed candidates for the position of Auditor General shall undergo necessary security clearance and vetting procedures.

(5) The President shall subject to section 183 (3) of the Constitution appoint an Auditor General only from the names on the list recommended by the selection panel.

Acting Auditor
General

5B.—(1) Where the Office of the Auditor General becomes vacant or the Auditor General has been suspended in accordance with Section 184 of the Constitution or the appointment of a person as Auditor General is pending or the Auditor General is for any reason unable to perform the function of his or her office, then until a person is appointed to and has assumed the