

GOVERNMENT NOTICE NO. 36

BUSINESS LICENSING ACT

(CAP. 46:01)

BUSINESS LICENSING (DEPLOYMENT AND USAGE OF ELECTRONIC
PAYMENT CHANNELS) REGULATIONS, 2019

IN EXERCISE of the powers conferred by section 37 of the Act, I, FRANCIS LAZARO KASAILA, Minister of Industry, Trade and Tourism, make the following Regulations—

1. These regulations may be cited as the Business Licensing Citation
(Deployment and Usage Electronic Payment Channels) Regulations, 2019.

2. These Regulations shall apply to a business that is operating in Interpretation
Malawi under a Licence issued pursuant to the Business Licensing Act.

3. In these Regulations, unless the context otherwise requires— Application
Cap.46:01

“POS devices” means Point of Sale devices; and

“Electronic payment channel” means electronically based payment services such as mobile money, mobile banking, point of sale devices, internet banking and any other products as approved by the Reserve Bank of Malawi.

4.— (1) Every licensed business shall deploy and use one or more Deployment
electronic payment channels for the payment of goods and services offered by of POS
the business at all times.

(2) Notwithstanding subregulation (1), the business categories listed below shall deploy POS devices in their outlets—

(a) a business registered under the VAT Act; or

(b) a business with an annual turnover of ten million Kwacha (K10,000,000.00) or above.

(3) A business shall deploy electronic payment channels from service providers approved by the Reserve Bank of Malawi.

(4) A business shall immediately report any faulty channels to the service provider.

(5) An owner or operator of business shall ensure that a deployed electronic payment channel is placed at a conspicuous place where a customer effecting payment can easily see and access the electronic payment channel.

5.— (1) A business shall not surcharge customers on usage of any Mandatory
deployed electronic payment channel. deployment of
electronic
payment
channels

(2) A business that contravenes subregulation (1) commits an offence shall upon conviction be liable to a fine of K50,000,00 for every surcharged transaction.

Offence and
Penalties

6.— (1) A business that breaches any of the provision of these regulations commits an offence and shall be liable to a fine of five hundred thousand kwacha (K500,000.00) and to imprisonment for twelve (12) months.

(2) A business that fails to rectify the breach in subregulation (1) within two weeks shall pay a penalty of fifty thousand kwacha (K50,000.00) for each week the business remains in breach.

(3) The Chief Business Licensing Officer in consultation with Reserve Bank of Malawi shall revoke the licence of a business that remains in breach of this Regulation for twelve (12) weeks in a year.

(4) The Minister may cooperate with other regulatory authorities in Malawi in enforcing this Regulation.

Transition

7. A business that operates without an electronic payment channel at the time of commencement of these Regulations shall have up to six months to comply with these Regulations.

Made this 13th day of May, 2019.

(FILE NO. 115.100)

FRANCIS L. KASAILA
Minister of Trade, Industry and Tourism