**The Malawi Gazette Supplement, dated 24th July, 2026, containing Regulations, Rules, etc. (No. 18A)**

GOVERNMENT NOTICE NO. 62

FINANCIAL CRIMES ACT

(CAP. 7:07)

# FINANCIAL CRIMES (CONFISCATION FUND) REGULATIONS, 2026

IN EXERCISE of powers conferred by section 144(1) of the Financial Crimes Act, I, JOSEPH MATHYOLA MWANAMVEKHA, Minister of Finance, Economic Planning and Decentralisation, make the following Regulations—

Citation

1. These Regulations may be cited as the Financial Crimes (Confiscation Fund) Regulations, 2026.

Functions of the Authority in relation to the Fund

2. The Authority shall, in the administration of the Fund, on behalf of the Minister—

(*a*) manage, maintain, and preserve funds and property vested in the Fund;

(*b*) make recommendations to the Minister for the better management of the Fund;

(*c*) make recommendations to the Minister on allocation of funds and property of the Fund to persons that meet the prescribed criteria;

(*d*) receive and review applications submitted to the Authority in accordance with these Regulations;

(*e*) disburse funds and allocate property of the Fund as approved by the Minister; and

(*f*) keep proper books and other records of accounts in respect of receipts and expenditures of the Fund in accordance with the Public Finance Management Act, 2022.

No. 4 of 2022

Disbursement of funds or property without application

3.—(1) The Authority shall recommend to the Minister that funds or property of the Fund be disbursed or allocated without an application being required, where the disbursement is intended to—

(*a*) cover an expense referred to in paragraphs (*a*), (*b*) or (*c*) of section 132 of the Act, upon the Authority being satisfied that the invoice presented to the Authority by the appropriate person is fair and accurately represents the cost of the service rendered or work done; or

(*b*) compensate a victim of an offence referred to in paragraph (*d*) of section 132 of the Act, where—

(i) a court presiding over the matter has ordered that the victim be compensated;

(ii) the victim, or a person acting on behalf of the victim, has presented the court order to the Authority; and

(iii) the Authority is satisfied that the court order is valid and accurately reflects the amount of compensation due to the victim.

(2) Where the victim of an offence is—

(*a*) a minor;

(*b*) a person who lacks the mental or physical capacity to present the court order to the Authority; or

(*c*) deceased,

a guardian, legal representative, or member of the immediate family of the victim may submit the application on behalf of the victim.

(3) The Authority shall, in determining whether to recommend compensation to a victim of an offence under subregulation (1)(*b*), consider—

(*a*) whether the victim has already been indemnified for the loss by a third party;

(*b*) the cost to the State of recovering the funds or property which are the subject of the offence committed against the victim;

(*c*) the cost of managing the funds or property after recovery;

(*d*) moneys paid to a third party by the Authority with respect to the funds or property, including fees paid to a liquidator or trustee in bankruptcy; and

(*e*) any other matter the Authority considers relevant.

Persons eligible to apply for allocation of funds or property

4. The following categories of persons shall be eligible to make an application to the Authority for allocation of funds or property of the Fund—

(*a*) a competent authority; and

(*b*) a public institution that seeks to apply funds or property for any of the purposes set out in section 132.

Application for funds or property allocation

5.—(1) A person eligible under regulation 4 who wishes to be allocated funds or property of the Fund shall submit to the Authority an application in the Form set out in the *Schedule*.

(2) An application under subregulation (1) shall be accompanied by such supporting documents as the Authority may require.

Review of application

6.—(1) The Authority shall, within thirty days of receipt of an application under regulation 5, review the application and make an appropriate recommendation to the Minister.

(2) The Authority may, before making a recommendation, require the applicant to provide additional information, and the period within which such information is required shall not count towards the thirty days referred to in subregulation (1).

(3) The Authority shall, in determining a recommendation for the allocation of funds or property to an applicant under regulation 5, consider—

(*a*) whether the purpose of the application falls within section 132 of the Act;

(*b*) whether the intended use of the funds or property aligns with the functions of the applicant;

(*c*) the impact of the intended use of the funds or property on the attainment of the objects of the Act;

(*d*) in the case of an applicant who has previously received an allocation of funds or property from the fund, whether the applicant complied with the terms and conditions of that allocation;

(*e*) whether the application is made to discharge an asset-sharing obligation with a foreign country, and if so, whether such obligation is legally binding on Malawi;

(*f*) whether the activity to which the application relates is one for which the applicant receives or is entitled to receive budgetary allocation; and

(*g*) any other matter the Authority considers relevant.

(4) The Authority may, upon review of an application under subregulation (1), recommend to the Minister that the application be approved in full or in part, or rejected.

(5) The Authority shall give reasons for a recommendation made under subregulation (4).

Decision of the Minister

7.—(1) The Minister shall, within thirty days of receiving the recommendation of the Authority under regulation 6, approve or reject the recommendation.

(2) Where the Minister approves an application in part or rejects an application, the Minister shall give reasons for the decision and shall specify—

(*a*) in the case of partial approval, the approved amount or property and the reasons for approving in part only; and

(*b*) in the case of rejection, the grounds for rejection.

(3) Where the Minister approves an application for the implementation of a long-term project, the approval shall specify the duration of the project.

(4) The Authority shall, within seven days of receiving the decision of the Minister, communicate the decision to the applicant, in writing.

(5) Where the Minister rejects an application, the applicant may re-submit the application upon addressing the grounds for rejection set out in the decision of the Minister.

Disbursement of funds and allocation of property

8.—(1) Funds approved for disbursement by the Minister may be disbursed by the Authority to the recipient in tranches.

(2) Property allocated to a recipient under these Regulations may be allocated to the recipient permanently or for temporary use, as may be specified in the approval.

Obligations of recipients

9.—(1) A recipient of funds under these Regulations, other than a victim of an offence, shall—

(*a*) keep the funds in a separate bank account and shall not comingle the funds with funds from other sources;

(*b*) use the funds only for the approved purpose;

No. 4 of 2022

(*c*) maintain books of accounts for the funds in accordance with the Public Finance Management Act, 2022;

(*d*) submit quarterly progress and financial reports to the Authority;

(*e*) permit the Authority to—

(i) monitor implementation of the funded activity; and

(ii) inspect books of accounts maintained under paragraph (*c*); and

(*f*) refund to the Authority, within sixty days of completion of the funded activity, any outstanding balance.

(2) A recipient of property under these Regulations, other than a victim of an offence, shall—

(*a*) use the property only for the approved purpose;

(*b*) keep the property in good condition and fit for the intended use;

No. 4 of 2022

(*c*) maintain proper records of the property in accordance with the Public Finance Management Act, 2022;

(*d*) submit semi-annual reports on the property to the Authority, and where appropriate provide justification for continued retention of the property;

(*e*) permit the Authority to inspect the property, upon giving at least seven days notice, in writing;

(*f*) carry out any maintenance or other work necessary to keep the property in good condition required by the Authority, in writing; and

(*g*) unless ownership of the property is transferred to the recipient, surrender the property to the Authority on demand.

Enforcement

10. The Authority may, where it is satisfied that a recipient of funds or property under these Regulations has contravened these Regulations—

(*a*) where funds are being disbursed in tranches, suspend further disbursements;

(*b*) where funds have been misallocated or misappropriated, require immediate refund of the misallocated or misappropriated funds;

(*c*) repossess the property where—

(i) the recipient has contravened these Regulations in relation to the property; or

(ii) the ownership of the property has not been transferred to the recipient and the recipient is neglecting or failing to keep the property in good condition;

(*d*) recommend to the Minister that the recipient be declared ineligible for allocation of funds or property; or

(*e*) take any other appropriate action as the Authority may determine.

11.—(1) The account of the Fund held in accordance with section 134 of the Act shall have the following signatories— Signatories to the Fund account

(*a*) the Secretary to the Treasury, who shall be the principal signatory;

(*b*) the Accountant General;

(*c*) the Director General of the Authority;

(*d*) the Solicitor General; and

(*e*) the Director General of the Anti-Corruption Bureau.

(2) The Secretary to the Treasury and at least two other signatories shall authorize any payment of funds out of the Fund.

(3) Where there are no adequate signatories to the account due to the prolonged absence of the designated signatories, the Minister may appoint another signatory, in writing:

Provided that a signatory so appointed shall hold the appointment for a specified period not exceeding ninety days unless the appointment is extended by the Minister, in writing.

(4) Where the Minister appoints a signatory under subregulation (3), the Authority shall notify the appointment to the bank holding the account and to the other signatories.

12.—(1) Where the Authority intends to dispose of property of the Fund, the disposal shall be done in accordance with the Public Procurement and Disposal of Public Assets Act, 2025. Disposal of property of the Fund No. 7 of 2025

(2) The Authority shall deposit funds realised from the disposal of the property into the Fund.

SCHEDULE (reg. 5(1))

APPLICATION FOR ALLOCATION OF FUNDS OR PROPERTY UNDER THE FUND

Please read the instructions carefully before completing the application:

1. All the questions/fields relevant to the nature of the application must be answered/completed in detail.
2. The application document must be signed by the person submitting the application.
3. Attach all relevant supporting documents
4. The applicant shall provide a clear correlation between the request being made and a particular provision in the Financial Crimes Act (Cap. 7:07). If no clear explanation on that has been expressly stated in this application, funding shall not be considered.
5. Failure to provide adequate information or supporting documents will result in rejection the application.

6. The applications must be hand delivered to the Authority or submitted by post to:
The Director General,
Financial Intelligence Authority,
Private Bag B441,
Lilongwe

SECTION A

A1. Name of applicant:

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A2. Physical address of applicant:

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A3. Postal address:

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A4. In the case of an application by an institution:

(*a*) particulars of the lead officer preparing the application

| | |
|---|---|
| Full Name | |
| Telephone number | |
| Physical address | |
| Cell number | |
| Email address | |

(*b*) particulars of head of finance

| | |
|---|---|
| Name | |
| Telephone number | |
| Physical address | |
| Cell number | |
| Email address | |

A7. Indicate the requested amount, and attach detailed budget:

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SECTION B

B1. Mandate of applicant:

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B2. Laws, policies or directives governing the applicant:

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B3. State the percentage of the total funding required in relation to the total approved budget for the institution or component within the applicant which requires funding from the Confiscation Fund:

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SECTION C

(*Detail of funding from the Confiscation Fund required in respect of money*)

1. Detailed business plan / activity plan:

| *Objective* | *Activities* | *Performance Indicators* | *Outcome* | *Timelines* | *Budget* |
|---|---|---|---|---|---|
| | | | | | |
| | | | | | |
| | | | | | |
| Total Funding Required | | | | | K |

C2. If the Minister approves an amount less than the total requirement of the initiative, how will the shortfall be funded?

C3. Indicate the measures which will be taken to implement effective, efficient, and transparent financial management and internal control systems to prevent financial mismanagement:

SECTION D

(*Previous Funding Received from the Confiscation Fund*)

Please refer to annexure listing all previous funding from Confiscation Fund

D1. Indicate the date of approval by the Minister:

D2. Indicate the amount of funding from the Confiscation Fund received and the purpose for which the funding was received:

| Purpose of Funding (*Objective*) | Amount Received |
|---|---|
| Please see attached schedule | |
| | |
| | |
| Total | |

D3. Indicate the expenditure on allocated amount of money from Confiscation Fund received:

| Amount Received | Expenditure to Date (K) |
|---|---|
| Please see attached schedule | |
| | |
| Total | |

SECTION E

(*Auditing and accounting reports*)

E1. Kindly confirm that the following information/reports are attached to the application as annexures by stating yes or no:

| | |
|---|---|
| Latest available report on approved budget vs expenditure | |
| Proof of unfunded priority list submitted to Ministry of Finance | |

SECTION F

F1. Declaration

It is hereby declared that the information in this document is true and correct and that all relevant information has been disclosed.

Controlling Officer or Lead Officer: ........................................................

Head of Finance: ...........................................................................................

Made this 16th day of July, 2026.

J. M. Mwanamvekha
*Minister of Finance,*
*Economic Planning and Decentralization*

(ref no: st/pfms/3/moj/1)