

- (i) to remedy the effects of a contravention;
- (ii) to compensate persons who have suffered loss because of a contravention;
- (iii) to ensure that a payment service provider or its board of directors or managing officers do not commit further contraventions; and
- (e) recommend to the board of directors the payment service provider termination of employment of an officer.

PART VIII—TRANSITIONAL ARRANGEMENTS

- Transitional Arrangements 17. An existing payment service provider shall ensure interoperability of its payment services as prescribed below—
- (a) auto-teller machines immediately this Directive comes into force;
 - (b) point of sale devices, within sixty (60) days of this Directive coming into force;
 - (c) mobile payment systems, within one hundred and eighty (180) days of this Directive coming into force; and
 - (d) internet based payments, within three hundred and sixty five (365) days of this Directive coming into force.

Made this 19th day of August, 2017

DALITSO KABAMBE, PhD
Governor of the Reserve Bank
of Malawi

C/PED/6/6/1/13

GOVERNMENT NOTICE NO. 49

LIQUID FUELS AND GAS (PRODUCTION AND SUPPLY) ACT
(CAP. 50:03)

LIQUID FUELS AND GAS (PRODUCTION AND SUPPLY) (AMENDMENT)
REGULATIONS, 2017

ARRANGEMENT OF REGULATIONS

REGULATION

1. Short title and commencement
2. Amendment of reg. 18 to Cap. 50:03 sub. leg. p.19
3. Amendment of reg. 19 of the principal Regulations
4. Amendment of reg. 31 of the principal Regulations
5. Amendment of reg. 32 of the principal Regulations
6. Insertion of reg. 34A into the principal Regulations
7. Amendment of reg. 36 of the principal Regulations
8. Amendment of reg. 39 of the principal Regulations

9. Amendment of reg. 41 of the principal Regulations
10. Amendment of reg. 46 of the principal Regulations
11. Amendment of reg. 58 of the principal Regulations
12. Amendment of reg. 76 of the principal Regulations
13. Amendment of reg. 86 of the principal Regulations
14. Amendment of reg. 91 of the principal Regulations
15. Amendment of reg. 99 of the principal Regulations
16. Amendment of reg. 104 of the principal Regulations
17. Amendment of reg. 120 of the principal Regulations
18. Amendment of reg. 131 of the principal Regulations
19. Amendment of reg. 133 of the principal Regulations

IN EXERCISE of the powers conferred by section 46 of the Liquid Fuels and Gas (Production and Supply) Act, 1, AGGREY CHARLES MASI, Minister of Natural Resources, Energy and Mining, in consultation with the Authority, make the following Regulations—

1. These Regulations may be cited as the Liquid Fuels and Gas (Production and Supply) (Amendment) Regulations, 2017. Citation

2. The Liquid Fuels and Gas (Production and Supply) (Amendment) Regulations, (hereinafter referred to as the "principal Regulations") are amended, in regulation 18, by— Amendment of reg. 18 to Cap.50:03 sub. leg. p.19

- (a) renumbering the regulation as subregulation (1); and
- (b) inserting a new subregulation (2), as follows—

"(2) Any person who imports liquid fuel or gas shall not be compensated from the Price Stabilization Fund for the unrealized exchange losses, however, the trading accounts of the importer shall record the amount of the said unrealized exchange losses."

3. Regulation 19 (2) of the principal Regulations is amended by deleting paragraph (h) and substituting it with the following new paragraph (h)— Amendment of reg. 19 of the principal Regulations

"(h) proof of ownership of, or access to, liquid fuel or gas storage facilities with a capacity equivalent to thirty days' storage of expected market share and depot equipment duly licensed by the Authority;"

4. Regulation 31 of the principal Regulations is amended, by— Amendment of reg. 31 of the principal Regulations

- (a) renumbering the regulation as subregulation (1); and
- (b) inserting a new sub regulation (2) as follows—

"(2) A holder of a Wholesale Licence shall ensure that its offloading facilities which are located near a railway line are able to receive liquid fuel or gas by both road tankers and where practicable, rail wagons, in line with the importation route mix as set by the Authority, from time to time."

Amendment of reg. 32 of the principal Regulations

5. Regulation 32 (2) of the principal Regulations is amended by deleting paragraph (h) and substituting it with the following new paragraph (h)—

“(h) proof of ownership of, or access to, liquid fuel or gas storage facilities equivalent to thirty days expected market share duly licensed by the Authority.”.

Insertion of reg. 34A to the principal Regulations

6. The principal Regulations are amended by inserting immediately after regulation 34, a new Regulation 34A as follows—

“Offloading liquid fuel or gas

34A.—(1) A transporter shall ensure that liquid fuel and gas transported into the country by, or on behalf of, a license shall be offloaded from the transporting road tankers or wagons within five days from the date of arrival in Malawi.

(2) A holder of a Wholesale Licence or Importation Licence, who for reasons other than force majeure, does not offload the liquid fuel or gas within the period provided under subregulation (1), shall be liable to a demurrage charge of Malawi Kwacha equivalent to 200 United States Dollars per tanker or wagon for each day that the liquid fuel or gas remains un-offloaded and such demurrage charge shall be payable to the holder of a Transportation Licence.

(3) A holder of a Transportation Licence, who for reasons other than force majeure, does not offload liquid fuel or gas within the period provided under subregulation (1), shall be liable to a demurrage charge of Malawi Kwacha equivalent to 200 United States Dollars per tanker or wagon for each day that the liquid fuel or gas remains un-offloaded and such demurrage charge shall be payable to the holder of a Wholesale Licence or Importation Licence, as the case may be.”

Amendment of reg. 36 of the principal Regulations

7. Regulation 36 (2) of the principal Regulation is amended, in paragraph (h), by deleting the words “Inspector of Factories”, and substituting them with the words “Director of Occupational Safety and Health”.

Amendment of reg. 39 of the principal Regulations

8. Regulation 39 of the principal Regulations is revoked and replaced with the following new regulation 39, as follows—

“Standards for construction and maintenance of retail fuel outlets

39.—(1) The Authority shall prescribe the standards to be followed in the construction and maintenance of retail fuel outlets.

(2) All applicants shall obtain a Construction Licence from the Authority prior to commencement of the construction of a retail fuel outlet.

(3) The Authority shall not issue or renew a Construction Licence or Retail Licence, unless the applicant’s retail outlet complies with the standards prescribed by the Authority.

(4) Without derogating from the generality of sub regulation (1), every retail outlet shall have an air compressor for use by consumers to pump motor vehicle tyres.”.

9. Regulation 41 of the principal Regulations is revoked and replaced with the following new regulation 41, as follows—

Amendment
of reg. 41 of
the principal
Regulations

“Maximum selling price 41.—(1) A person shall not sell liquid fuel or gas to any other person or persons at a higher price than the maximum selling price of any such product as approved by the Authority.

(2) A retail licensee shall display the maximum selling prices of the liquid fuel and gas at a clearly visible place at the retail station.”.

10. Regulation 46 of the principal Regulations is amended, by inserting a new subregulation (3), as follows—

Amendment
of reg. 46 of
the principal
Regulations

“(3) The Authority shall approve all maximum price adjustments of liquid fuels and gas at all levels of the chain of supply using the APM within forty eight (48) hours after receipt of recommendations from the Liquid Fuels and Gas Pricing Advisory Committee.”

11. Regulation 58(1) of the principal Regulations is amended, in paragraph (b), by deleting the words “to a fine of two thousand Kwacha (K2,000) and”.

Amendment
of reg. 58 of
the
principal
Regulations

12. Regulation 76 (1) of the principal Regulations is amended, in paragraph (d), by deleting the words “year of packaging” and substituting them with the words “year of make”.

Amendment
of reg. 76 of
the
principal
Regulations

13. Regulation 86 (1) of the principal Regulations is amended, in paragraph (d), by deleting the words “year of packaging”, and substituting them with the words “the year of make”.

Amendment
of reg. 86 of
the principal
Regulations

14. Regulation 91 (1) of the principal Regulations is amended, by deleting the words “to a fine of two thousand Kwacha (K2,000) and”.

Amendment
of reg. 91 of
the principal
Regulations

15. Regulation 99 (1) of the principal Regulations is amended, by deleting the words “of a quantity of more than twenty litres”.

Amendment
of reg. 99 of
the principal
Regulations

16. Regulation 104 of the principal Regulations is revoked and replaced with the following new regulation 104, as follows—

Amendment
of reg. 104 of
the principal
Regulations

104.—(1) The Authority shall approve, endorse and monitor all third party storage capacity access contracts entered into between two or more licensees.

“Pricing
framework
for third party
storage
capacity
access
contracts

(2) The Authority shall develop and publish in the *Gazette*, a pricing framework of third party storage capacity access contract to be complied with by parties entering into third party storage capacity access contracts.”

Amendment of reg. 120 of the principal Regulations 17. Regulation 120 (1) of the principal Regulations is amended, by deleting the words “six months intervals” and substituting them with the words “least once every month”.

Amendment of reg. 131 of the principal Regulations 18. Regulation 131 (2) of the principal Regulations is amended, by deleting the words “to a fine of two thousand Kwacha (K2,000) and”.

Amendment of reg. 133 of the principal Regulations 19. Regulation 133 (1) of the principal Regulations is amended, by deleting the words “to a fine of two thousand Kwacha (K2,000) and”.

Made this 16th day of August, 2017.

A. C. MASI
Minister of Natural Resources,
Energy and Mining

(FILE NO. C48/2/30)