

(Published 1st December, 1989)

Act

No. 21 of 1989

I assent

H. KAMUZU BANDA

LIFE PRESIDENT

17th November, 1989

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An Act to provide for the establishment of museums, to make provision for their administration and control, and for other purposes incidental thereto and connected therewith

ENACTED by the Parliament of Malawi as follows—

PART I—PRELIMINARY

Short title and commencement

1. This Act may be cited as the Museums Act, 1989, and shall come into operation on such date as the Minister may appoint by notice published in the *Gazette*.

Interpretation

2. In this Act, unless the context otherwise requires—

“Chief Curator” means an officer in the public service appointed as such under section 3;

“Council” means the National Museums Advisory Council established under section 5.

“museum” means any institution which collects, conserves, documents, interprets and communicates for purposes of study, education and enjoyment, the material evidence of man and his environment;

“museum object” means any artefact or specimen of anthropological, ethnological, archaeological, technological, artistic or scientific value or interest.

PART II—ADMINISTRATION

Appointment of Chief Curator and other staff

3. For the administration of this Act, there shall be appointed in the public service—

(a) an officer to be designated as Chief Curator;

(b) such other staff subordinate to the Chief Curator as may be deemed necessary.

Duties of Chief Curator

4. The Chief Curator shall, subject to this Act and to the directions of the Minister—

(a) collect, conserve, document, interpret and communicate for purposes of study, education and enjoyment, the material evidence of man and his environment;

(b) establish museums where and when appropriate;

(c) liaise with institutions or persons concerned with matters of museums;

(d) undertake research in museums related subjects and publish or cause to be published research results, guides to museums, and other matters relating to the activities of, and the facilities provided by, the Government in relation to museums;

(e) purchase, lend or borrow museum objects for study or display in any institution, at any commemorative, trade, art or other exhibition, whether international or local, or for any other purpose;

(f) be the national repository of museum objects; and

(g) do or perform all such other acts or things as are required for the purposes of this Act.

PART III—NATIONAL MUSEUMS ADVISORY COUNCIL

5.—(1) There is hereby established a National Museums Advisory Council which shall consist of the Chairman and such other members as are specified in subsection (2).

Establishment and composition of the Council

(2) The members of the Council, other than the Chairman, shall be—

(a) the following *ex-officio* members—

(i) the Secretary for Education and Culture or his representative;

(ii) The Secretary for Local Government or his representative;

(iii) the Chief Parks and Wildlife Officer or his representative;

(iv) the Chief Tourism Officer or his representative;

(v) the Principal Conservator of Antiquities or his representative;

(vi) the Senior Cultural Affairs Officer or his representative;

(vii) the Secretary for the National Research Council or his representative;

(b) four other members appointed by the Minister.

(3) The Chief Curator shall act as Secretary to the Council.

(4) Members appointed under subsection (2) (b) shall hold office for a period of two years and shall be eligible for reappointment.

(5) The appointment of members of the Council and any change in the membership of the Council shall be notified in the *Gazette*.

6. The functions of the Council shall be to advise the Minister on all matters concerning museums.

Functions of the Council

7.—(1) The Council shall meet not less than twice a year and at such places as the Chairman may determine.

Meetings of the Council

(2) The Council shall further meet at any time at the request, in writing, of any four or more of its members.

(3) The Council may at the discretion of the Chairman invite any person or persons to attend any meeting of the Council and such person or persons may take part in the proceedings of that meeting but shall not be entitled to vote at such meetings.

(4) Any seven members of the Council shall constitute a quorum.

(5) In the absence of the Chairman from any meeting of the Council the members present, if constituting a quorum, shall elect one of their number to preside at that meeting.

(6) The Council shall determine its own procedure.

(7) At all meetings of the Council decisions shall be determined by the majority of the members present and the Chairman or other person presiding shall have a casting vote in addition to his deliberative vote.

(8) The Chairman of the Council shall report to the Council at each meeting thereof the action taken in respect of any matter on which the Council has advised the Minister.

Certain members of the Council not deemed to be public officers
Allowances

8. Members of the Council appointed under section 5 (2) (b) shall not, by virtue only of their appointments to the Council, be deemed to be officers in the public service.

9. A member, other than an *ex officio* member, shall be paid an honorarium and his reasonable travelling expenses and subsistence allowance while engaged upon the business of the Council at the rate prescribed by the Minister.

PART IV—GENERAL

Ownership of museum objects

10. Any museum object, which has been accessioned and registered in the accession books and registers maintained by the Chief Curator shall be registered as the property of the Malawi Government.

Offences and penalty

11. Save as is provided in this Act, any person who—

(a) steals a museum object;

(b) damages or vandalizes or behaves in a manner likely to cause damage to any property in a museum;

(c) copies, paints, photographs any museum object, or wilfully touches any museum object, without the permission of the officer-in-charge of the museum,

shall be guilty of an offence and liable to a fine of one thousand Kwacha and to imprisonment for one year.

No personal liability to attach to members of the Council and public officers

12. No personal liability shall attach to any member of the Council or to any public officer in respect of anything done or omitted to be done in good faith in the exercise or purported exercise of the powers and duties conferred under this Act.

Regulations

13. The Minister may make regulations for giving effect to this Act and, in particular, but without prejudice to the generality of the foregoing power, such regulations may provide for—

(a) securing the due administration of any museum and preserving the objects collected therein;

(b) regulating the admission of members of the public to any museum and their conduct and behaviour therein;

(c) prescribing fees and other charges to be paid for admission of members of the public to any museum;

- (d) safeguarding museum objects from theft, disfigurement, alteration or destruction;
- (e) establishment and running of privately-owned museums;
- (f) anything which is required to be prescribed under the provisions of this Act.

Passed in Parliament this second day of November, one thousand, nine hundred and eighty-nine.

R. L. GONDWE
Clerk of Parliament

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