

# CONSTITUTION

Date Enacted: January 01, 1970 | Date of Commencement: January 01, 0001

## CHAPTER VI

### THE LEGISLATURE

#### Section 51 - Qualifications of members of Parliament 6 of 1995 4 of 2001 13 of 2001 4 of 2004

51.—(1) A person shall not be qualified to be nominated or elected as a member of the Parliament unless that person—

(a) is a citizen of the Republic who at the time of nomination has attained the age of twenty-one years;

(b) is able to speak and to read the English language well enough to take an active part in the proceedings of Parliament; and (c) is registered as a voter in a constituency.

(2) Notwithstanding subsection (1), no person shall be qualified to be nominated or elected as a member of Parliament who—

(a) owes allegiance to a foreign country;

(b) is, under any law in force in the Republic, adjudged or otherwise declared to be mentally incompetent;

(c) has, within the last seven years, been convicted by a competent court of a crime involving dishonesty or moral turpitude;

(d) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in the Republic;

**(e)** holds, or acts, in any public office or appointment, except where this Constitution provides that a person shall not be disqualified from standing for election solely on account of holding that office or appointment or where that person resigns from that office or appointment in order to stand;

**(f)** belongs to, and is serving in the Defence Force of Malaŵi or the Malaŵi Police Service; and **(g)** has, within the last seven years, been convicted by a competent court of any violation of any law relating to election of the President or election of members of Parliament or local government elections.

**(3)** For the purposes of subsection (2) (e), an appointment as a Minister or Deputy Minister in accordance with section 94 (1) shall not be construed to be an appointment to a public office or to be a public appointment.