

# CONSTITUTION

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

## CHAPTER VI

### THE LEGISLATURE

#### Section 63 - Vacancies in the National Assembly 31 of 1994 4 of 2001

63.—(1) The seat of a member of the National Assembly shall become vacant—

- (a) if the National Assembly has been dissolved;
- (b) if the member dies or resigns his or her seat;
- (c) if the member ceases to be a citizen of Malaŵi;
- (d) if the member assumes the office of President or Vice- President;
- (e) if any circumstances arise that, if he or she were not a member of the National Assembly, would cause that member to be disqualified for election under this Constitution or any other Act of Parliament; or(f) if the National Assembly declares a member's seat vacant in accordance with such Standing Orders as may permit or prescribe the removal of a member for good and sufficient reason provided that they accord with the principles of natural justice.

(2) The Speaker of the National Assembly shall give notice in the Gazette in the event that the seat of any member of the Assembly shall become vacant under this section:Provided that—

- (a) Parliament shall make provision for holding by-elections to fill any vacancy that shall occur;

**(b)** any by-election to fill the vacancy shall be held in the next quarter of the calendar year after the seat of the member becomes vacant, or if the circumstances do not so permit, then as expeditiously as possible, but a by-election shall not be held where a vacancy occurs within twelve months before the holding of a general election; and(c) any member elected at a by-election shall serve until such time as his or her seat becomes vacant in accordance with subsection (1).

**(3)** The Speaker may, upon a motion of the National Assembly, postpone the declaration of a vacant seat for such period as that motion prescribes so as to permit any member to appeal to a court or other body to which an appeal lies against a decision which would require that member to vacate his or her seat in accordance with this section.