



PRACTICE DIRECTION 1 OF 2023

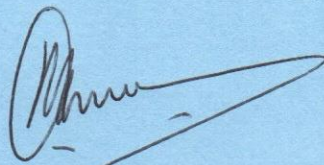
Handling of Financial Crimes Matters Pending Before Judges in Divisions of the High Court other than the Financial Crimes Division

IT IS HEREBY NOTIFIED that with effect from the date of this **Practice Direction**, for the efficient, effective and economic disposal of financial crimes matters, the following steps shall be observed in all Divisions of the High Court in relation to all financial crimes matters under section 6A(f) as read with section 2 of the Courts Act (Cap. 3:02 of the Laws of Malawi):

1. All new financial crimes matters handled by the High Court and filed after the coming into force of the Courts (Amendment) Act No. 36 of 2022, namely on the 18th of November, 2022, shall be heard, tried, determined and disposed of by the Financial Crimes Division of the High Court.
2. For the purposes of Paragraph 1 of this Practice Direction, “new financial crimes matter” includes matter brought before the High Court for-
 - (a) appeal and review whether civil or criminal in nature and directly related or connected to a financial crimes matter; or
 - (b) confirmation pursuant to the procedure under the Criminal Procedure and Evidence Code.
3. Pursuant to section 6A (2) of the Courts Act, where a person or competent authority commences a financial crimes matter or makes an application relating to a financial crimes matter in a Division of the High Court other than the Financial Crimes Division, the Registrar shall, on his or her own motion or on application, immediately transfer the matter to the Financial Crimes Division.

4. Financial crimes matters commenced before or after the 18th of November, 2022, and where no significant progress has been made on the matter, a Judge in a Division other than the Financial Crimes Division having conduct of the matter shall cause both the matter and the case file to be transferred to the Financial Crimes Division for further conduct.
5. Where significant progress has been made on a matter which was commenced before or after 18th November, 2022, a Judge having conduct of the matter shall cause the matter to be formally transferred to the Financial Crimes Division, but such Judge shall, save in exceptional circumstances, continue having conduct of the matter as a Judge sitting in the Financial Crimes Division.
6. For purposes of this Practice Direction, “significant progress” means a situation where the matter has reached the trial or substantive hearing stage.
7. All cases transferred to the Financial Crimes Division shall be assigned a Financial Crimes Division case number.

ISSUED at Blantyre this 25th day of April, 2023



Rizine R. Mzikamanda, SC

CHIEF JUSTICE