



**For Immediate Release**  
**13<sup>th</sup> February 2026**

The Judiciary has taken note of public commentary concerning the recent judgment delivered by the Supreme Court of Appeal in *Finance Bank of Malawi Limited (In Voluntary Liquidation) v Reserve Bank of Malawi and the Attorney General*, MSCA Civil Appeal No. 21 of 2016.

At the outset, it is important to reiterate that the Judiciary does not comment on individual cases nor seek to justify its decisions outside the judgments delivered by the courts. Court decisions speak for themselves through their written reasons. However, where matters of general public concern arise in relation to the administration of justice, it is appropriate to provide clarification to promote accurate understanding.

On 3 February 2026, the Supreme Court of Appeal declared that the suspension of Finance Bank's foreign currency operations and the subsequent revocation of its banking licence were unlawful on the basis that they did not comply with the constitutional requirement of lawful and procedurally fair administrative action. In essence, the Court found that the revocation of the banking licence did not meet the standards required under the Constitution.

With respect to damages, the Court did not award a specific monetary sum. Rather, it directed that any damages be assessed by the Assistant Registrar of the Supreme Court of Appeal, with interest to be payable in accordance with section 65 of the Courts Act. Accordingly, any figures currently circulating in the public domain are speculative and premature.

Questions have also been raised regarding the duration of the proceedings. The disposal of legal matters is influenced by a range of factors, including the complexity of the issues involved, interlocutory applications, adjournments sought by the parties, and compliance with procedural requirements. While the Judiciary is firmly committed to the timely administration of justice, certain procedural safeguards and legal steps cannot be abridged without compromising fairness and due process. The record of this matter reflects that several interlocutory applications and procedural processes had to be resolved before the appeal could properly be determined.

The decision of the Supreme Court of Appeal to pronounce its decision and indicate that a fully reasoned written judgment would follow is an acceptable judicial practice designed to minimise delay in the delivery of outcomes. This approach has been adopted in a number of cases where circumstances so warrant.

The Judiciary remains steadfast in its mandate under section 9 of the Constitution to interpret, protect, and enforce the law impartially, and to decide cases solely on the basis of legally relevant facts and applicable legal principles.

The Judiciary fully respects and encourages freedom of expression and does not inhibit lawful public discussion of its decisions. At the same time, it encourages that such discussion be informed by the contents of the judgment itself and by accurate appreciation of established legal processes.

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**CHIEF REGISTRAR**

