

Amendments to the Constitution of Zimbabwe Amendment (No. 18) Bill, 2007

Amendment of clause 2 (harmonising of elections)

new paragraph (3)(a) of section 28 insert after “members of Parliament”—

“and members of the governing bodies of local authorities”.

Amendment of clause 3

In subclause (2) delete “applies to the first President” and substitute “apply to any President”.

Amendment of clause 6 (Composition of senate)

- Delete paragraph (1)(a) of the new section 34 and substitute the following paragraph—

“(a) six shall be elected in each of the ten provinces by voters registered in the sixty senatorial constituencies referred to in section 61A(5); and”.

- Delete paragraphs (1)(e) and (f) of the new section 34 and substitute the following paragraph —

“(e) five shall be appointed by the President.”.

Amendment of Clause 7 (composition of House of Assembly)

- Delete subsection (1) of the new section 38 and substitute the following subclause—

“(1) There shall be a House of Assembly which, subject to the provisions of section 76 (3b), shall consist of two hundred and ten members qualified in accordance with Schedule 3 for election the House of Assembly and elected by voters registered in the two hundred and ten constituencies delimited in accordance with section 61A.”.

New clause inserted after clause 9 (harmonising of elections)

Insert the following clause after clause 9, the subsequent clauses to be renumbered accordingly—

“10 Amendment of section 58 of Constitution

For the purpose of the general election to be held after the date of commencement of the Constitution of Zimbabwe Amendment (No. 18) Act, 2007, and all subsequent elections held for the purpose of electing members of Parliament, section 58(1) of the Constitution is amended by the deletion of “A general election” and the substitution of “A general election and elections for members of the governing bodies of local authorities”.

New clause substituted for Clause 10 (now clause 11) (abolition of delimitation commission)

On pages 4 and 5 of the Bill, delete clause 10 between lines 19 to 48 on page 4 and lines 1 and 35 on page 5 and substitute the following clause—

“11 Repeal of sections 59 and 60 of Constitution

Sections 59 and 60 of the Constitution are repealed.”.

New Clauses substituted for clause 11 (now clause 12) (delimitation of constituencies to be done by Zimbabwe electoral commission)

Delete clause 11 (now 12) substitute the following clauses, the subsequent clauses to be renumbered accordingly—

“12 Amendment of section 61 of Constitution

Section (“Zimbabwe Electoral Commission”) of the Constitution is amended

- (a) in subsection (2) by the deletion of “Parliament” and the substitution of “the Senate”;
 - (b) insertion of in subsection (4) by the) after paragraph the following paragraph (h—
 - “(h1) to determine the limits—
 - (i) of the constituencies into which Zimbabwe is to be divided; and
 - (ii) of wards into which local authority areas to be divided
- and perform other functions in accordance with section 61A; and”.

13 New section inserted in Constitution

For the purpose of the general election to be held after the date of commencement of the Constitution of Zimbabwe Amendment (No. 18) Act, 2007, and all subsequent elections held for the purpose of electing members of Parliament, the Constitution is amended by the insertion of the following section after section 61

“61A Delimitation of constituencies

(1) The Zimbabwe Electoral Commission shall, no later than the date notified to it by the President, being a date no later than three months before the date fixed or to be fixed by a proclamation as the date on which Parliament is dissolved under section 63(7) or, as the case may be, the date of the dissolution of Parliament under section 63(4), determine, in accordance with subsections (2) to (6), the limits of the wards and constituencies into which Zimbabwe is to be divided for the purpose of electing members of the governing bodies of local authorities and members of Parliament respectively:

Provided that the Commission shall produce a preliminary report in terms of subsection (6) no later than one month before the date fixed or to be fixed by a proclamation as the date on which Parliament is dissolved under section 63(7) or, as the case may be, the date of the dissolution of Parliament under section 63(4).

(2) For the purpose of the election of members of the governing bodies of local authorities, local authority areas shall be divided into such number of wards as the Commission shall determine.

(3) Zimbabwe shall, for the purpose of the election of members of Parliament, be divided into two hundred and ten House of Assembly constituencies and sixty senatorial constituencies.

(4) Subject to subsections (5) and (6), the boundaries of the House of Assembly constituencies shall be such that at the time of delimitation the number of voters registered in each House of Assembly constituency is as nearly as may be equal to the number of voters registered in each of the other House of Assembly constituencies.

(5) In delimiting—

(a) the boundaries of wards, the Commission shall ensure that no ward is divided between two or more local authority areas; and

(b) the House of Assembly constituencies, the Commission shall ensure that no ward is divided between two or more House of Assembly constituencies.

(6) In dividing Zimbabwe into wards and House of Assembly constituencies the Zimbabwe Electoral Commission shall, in respect of any area, give due consideration to—

- (a) its physical features;

- (b) the means of communication within the area;
- (c) the geographical distribution of registered voters;
- (d) any community of interest as between registered voters; and

(e) in the case of any delimitation after the first delimitation consequent upon an alteration in the number of House of Assembly constituencies, existing electoral boundaries;

and whenever it appears necessary to do so in order to give effect to the provisions of this subsection in relation to House of Assembly constituencies, the Commission may depart from the requirements of subsection (4), but in no case to any greater extent than twenty per centum more or less than the average number of registered voters in House of Assembly constituencies.

(7) After delimiting the wards and House of Assembly constituencies, the Commission shall divide each province into six senatorial constituencies by assigning to each senatorial constituency a House of Assembly constituency or two or more contiguous House of Assembly constituencies, and in so doing the Commission may be guided but not bound by any principle or consideration specified in subsections (4) and (6).

(8) The Zimbabwe Electoral Commission shall submit to the President a preliminary report comprising—

- (a) a list of wards and House of Assembly constituencies delimited by the Commission, with the names assigned to each and a description of their boundaries;
- (b) a list of senatorial constituencies delimited by the Commission, with the names assigned to each and a description of their boundaries;
- (c) a map or maps showing the wards and House of Assembly and senatorial constituencies into which Zimbabwe has been divided by the Commission; and
- (d) any further information or particulars which the Commission considers necessary;

and the President shall cause the report to be laid before Parliament within the next seven days after he has received it.

(9) No earlier than seven days after the President has caused the preliminary report of the Zimbabwe Electoral Commission to be laid before Parliament in terms of subsection (8), the President may refer back to the Commission for its further consideration and final decision any matter arising out of its report.

(10) If there appears to be any discrepancy between the description of the boundaries of any ward or House of Assembly constituency and the map or maps, the description shall prevail.

(11) Within fourteen days after receiving the Zimbabwe Electoral Commission's final report the President shall publish a proclamation in the Gazette declaring the names and boundaries of the wards and the House of Assembly and senatorial constituencies as finally determined by the Commission to be the wards and House of Assembly and senatorial constituencies of Zimbabwe, and those boundaries shall have effect for the purposes of the next and any subsequent general election.”.

Amendment of Clause 12 (now clause 14)

Insert in the substituted subsection (4) the following words after the words “in terms of section 28(5)”—

“after an election referred to in section 28(3)(a),”.

amendment of Clause 26 (now clause 28) (appointment of public protector (ombudsman) and deputy public protector – parliamentary committee on standing rules and orders to be consulted)

Insert in subsection (2) of the substituted section 107 the following words after the words “the Judicial Service Commission” in line 10—

“and the Committee on Standing Rules and Orders”.

amendment of Clause 27 (now clause 29) (appointment of chairman of human rights commission - parliamentary committee on standing rules and orders to be consulted)

Insert in subsection (1)(a) of the new section 108B the following words after the words “the Judicial Service Commission” in line 4—

“and the Committee on Standing Rules and Orders”.

new Clauses substituted for clause 30 (now clause 32)

On page 10 of the Bill, delete clause 30 between lines 27 to 30 and substitute the following clause—

“32 Amendment of section 113 of Constitution

Section 113 (“Interpretation”) of the Constitution is amended—

(a) by the repeal of the definitions of “Provincial Governor” and the substitution of—

““Provincial Governor” means a governor appointed in terms of an Act of Parliament referred to in section 111A;”;

(b) by the insertion of the following definitions—

““local authority area” means an area the limits of which have been fixed in terms of the Rural District Councils Act [Chapter 29:13] or the Urban Councils Act [Chapter 29:15] or any other laws substituted for the same;

““ward” means one of several subdivisions of a local authority area delimited for the purpose of electing members of the governing body of that authority;”.