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Act No. 2 of 2009.

Published in the Government Gazette: 4th March 2009 [GN 19/2009]

Date of commencement: 4th March 2009.

This copy of the Act has been annotated to show the effect of the amendments proposed in the Zimbabwe National Security Council Amendment Bill [H.B. 2, 2010] which was gazetted on 14th May 2010.

The only provisions affected are paragraphs (a)(iv) and (b)(i) of section 3(1). Words inserted are denoted by use of blue bold font [inserted**], words deleted red strikethrough font [~~deleted~~].**

ACT

To provide for the establishment, composition, functions and meetings of the Zimbabwe National Security Council; and to provide for matters connected therewith or incidental thereto.

ENACTED by the President and the Parliament of Zimbabwe.

1 Short title

This Act may be cited as the Zimbabwe National Security Council Act, 2009.

2 Interpretation

In this Act—

“Council” means the Zimbabwe National Security Council established by section 3(1);

“Interparty Political Agreement” means the agreement referred to in section 115 of the Constitution;

“security services” means

- (a) every branch of the Defence Forces; and
- (b) the Police Force, and

- (c) the Prison Service, and
- (d) the Department of State for National Security.

3 Establishment and membership of Council

(1) There is hereby established a council to be known as the Zimbabwe National Security Council consisting of the President as chairperson and—

- (a) the following members of the Cabinet—
 - (i) the two Vice-Presidents; and
 - (ii) the Prime Minister; and
 - (iii) the two Deputy Prime Ministers; and
 - (iv) **the Ministers responsible for Finance, National Security, Defence Forces, Police Force and Prison Service**~~the Ministers responsible for finance, the Defence Forces and the Police Force~~; and
 - (v) one Minister nominated by each of the three political parties participating in the Interparty Political Agreement;

and

- (b) the following shall be *ex officio* members of the Council—
 - (i) ~~the Minister of State in the President's Office responsible for National Security; and~~
 - (ii) the Chief Secretary to the President and Cabinet; and
 - (iii) the Secretary to the Prime Minister; and
 - (iv) the Commander of the Defence Forces; and
 - (v) the Commanders of the Army and Air Force; and
 - (vi) the Commissioner-General of Police; and
 - (vii) the Commissioner of Prisons; and
 - (viii) the Director-General of the Department of State for National Security.

(2) If a person nominated to the Council in terms of section 3(1)(a)(v) ceases to be a Minister, the political party that nominated him or her shall, without delay, nominate another Minister to be a member of the Council.

4 Functions of Council

The Council shall, subject to the provisions of the Constitution, be responsible for—

- (a) reviewing national policies on security, defence and law and order, and recommending or directing appropriate action; and
- (b) reviewing national, regional and international security, political and defence developments and recommending or directing appropriate action; and
- (c) considering and approving proposals relating to the nation's strategic security and defence requirements; and
- (d) receiving and considering national security reports and giving general or specific directives to the security services; and
- (e) ensuring that the operations of the security services comply with the Constitution and any other law; and

- (f) exercising any other function that the Cabinet may delegate to the Council; and
- (g) generally keeping the nation in a state of preparedness to meet any threat to security.

5 Meetings, procedure and committees of Council

(1) The Council shall meet at such times and places as the President, in consultation with the Prime Minister, may direct:

Provided that the Council shall meet at least once in every calendar month.

(2) All decisions of the Council shall be made by consensus.

(3) For the better exercise of its functions the Council may establish one or more committees and may vest in those committees such of its functions as it thinks fit:

Provided that the vesting of a function in a committee shall not divest the Council of that function.

(4) Where it has established a committee, the Council—

- (a) shall appoint at least one member of the Council to be a member of the committee and shall designate that member or one of those members, as the case may be, to be chairperson of the committee;
- (b) may appoint persons who are not members of the Council to be members of the committee.

(5) The Council shall regulate its own procedure and the procedure of any committee in any manner it deems fit.

6 Validity of decisions and acts of Council and committees

No order or direction given or decision made or act done by or under the authority of the Council or any of its committees shall be invalid solely because there were one or more vacancies on the Council or committee when the order, direction, decision or act was given, made or done, as the case may be.

7 Inconsistency with other enactments

In the event of inconsistency between this Act and the Civil Protection Act [*Chapter 10:06*] or any other enactment, then, unless the enactment concerned expressly excludes or modifies the provisions of this Act sought to be applied—

- (a) this Act shall prevail over the enactment concerned to the extent of the inconsistency; and
- (b) the enactment concerned shall be construed with such modifications, qualifications, adaptations and exceptions as may be necessary to bring it into conformity with this Act.

8 Expiry of this Act

This Act shall cease to have effect on the date on which the Interparty Political Agreement terminates.