

PARLIAMENT OF ZIMBABWE

Wednesday, 30th June, 2026

The National Assembly met at a Quarter-past Two o'clock p.m.

PRAYERS

(THE HON. SPEAKER *in the Chair*)

ANNOUNCEMENTS BY THE HON. SPEAKER

BILL RECEIVED FROM THE SENATE

THE HON. SPEAKER: I wish to inform the House that I have received the Constitution of Zimbabwe Amendment (No. 3) Bill [H. B. 1B, 2026] from the Senate with amendments. Accordingly, in terms of Standing Order Number 190, the Bill shall be recommitted to the Committee of the whole House for purposes of considering the amendments proposed on Clauses 3, 4, 7, 10, 16, 23 and 27 of the Bill.

VISITORS IN THE SPEAKER'S GALLERY

THE HON. SPEAKER: Hon. Members, I wish to recognise the presence in the Speaker's Gallery of the following Hon. Members from the Parliaments in the SADC region and officers from the SADC Parliamentary Forum and these are Hon. Loisa D. Santos from Angola, Hon. Jeronima Agostino Mozambique, Hon. Victor Phologolo Botswana, Hon. Senator Linda

Nxumalo from Eswatini, Hon. Mope Khati from Lesotho, Hon. Dr. Susuwele Banda from Malawi, Hon. Moonde from Namibia and Her Excellency Ms. Boemo Segkoma, the Secretary General of the SADC Parliamentary Forum, Mr. Tofa Munashe Programme Manager and Dr. J. Segale, the M and E Manager. Last but not least, Dr. M. Magadza, the Media Manager. There are also other staff accompanying the Hon. Members. Thank you.

RECOMMITTAL STAGE

CONSTITUTION OF ZIMBABWE AMENDMENT (NO. 3) BILL

[H. B. 1B, 2026]

First Order read: Recommittal: Constitution of Zimbabwe Amendment (No. 3) Bill [H. B. 1B, 2026].

House in Committee.

THE MINISTER OF JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): Thank you Hon. Chair. The Senate proposed the amendments and it is only fair that I speak to what the Senate did. Before I do that, allow me to make a few clarifications.

Hon. Chairperson, there have been suggestions in some sections that this Bill has been recommitted to this honourable House because

it was found to be riddled with mistakes; therefore, we were here to correct the alleged mistakes. I think I should put the record straight so that we all move in the same direction.

Hon. Chair, nothing could be further from the truth. We are here because the Bill, having been overwhelmingly passed by the National Assembly, was considered by the Senate and the Senate, in the exercise of its constitutional function, made amendments to it. Those amendments have been recommitted to the National Assembly for reconsideration - that is the ordinary working of a bicameral Parliament with two Chambers and it is nothing more than that. We must applaud the Senate that they are doing their work, – it is not a rubber-stamping House – [HON. MEMBERS: *Hear, hear.*] -

Allow me a brief moment to place three matters on record, just to correct the record. First, this Bill was gazetted by the Speaker on the 16th February, 2026. It lay in the public domain for more than 90 days before it received its First Reading in the National Assembly on the 2nd of June. Throughout that period, it was the subject of close animated and extensive public commentary. In all that time, not one error or mistake was pointed by anyone.

A Bill that has stood before the nation for more than 90 days cannot fairly be described as having been riddled with mistakes - [HON. MEMBERS: *Inaudible interjections.*] - when not a single mistake was pointed out during its public scrutiny – [HON. MEMBERS: *Hear, hear.*] -

Secondly, when the National Assembly debated this Bill across many days and many contributions in several - [HON. MEMBERS: *Inaudible interjections.*] -

THE TEMPORARY CHAIRPERSON (HON. J. TSHUMA):

Order. Order - [HON. MEMBERS: *Inaudible interjections.*] - Order Hon. Makumire. Order Hon. Hwende, order! – [AN HON.

MEMBER: *Go to press conference, we cannot debate social media aspersions*] – Order, order! This is an august House; we do not carry ourselves like that. Can you switch off that mic there! Who switched on that mic? Please, may you switch off that mic. Thank you very much for being an honourable Member - [HON. MEMBERS: *Inaudible interjections.*] - Order, order Hon. Members, Order, Order! - Hon. Minister, please carry on.

HON. Z. ZIYAMBI: Thank you Hon. Chairperson. I was saying that when the National Assembly debated this Bill across many days and many contributions in seven sittings, no Hon. Member on either side of the aisle pointed to a single error or a mistake in its text.

Thirdly, it was Senate...

HON. MOLOKELA-TSIYE: On a point of order - [HON. MEMBERS: *Inaudible interjections.*] -

THE TEMPORARY CHAIRPERSON: Order Hon. Members. What is your point of order Hon. Molokela?

HON. MOLOKELA-TSIYE: Hon. Chairperson, the Leader of Government Business does not need to respond to social media's aspersions. These issues were not raised in this august House. He cannot waste our time by responding to rumours from the social media. If he is worried, he can do a press conference. It is all in good order.

THE TEMPORARY CHAIRPERSON: Order, order, Hon. Molokela, order, order, can you listen to me! The Minister of Justice, Legal and Parliamentary Affairs is the Leader of Government Business in this House. Therefore, - [HON. MEMBERS: *Inaudible*

interjections.] - listen! If ever there is anything that taints the business of the House, it is very correct for the Minister to set the record straight. We do not want distortions here. We do not want hearsay here - [HON. MEMBERS: *Inaudible interjections.*] - The Hon. Minister, as Leader of Government Business, has the capacity and it is within his right to clarify issues of pertinent importance to this House. - [HON. MEMBERS: *Inaudible interjections.*] - Order! Hon. Molokela, please take your seat. - [HON. MAMOMBE: *Instead, he must tweet.*] – Can you be guided by this? - [HON. MAKUMIRE: *You can give Rutendo Matinyarare, he can tweet.*] – Hon. Makumire, that is the first warning over there. Hon. Minister, carry on.

THE MINISTER OF JUSTICE, LEGAL, AND PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): Thank you Hon. Chair. I was saying it is the Senate applying itself to the Bill with great care that identified the refinements that are now before us. Some Senators brought their observations to me and I adopted them and tabled them, while other Senators tabled their own amendments. That is precisely the work for which a second chamber exists. It is not a mark of carelessness; it is the system of two chambers working

exactly as they are meant to work. In so doing, the Senate has put to rest the tired claim that it is no more than a rubber stamp.

What is now described as the correction of mistakes is, in truth one House completing and refining the work of the other. With that clarification, Hon. Chair, I turn to the amendment made by the Senate which is contained in the Bill.

Hon. Chair, the first amendment is to Clause 3, which provides for the election of the President. The Senate has refined Section 92 (5), which governs the conduct of that election in the form that the National Assembly passed.

The subsection provided that ZEC would preside over the election and that the procedure would follow the Standing Orders of Parliament. The amendments provide instead that the election shall be conducted by ZEC in accordance with the electoral law and the Standing Orders.

The refinement is one of precision.. Zimbabwe Electoral Commission will conduct the elections, not merely preside over it. An election of this constitutional importance should rest, not on the Standing Orders of Parliament alone but also the electoral law, which

will be aligned to the manner in which the President is elected in Parliament and the amendment secures that footing. I therefore move that the amendment be adopted Hon. Chair.

Amendment to Clause 3 put and agreed to.

Clause 3, as amended, put and agreed to.

On Clause 4:

HON. MUSHORIWA: Thank you Hon. Chair. I have gone through the proposed amendment by the Senate, which seeks to delete Clause 94 (3) and for the benefit of the House, this subsection reads, a Vice President who becomes President on the death, resignation or removal from Office of the President assumes office when he or she takes before the Chief Justice or the next most senior judge available the oath of President in the form set out in the Third Schedule, which oath he or she must take as soon as possible and in any event, within 48 hours after the Office of the President becomes vacant.

Hon. Chair, the Senate proposes to delete this clause and to delete the current provision of the Constitution. My view is that I disagree with that proposal. I believe that whenever there is a vacancy in the Office of the President and it does not matter whether the

current provision in the CAB3 says Parliament should then sit as an electoral college after the passing on or the removal from office of the President, after about two weeks.

In the meantime, a country cannot afford not to have a President and Vice President, whom I understand from the amendments is the last Vice President who acted, surely should take an oath for that time frame, even if it means one week. The reasons are simple: firstly, you cannot have a situation where the Vice President in those two weeks has power and the functions of the Executive President.

Inasmuch the Vice President is not going to be there for a longer time but because he or she is going to occupy the Office of the President, be it two or less but during that course of time, he or she should take the oath. The current provision, as it stands in Section 94 (3), which I read, I think it is correct and in my humble view, there is no need for us to remove it. It should remain, unless we are saying we want someone to take over and then that person does not take an oath. That person should just take an oath because you are a President, albeit for a very short period of time.

To that extent, I move the amendment standing in my name that we reject the recommendation from the Senate – [HON. MEMBERS: *Inaudible interjections.*] –

THE TEMPORARY CHAIRPERSON (HON. J. TSHUMA):

Order, order. Let me just finish this part. I put the amendment proposed by Hon. Mushoriwa – [HON. MEMBERS: *Inaudible interjections.*] –

THE MINISTER OF JUSTICE, LEGAL, AND

PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): I need to respond before you do that.

THE TEMPORARY CHAIRPERSON: I was going to say then you debate, then you come in.

HON. Z. ZIYAMBI: If you put it and it is rejected, it becomes mute and there will be no need for me to respond. I need to respond so that when you put it... – [HON. MEMBERS: *Inaudible interjections.*] –

HON. HWENDE: I also need to debate – [HON. MEMBERS: *Inaudible interjections.*] –

THE TEMPORARY CHAIRPERSON: Sorry, Honourable,
Order – [HON. MEMBERS: *Inaudible interjections.*] –

HON. Z. ZIYAMBI: I should be able to explain the
amendments.

THE TEMPORARY CHAIRPERSON: Yes, I am putting the
question for debate, Hon. Leader of Government Business. I am not
closing it off. I am putting the amendment by Hon. Mushoriwa for the
deletion of Clause 4.

HON. HWENDE: Hon. Chair, there is still a debate.

THE TEMPORARY CHAIRPERSON: Honourable, you will
get your chance, so relax. Order! Hon. Leader of Government
Business, please carry on.

**THE MINISTER OF JUSTICE, LEGAL AND
PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI):** Hon. Chair,
Hon. Mushoriwa does not understand what we are doing here. This
clause is no longer effective. Even if we do not remove it, it was not
even effective currently. When we did Amendment No. 2, we
removed this. We even indicated that upon a vacancy existing, the

party would then choose where the President came from, the successor.

This is a cleaning-up exercise and in any event, when there is a vacancy and the President cannot continue for whatever reason, you do not swear in somebody to act. There is a provision in the Constitution for an acting President pending the election of another President. An acting President does not take an oath of office as if he/she is the actual President. We are just doing the cleaning up of the Constitution by removing redundant clauses.

In other words, what we could have opted to do is not to inform Parliament and requested the law reviser to remove it because it was dealt with. What we are simply doing in this new clause is to make provisions that are current and consistent with what we did in CAB3, which is what I am going to do to read to Hon. Members so that they can debate from a point of knowledge.

Clause 4 is a new clause Hon. Chair, which was not contained in the Bill that we passed here. It amends the section dealing with the assumption of office by the President and Vice Presidents following an election by repealing Section 94 (3) of that section. The reason is

one of good order. Section 94 provided for a Vice President who became President upon a vacancy to take the oath of office, which is what we deleted in CAB2. That provision no longer applies. When Parliament passed Amendment No. 2 in 2021, it removed the automatic elevation of a Vice President upon there being a vacancy in the office of the President. This Bill now provides that upon such a vacancy, Parliament elects a new President within 30 days. The old subsection therefore has no further work to do and is accordingly removed so that the Constitution does not continue to carry a provision the law has already left behind. That is the reason. I so move that the amendment proposed by the Senate be taken into consideration. I thank you.

THE TEMPORARY CHAIRPERSON: Thank you Hon. Ziyambi. Hon. Gumbo, please may you switch off your microphone. Let me reiterate what I said during the previous sitting, if you want to debate, please stand up and indicate without switching on your microphone and I will definitely give you the floor to do so. We do not want to disturb what is happening here.

HON. MOLOKELA-TSIYE: Thank you so much Hon. Chair.

I need to raise a point of concern to this august House. During the debate of the Constitutional Amendment Bill (No. 2) CAB2, I was concerned about the decision to remove what we call Section 92 of the Constitution, which under the 2013 Constitution is known as the running mate clause. The decision to remove it was not in the best interest of this country, especially from a security point of view and now today - [HON. MEMBERS: *Inaudible interjections.*]-

HON. Z. ZIYAMBI: Point of order Hon. Chair.

THE TEMPORARY CHAIRPERSON: Order, order!

HON. Z. ZIYAMBI: Just clarify so that we can debate from a point of knowledge. - [HON. MEMBERS: *Inaudible interjections.*]-

THE TEMPORARY CHAIRPERSON: Order, order! The Hon. Member has not been stopped from debating. The Hon. Leader of Government business has just put a point of order to clarify. He will still go on and debate. Order! Order! Yes Hon. Leader of Government business.

HON. Z. ZIYAMBI: Hon. Chair, CAB3 did not remove the running mate. We cannot debate something that was removed four

years ago and you raise a concern now. I think that is not in order. We cannot waste our time here debating things that were removed four or five years ago.

THE TEMPORARY CHAIRPERSON: Order! Hon.

Molokela. I hope you heard that.

HON. MOLOKELA-TSIYE: Yeah, but you misunderstood me. I never spoke about CAB3, I spoke about CAB2 - [HON.

MEMBERS: *Inaudible interjections.*]-

THE TEMPORARY CHAIRPERSON: Order! Order! What the Leader of Government business is simply trying to say is that we cannot debate something that happened years ago. Stick to the clause as proposed by Hon. Mushoriwa.

HON. MOLOKELA-TSIYE: Hon. Chair, I think this is not fair. I am trying to present an argument. Give me the opportunity to debate. Before I finish presenting my argument, someone disrespected me and totally misled the House.

THE TEMPORARY CHAIRPERSON: Hon. Molokela, please continue.

HON. MOLOKELA-TSIYE: What we are dealing with is a legal *lacuna* that was created by a short-term decision of removing Section 92 in the original 2013 Constitution under the Second Amendment Bill. Trying to address it using processes is going to be still adequate. The reason why we had the Section 92 in the original 2013 Constitution was because we knew that in case of emergency, sudden death and in case something happens to the President, we could immediately swear in one of the Vice Presidents to take over the country. Even if the war started the same day, he would have the immediate authority and power. The real reason we did that was to protect the national security and integrity of this country.

In this current situation, I need to educate this House under this current system.- [AN HON. MEMBER: *Urikuda kudzidzisa ani?*]-

THE TEMPORARY CHAIRPERSON: Order, let us listen to him.

HON. MOLOKELA-TSIYE: Under this current situation, to have a legal *lacuna* could lead to a constitutional crisis that could lead to national political instability and insecurity. There is a difference between an acting President who is acting as an acting President

because the current President is alive and well, maybe he has travelled out of the country and an acting President is acting in the aftermath of the original incumbent. Those positions are not the same.

If the President of the country leaves today to attend a conference in Zambia, he appoints one of the two Vice Presidents in an acting capacity, but he remains as the *de jure and de facto* President of the country. What the Honourable Leader of Government business is addressing is an administrative issue that has no constitutional relevance or validity whatsoever. What it means is... -

[HON. MEMBERS: *Inaudible interjections.*]-

HON. DR. MUTODI: I have a point of order. - [AN HON. MEMBER: *WeRhumba anonetsa.*]-

THE TEMPORARY CHAIRPERSON: Order, order! Hon. Mutodi, do you have a point of order?

HON. DR. MUTODI: Thank you Hon. Chair. I think Hon. Molekela is a legal practitioner. He knows that the clause that has been referred to by Hon. Mushoriwa...

THE TEMPORARY CHAIRPERSON: I cannot hear you.

HON. DR. MUTODI: I am saying, yes Hon. Chair, let me raise my voice. - [HON. MEMBERS: *Inaudible interjections.*]-

THE TEMPORARY CHAIRPERSON: Order, Hon. Members, I need to hear the point of order. Please, can you keep quiet! Let us hear what Hon. Mutodi wants to say. Hon. Mutodi, go ahead.

HON. DR. MUTODI: Yes, what I am saying Hon. Chair, is that the proposal being made by Hon. Mushoriwa is at law, what we call a *brutum fulmen*. It is a *brutum fulmen* in the sense that the provision has already been taken over by events. By virtue of CAB3 being adopted by this Parliament, it means that, that provision is now a *brutum fulmen*. On the logical part of it, Hon. Chair, giving a CAB3...

THE TEMPORARY CHAIRPERSON: Order, order, Hon. Mutodi, - [HON. MEMBERS: *Inaudible interjections.*]-Order, order. *Musangoramba muchingodzvanya mamicrophone.* Hon. Mhangwa and Hon Makumire, *dzimai mamicrophone enyu.* Stop doing that.

Hon. Mutodi, the point that you are bringing is a point to make in a debate, so we will give you a chance to respond to that.

HON. MOLOKELA-TSIYE: Thank you so much Hon. Chair.

I wanted to make sure that it is straightforward. We need to be consistent. As I speak to you this afternoon, we have what we call a Deputy Minister and a Cabinet Minister. As we speak this afternoon, there is not even one Deputy Minister who is allowed to be an Acting Minister under any circumstances. There is a reason; there is logic behind that. When you are a Deputy Minister, you are not the substantive Minister. That is why, even if the substantive Minister is on leave, the Deputy Minister cannot be the Acting Minister. Using the same logic, you do not expect someone who became a Vice President because the President was still there to be allowed to be Acting President in replacement of a substantive President.

That means that they automatically have the same powers that a *de facto* President has. In the same way, you are refusing to allow a Deputy Minister to be an Acting Minister. You should not then allow an Acting Vice President to be an Acting President in the same capacity as a *de facto* and *de jure* President. It means they need to be sworn in into office so that if the country starts a war with Zambia tomorrow or Zambia attacks Zimbabwe, they have to make decisions

just like a substantive President or just like a substantive Minister.

This logic is fundamentally flawed. It also does not address an issue of concern. What if the last Acting Vice President decides to say, ‘I want to be the President of this country’? What will you do about it in Parliament? What if he dissolves Parliament? What will you do about it? You will be dissolved as parliamentarians by an Acting President who has not even been sworn in. This is a constitutional...

THE TEMPORARY CHAIRPERSON: Order! Hon.

Members, stop playing with your microphones. Please. Hon.

Molokela - Tsiye, can you wind up now?

HON. MOLOKELA – TSIYE: What I am trying to help us to understand is that by trying to address a constitutional matter using an administrative process, we are like trying to create a constitutional crisis that will come and haunt us as a country tomorrow. That last sitting Acting Vice President, who was last acting as Vice President, cannot be given the same level of power as an Acting President who is replacing an incumbent President. That is the legal misfortune or legal mischief that we are trying to create. I am urging the Hon. Leader of Government Business to sit down and thoroughly

understand the implications. If I am the last Acting President, I will just run with this thing. I do not need Parliament to vote for me. I will just run with it. Thank you so much.

HON. DR. MUTODI: Thank you Hon. Chair. The cause alluded to by Hon. Mushoriwa is a *brutum fulmen* at law. Events have already taken it over. The proposed law by CAB2 might not be favourable to some of the Hon. Members, but it remains law by virtue of it having been approved by this Parliament as part of that constitutional amendment provision. The clause has been taken over by events and should not be smuggled into this Parliament as an afterthought. I also want to address the logic that is being forwarded by Hon. Molokela - Tsiye saying that an acting President...

THE TEMPORARY CHAIRPERSON: Order! Order! Hon. Members.

HON. CHIGUMBU: The duty to respond to other Members' debates lies with the Hon. Minister. Hon. Mutodi has no prerogative to respond to any other Member here. May he just debate...

THE TEMPORARY CHAIRPERSON: Order! Order! This is an august House. What Hon. Mutodi is doing is what we call a debate and it is very much allowed.

HON. DR. MUTODI: Thank you Hon. Chair. My last point was to address the input from Hon. Molokela – Tsiye. Hon. Molokela – Tsiye does not take cognisance of the fact that - [HON.

MOLOKELA – TSIYE: *That is unprocedural. You cannot respond there. You are not a Minister. You cannot respond; you can debate your view, but you cannot respond to another Hon. Member.]*-

THE TEMPORARY CHAIRPERSON: Hon. Molokela – Tsiye, you cannot abuse the House like that. What is wrong with you? It is not correct, *ungayenzi njalo. Sidabuka sonke asiyenzi njalo.*

HON. DR. MUTODI: I already wanted to say that the input by Hon. Molokela–Tsiye is not taking cognisance of the fact that Vice Presidents, as they currently exist, still act as Presidents even without taking the oath of office. Giving a caretaker President sweeping powers, even to declare war and to take oath of office, would be misleading and would create chaos. The current input of the law as

proposed under CAB3 should be upheld. The proposal by the Senate should be adopted by this House. I thank you Hon. Chair.

HON. TOGAREPI: Thank you Hon. Chair. My observation is that succession issues are in Clause 7. Why do we not deal with this, since it is only removal? Then we go to succession issues in Clause 7. Then we debate what they want to debate.

THE TEMPORARY CHAIRPERSON: At times, I wish, as Hon. Members, before we come to the House, we would go through the *Order Paper*. It will guide you. At times, we just waste time unnecessarily when a certain issue is already at stake somewhere. As the Government Chief Whip is saying, most of these issues that we are talking about are contained in Clause 7.

HON. GUMBO: Thank you Hon. Chair. Section 94 of the Constitution speaks to the assumption of office by the President and Vice-President. What it does, contrary to the sentiments passed by the Minister that subsection 3 is an inconsequential Clause of the current Constitution before the amendment, is rather insincere and incorrect. In fact, the Minister says he is cleaning up the Constitution; he is, in fact, contaminating the Constitution. I will make my point, Hon.

Chair. We do not read the Constitution or constitutional clauses in isolation. Constitutional clauses speak to each other. Section 94 on the assumption of the President makes two separate but significant suggestions which speak to two other clauses, which I will refer to in my submission. Section 94 (1) deals with the person who has been elected President. That person must then take the oath of office, so on and so forth. Section 94 (3) speaks of a different scenario under which or through which a person can assume the Office of President. Section 94 (3) must be read in conjunction with Section 101 of the Constitution, which speaks to the issue and question of succession.

So, already, the drafters and the framers of this Constitution and this clause were making a futuristic, positive assumption that there would be a situation in which the transition of the Presidency would be subjected to a succession question or process. Subsection 3 addresses that. This is why it starts by saying ‘where a Vice President assumes...’. Now, I want to take this House to Section 143 (1) of the Constitution and I hope the Minister is following. You will see why these two sections in Section 94 speak to different scenarios. Indulge me as I go to this section.

Section 143 (1) says that Parliament is elected for a five-year term which runs from the date on which the president-elect is sworn in and assumes office in terms of Section 94 (1) (a). So, the life of Parliament is tied to the election of the President and the assumption of office in terms of Section 94 (1). With the current amendment that is proposed to remove Section 3, what the Senators proposed is to say, let us remove an alternative way that the President can assume office and consequently or the consequence of that is that when a person assumes office in terms of Section 94 (1) (a) alone, Section 143 of the Constitution is affected. Parliament will renew every time a President resigns, dies and a Vice President takes over office in terms of Section 94 (1) (a). So, you do not seek to remove an alternative method of assuming office without affecting Section 143 (1) which says, the life of Parliament runs for five years or for the years that it runs, as proposed now, seven years after the assumption of office by the President. I so submit. - [HON. MEMBERS: *Inaudible interjections.*]-

THE TEMPORARY CHAIRPERSON: Order! Order!

HON. GUMBO: The Hon. Minister must answer. If I am wrong, he must answer.

THE TEMPORARY CHAIRPERSON: Order! Order!

Gumbo. You debated like an Hon. learned counsel. Why do you want to behave like a hooligan?

HON. MUSHORIWA: Hon. Chair, I listened to the response from the Hon. Minister objecting to my amendment. I want to just state that the oath of office is a constitutional prerequisite for the lawful exercise of the presidential powers. In my view, it is not a mere formality but a constitutional commitment to uphold and defend the Constitution.

Secondly, the duration of service is irrelevant. Whether the Acting President serves for two weeks or one week, the office being exercised by the Acting President is that of a President and must carry the same constitutional obligations.

Thirdly, dispensing with the oath creates an unnecessary constitutional exception and risks undermining the legitimacy of decisions taken by a person exercising presidential authority. What we are saying is that if a person is in that office without taking an oath, we are literally undermining the decisions. It is my view that retaining Section 94 (3) as it is preserves the constitutional certainty and

reinforces the accountability and maintains the dignity of the highest office of the republic.

The Hon. Minister may be, taking this from a simplistic point of view. A Vice President who is going to act even for 10 days, 10 days and all of us know as politicians that one week in politics is a very long period and 10 days of someone acting in the office of the President is a long period. Certain decisions can be made. We do not want this person to just get into the office without taking an oath. Zimbabwe needs to have confidence in the office of the President.

Then, lastly before I sit down, the Hon. Minister in his submission, said that it does not matter who actually left this section as it is. In that view, then I think the best thing is to leave Section 94 (3) as it currently is. I think no one suffers anything. I think this should be the best for the country.

HON. ZVOBGO: I think the Hon. Mushoriwa is failing to distinguish between two things. He is failing to distinguish between an acting President and an actual President. He seems to see these as equivalent. What the Minister has made very clear is that on the death or vacancy in the presidency, the person who acts as Acting President

is the Vice President. Now, he is equating the office of an Acting President with the office of an actual President. I think that is the flaw in his argument. I thank you.

THE MINISTER OF JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): Hon. Chair, Hon. Zvobgo is very correct. We must read Section 94 the way it is written. It says a Vice President who becomes a President, not acting. We no longer have a Vice President who becomes the President automatically. So, this is irrelevant. I do not see what we are debating because it is saying that if a Vice President becomes President on the death of the President, we do not have a Vice President who automatically assumes the presidency anymore. Whether it was wrong or right, it is no longer in our statutes. So, we are simply deleting what is no longer relevant. Whether you argue whether what we did was correct or not is neither here nor there.

The Constitution says that a Vice President who becomes the President and Hon. Gumbo was animated. He went to Section 101. It states that upon the death of the President, a Vice president who becomes acting President. We have a whole chapter on the powers of

an Acting President. It stands as it is. Nobody is challenging it. I propose that we move, Hon. Chair.

Amendment to Clause 4 by Hon Mushoriwa, put and negatived.

Clause 4, as amended by the Senate, put and agreed to.

On Clause 7:

HON. MUSHORIWA: Thank you Hon. Chair. I have also looked into the amendment by the Senate on Clause 7. I do not have a problem with the text. What I was going to propose to the Hon. Minister is that we add the words after the submission by the Senate to say “assumes office in terms of Section 92”, then we continue to say “up to expiry of the former President’s term”. The reason is just for clarity to make sure that this person is going to be President up to the end of the term of the former President. So, his job is to finish the term. I wanted to make sure that for completion, let us include up to the expiry of the former President's term on what the Senate has proposed.

THE MINISTER OF JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): Hon. Chair, Hon. Mushoriwa has confused himself. This is because we amended

and we said in the Bill, if he read the Bill that passed through this august House, it says if there is a vacancy, Parliament will sit within 30 days.

He left that standing and introduced another amendment that would conflict with the one that he had left standing. So, I think we should put the amendment proposed by the Senate. I thank you.

Amendment proposed by Hon Mushoriwa, put and negatived.

Amendment to Clause 7 put and agreed to.

Clause 7 as amended, put and agreed to.

On Amendment to Clause 11, now Clause 10:

HON. MUSHORIWA: Thank you Chair. According to the Senate, it says that after a general election, the first sitting of Parliament must take place at a time and on a date determined by the Clerk of Parliament in a notice in the *Gazette* but not later than 14 days after the election results have been declared. I want to submit my amendment, which says that under this proposed Constitution of Zimbabwe Amendment (No. 3) Bill, Zimbabwe will always have a sitting President until Parliament elects a successor. Therefore, there is no constitutional vacuum requiring the Clerk of Parliament to

exercise this function. Summoning Parliament is a fundamental executive constitutional function that should remain vested in the President rather than an administrative officer. The Clerk of Parliament is the Chief administrative officer of Parliament and should not be assigned powers that properly belong to the Executive.

Allowing the President to summon Parliament preserves the constitutional separation of powers while permitting the Clerk to perform the administrative task associated with convening the sitting. This approach maintains constitutional consistency by ensuring the executive authority remains vested in the Head of State and Government until a new President is duly elected by Parliament. So, what we are saying is that instead of the Clerk of Parliament summoning Parliament, the Head of State or the incumbent President should summon Parliament and maybe that will be one of his last duties as the sitting President. He summons Parliament and it elects a President. To then say that the President will now be a lame duck just seated in the office and does not even have power to do such a simple task is not proper. My view is that we need the incumbent to do that function. Further to that Mr. Chair, I have been checking within the

various jurisdictions and have not come across such a proposal and this is one issue that the Minister needs to consider and say, we will have a President and there will not be a day in this country where we can not have a President in office unless we are saying that a president who will be a president will vacate office because an election of Parliament has happened. It does not happen that way. I so move.

HON. TOGAREPI: Thank you Mr. Chair. We are faced with a situation where the function of the process from after the election to electing a President rests with Parliament, while the Clerk of Parliament just gives a notice. On a lighter note, I would say Hon. Mushoriwa, if the present President decides not to call Parliament, what do you do? The President, who is current and we are bringing in another President and he has the authority to call Parliament and he decides not to call Parliament, what will you do? So, an independent someone who has no interest whatsoever in the presidency would be the best person to guarantee that Parliament would be recalled.

HON. HWENDE: Thank you Chairperson. I think I would want to agree with the Government Chief Whip that the President who is going to be replaced will obviously be a conflicted President and it

makes sense. If you look at South Africa, it is the Clerk who calls the Parliament to come and sit. So, I am supporting this but my problem is with the 14-days period. I think it is too long and I would want to suggest that a seven-day period would be sufficient. That is my proposal, I thank you.

Amendments to Clause 10 now Clause 11, put and negatived.

Clause 11, as amended by the Senate put and agreed to.

Clause 16 put and agreed to.

Clause 16, as amended by the Senate, put and agreed to.

Clause 23 put and agreed to.

Clause 25, as amended, put and agreed to.

House resumed.

Bill reported without amendments.

Third Reading: With leave, forthwith.

THIRD READING

[Bells rung.]

House divided.

Ayes- 226: Butau David, Batitsa N., Benza I., Bhila R., Buka F., Butau Dzidzai., Bvute Obey, Bvute Ozias, Chaimvura N., Chakukura

U, Chari R., Chibagu G., Chiduwa C., Chikomo T., Chikomo S.,
Chikwinya N. E. G., Chinodakufa I., Chiota C., Chitando W.,
Chitimbe V., Chinanzvavana C., Chiwa D., Chiwanza C.,
Chokururama J., Chombo M., Cumanzala F., Dhanzi A., Dhliwayo L.,
Dinha M., Dube P., Dube S., Dumbarimwe T., Garwe D., Gata A.,
Gava A., Gezi T., Guyo P., Gwabeneni M., Hadebe J., Haritatos V.,
Hungwe T., Jaravaza M., Jere F., Jesaya E., Jonga W., Kabikira B.,
Kaitano K., Kambamura P., Kangausaru, C., Kanupula T., Kapoikilu
S., Karikoga T., Karimatsenga N., Karumazondo T., Kashambe M.,
Kazembe K., Kudhlande P., Kwidini S., Linyani M., Maburutse S.,
Machakaire T., Machangu P., Machingura R., Magomo C., Mahachi
A., Mahlangu S., Majaya B., Makaza F., Makombe J., Makope M.,
Makumbe T., Makuvire J., Makwiranzou C., Malinganiso T.,
Mananzva K., Mandiwanzira S., Mangondo N. T. J., Maoneke E.,
Mapfumo F. W., Mapiki J., Maphosa S., Maposa W., Marange N.,
Marapira D., Marikano D., Marupi O., Maseko S., Mashavave G.,
Mashonganyika D., Masuku E., Masvingise Z., Masvisvi D.,
Matangira T. R., Matara T., Matema S., Matinyanya S. M., Matiza
M., Matsunga S., Maunganidze N. L., Mavetera T. A., Mavhima P.,

Mavunga A. T., Mayihlome L., Mguni N., Mhlanga J. N., Mhona F. T., Mhuri W., Mkwanda J., Mnangagwa K. D., Mnangagwa T. M., Modi R., Mombeshora D. T., Monga S., Moyo C., Moyo D., Moyo E., Moyo Fisani, Moyo Fred, Moyo J., Moyo P., Moyo R., Moyo S., Moyo T., Moyo V., Mipasi J., Mpofu A. R., Mpofu R., Muchemwa W., Muchimba C., Mudekunye N., Mudowo T., Mudumi B., Mudzingwa L., Mugadza M., Mugomo M., Mugwadi T., Mujeyi A., Mukomberi T., Mukuhlani T., Mukungurugwa H. G., Mundungehama S., Munemo L., Mupamhanga K., Murambiwa O., Murechu F. P., Mureyani S., Muringazuva P., Murwira T., Mushipe T., Musiyiwa R., Muswere J., Musweweshiri B., Mutandi G., Mutimbanyoka K., Mutodi E., Mutokonyi V., Muwodzeri T., Muwombi J., Nhatiso D., Ncube E., Ncube F., Ncube L., Ncube M., Ncube O., Ndebele M., Ndlovu B., Ndlovu E, Ndlovu N., Ndou T., Ndudzo I., Ndudzo P. D., Nguluvhe A., Ngwenya S., Nhari V., Njanji M., Nkani A., Nkomo M., Nyabani T., Nyakuedzwa A., Nyandoro B., Nyathi T. C., Nyelele L., Nyevera J., Nyoni S. G., Paradza J., Phuti D., Raradza E., Rungwave T., Ruvai E., Rwodzi B., Sacco J. K., Sakupwanyanya S., Samambwa E., Samson A., Sanyatwe C., Shamu W. K., Shongedza

E., Shumba T., Sibanda Libion., Sibanda M. C., Sibanda O., Sibanda S., Sihlabo V., Simbanegavi Y., Sithole J., Soda Z., Taedzwa H. M., Tasikani I., Tavaziva G., Tawomhera T. T., Thompson B. T., Togarepi P., Tshuma J., Tshuma S., Zemura L., Zevezai C., Zhanda W., Zhou P., Zhou Tafanana, Zhou Tsitsi, Ziki R., Ziyambi M. C., Ziyambi S., Zvobgo E. M. N.

Tellers: Kambuzuma C., Pinduka T.

Noes- 41: Bajila C. D., Bonda J., Chigumbu D. Z, Chikombo W., Chimbaira G., Gumbo A., Gumede M. A., Gwangwaba S., Hlatywayo Clifford., Hwende, C., James B., Jimu L., Kademaunga M., Karenyi L., Kuka J., Madzivanyika C., Makumire R., Mambipiri G., Mamombe J., Matambo J., Matinenga M., Mavhudzi D., Mavhunga M., Mazhindu B., Mhangwa L., Molokela-Tsiye F. D., Mureri M., Murombedzi M., Mushoriwa E., Mutseyami C. P., Nkala D., Nyamuronda R., Sagandira P., Shiriyedenga E., Sibanda L., Sithole G. K., Tobaiwa J., Tsvangirai R., Zvaipa I.,

Tellers: Hlatywayo Gladys., Matewu C.

THE HON. SPEAKER: Hon. Members on my right, please let us have Order. I have not yet announced the results formally. If you

want to sing, you can sing outside. The results of the count are that 226 Hon. Members have voted in favour of the Third Reading of the Bill, 41 have voted against the Bill. The number of the affirmative votes recorded is not less than two-thirds of the membership of the National Assembly. I, therefore, declare the final votes in the National Assembly on the Constitution of Zimbabwe Amendment (No. 3) Bill [H. B. 1B, 2026] to have been in accordance with the provisions of Section 328 (5) of the Constitution.

Motion put and agreed to.

Bill read the third time.

THE MINISTER OF JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): Mr. Speaker Sir, before this Hon. House rises, allow me to say a few words. It should be placed on record that what the House has done is momentous. It is historic and these are not words I use lightly. They are often easily spent and rarely earned. Yet here they are, deserved and the years will bear them out into posterity.

Firstly, Mr. Speaker, I thank His Excellency the President, on whose summons the House returned to finish its work. I also thank you for the steady and experienced hand with which we have brought these proceedings to their close.

My deepest appreciation is owed to Hon. Members of this House. I would not let this moment pass without expressing it in full. Hon. Members have carried this Bill the whole of its long way, from the First Reading, through Second Reading debate, through its examination clause by clause, to the confirmation of the Senate's amendments, a legislative process that did credit to Parliament. Members from every province and from both sides of the House, engaged the supreme law of the land with a seriousness the nation could witness. For that work, I thank them and thank them each and all with great appreciation.

That commitment did not end when the House rose. The work was nearly done when the recess fell and Hon. Members were under no compulsion to return. The calendar had released them. They were called back and they came in the midst of their recess to finish the historic work they had begun. Nothing in that is taken for granted, Mr.

Speaker Sir, and the Hon. House should never take it for granted.

They came and came to work. That is the final proof of a commitment to national duty that no words of mine can improve upon because they came and finished the job that they started. The House is now free of the Bill. When Hon. Members return from their recess, they will return to a clear table. The matter that called them back is settled and behind them. They now may take up the rest of the pressing business of the House that gave way to it.

What the House has done, Mr. Speaker, is its constitutional duty. It has made law. That is the one task the Constitution places in the hands of this Hon. House and of no other. In discharging it, the House has done the highest thing a Parliament can do. The law that has been made will enable the progressive building and development of this country. The steady work that has settled constitutional order exists to make it possible, undertaken for the Republic and for no individual at all. What was decided here Mr. Speaker, was decided not for today but for those who will come after. The beautiful Zimbabweans not yet born who will one day live under it, history will vindicate them for

what is done for posterity is not judged by the present, but by the verdict of the years to come.

The House has listened, it has debated and decided. Now, it has finished the business. It was called, it came, it asked and it answered. It began a great work and it carried it through. The Hon. Members who did so have my lasting gratitude. I do not doubt the gratitude of the nation and of those who will come long after us. I thank you Mr. Speaker, sincerely and I now move that the House do now adjourn.

On the motion of **THE MINISTER OF JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI)**, *the House adjourned at Five o'clock p.m. until Tuesday, 7th July, 2026.*