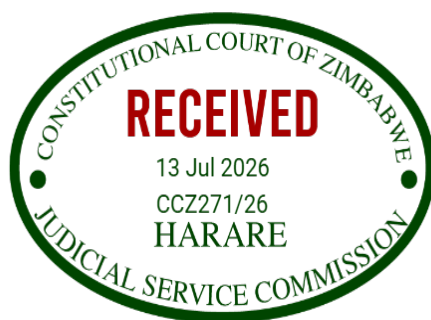


## List of Documents

|                                                                                                                            |    |
|----------------------------------------------------------------------------------------------------------------------------|----|
| Court Application in terms of 167 (2) (d) of the Constitution as read with Rule 32 of the Constitutional Court Rules, 2020 | 2  |
| Founding of Prince Dubeko Sibanda                                                                                          | 8  |
| Annexure A1 - Applicant's National ID                                                                                      | 21 |
| Annexure B - Applicant's Practicing Certificate                                                                            | 22 |
| Annexure C - Constitutional Amendment Act                                                                                  | 23 |
| Draft Order                                                                                                                | 31 |



IN THE CONSTITUTIONAL COURT OF ZIMBABWE  
HELD AT HARARE

CCZ. /26

*In the matter between:*



PRINCE DUBEKO SIBANDA

APPLICANT

&

THE PARLIAMENT OF ZIMBABWE

1<sup>st</sup> RESPONDENT

THE PRESIDENT OF ZIMBABWE [N.O]

2<sup>nd</sup> RESPONDENT

THE MINISTER OF JUSTICE & PARLIAMENTARY  
AFFAIRS [N.O]

3<sup>rd</sup> RESPONDENT

---

COURT APPLICATION IN TERMS  
OF 167(2) (d) OF THE CONSTITUTION AS READ WITH RULE 32 OF THE  
CONSTITUTIONAL COURT RULES, 2025

---

Filed by MBIDZO MUCHADEHAMA & MAKONI

Applicants Legal Practitioners  
34 Wyvern Avenue  
Belvedere  
HARARE  
0772218754  
[muchadehama.alec56@gmail.com](mailto:muchadehama.alec56@gmail.com)

IN THE CONSTITUTIONAL COURT OF ZIMBABWE  
HELD AT HARARE

CCZ. /26



*In the matter between:*

PRINCE DUBEKO SIBANDA

APPLICANT

&

THE PARLIAMENT OF ZIMBABWE

1<sup>st</sup> RESPONDENT

THE PRESIDENT OF ZIMBABWE [N.O]

2<sup>nd</sup> RESPONDENT

THE MINISTER OF JUSTICE & PARLIAMENTARY  
AFFAIRS [N.O]

3<sup>rd</sup> RESPONDENT

---

INDEX

---

| ITEM | DOCUMENT                                       | PAGE |
|------|------------------------------------------------|------|
| 1.   | Notice of Motion                               |      |
| 2.   | Address for service                            |      |
| 3.   | Applicants Founding Affidavit                  |      |
| 4.   | Annexure A 1                                   |      |
| 5.   | Annexure B - Applicants Practicing Certificate |      |
| 6.   | Annexure C - Constitutional Amendment Act      |      |
| 7.   | Draft Order                                    |      |

DATED AT HARARE THIS 10<sup>th</sup> DAY OF JULY 2026

MBIDZO MUCHADEHAMA & MAKONI

Applicants Legal Practitioners

34 Wyvern Avenue

Belvedere

HARARE 0772218754

[muchadehama.alec66@gmail.com](mailto:muchadehama.alec66@gmail.com)

AND TO THE REGISTRAR

Constitutional Court of Zimbabwe

HARARE

AND TO **PARLIAMENT OF ZIMBABWE**

Parliament Building

Mt Hampden,

Harare

[clerk@parlzim.gov.zw](mailto:clerk@parlzim.gov.zw)

AND TO **PRESIDENT OF ZIMBABWE N.O**

The 2<sup>nd</sup> Respondent

Office of the President and Cabinet

Private Bag 7700

Munhumutapa Building,

Samora Machel Avenue / Sam Nujoma Street,

Harare.

[info@opc.gov.zw](mailto:info@opc.gov.zw)

AND TO **MINISTER OF JUSTICE AND PARLIAMENTARY AFFAIRS N.O**

The 3<sup>rd</sup> Respondent

New Government Complex

Corner 4th & Samora Machel Avenue

6th Floor,

Harare

[justice@justice.gov.zw](mailto:justice@justice.gov.zw) +263-

024- 774620/7

IN THE CONSTITUTIONAL COURT OF ZIMBABWE  
HELD AT HARARE

CCZ. /26

*In the matter between:*

PRINCE DUBEKO SIBANDA

&

THE PARLIAMENT OF ZIMBABWE

THE PRESIDENT OF ZIMBABWE [N.O]

THE MINISTER OF JUSTICE & PARLIAMENTARY  
AFFAIRS [N.O]



APPLICANT

1<sup>st</sup> RESPONDENT

2<sup>nd</sup> RESPONDENT

3<sup>rd</sup> RESPONDENT

---

COURT APPLICATION IN TERMS  
OF 167(2) (d) OF THE CONSTITUTION AS READ WITH RULE 32 OF THE  
CONSTITUTIONAL COURT RULES, 2025

---

**TAKE NOTICE** that the Applicant intends to apply to the Constitutional Court at Harare for an order in terms of the Draft Order annexed to this notice and that the accompanying affidavit/s and documents will be used in support of the application.

If you intend to oppose this application you will have to file a Notice of Opposition, in Form CCZ 2 together with one or more opposing affidavits, with the Registrar of the Constitutional Court at Harare within **21 [Twenty-one] days** after the date on which this notice was served upon you.

You will also have to serve a copy of the Notice of Opposition and affidavit/s on the Applicant at the address for service specified below. Your affidavits may have annexed to the documents verifying the facts set out in the affidavits.

If you do not file an opposing affidavit within the period specified above, this application will be set down for hearing in the Constitutional Court at Harare without further notice to you and will be dealt with as an unopposed application.

DATED AT HARARE THIS <sup>10<sup>th</sup></sup> DAY OF JULY 2026

  
MBIDZO MUCHADEHAMA & MAKONI

Applicants Legal Practitioners

34 Wyvern Avenue

Belvedere

HARARE 0772218754

[muchadehama.alcc66@gmail.com](mailto:muchadehama.alcc66@gmail.com)

AND TO THE REGISTRAR

Constitutional Court of Zimbabwe

HARARE

**AND TO PARLIAMENT OF ZIMBABWE**

Parliament Building

Mt Hampden,

Harare

[clerk@parlzim.gov.zw](mailto:clerk@parlzim.gov.zw)

AND TO PRESIDENT OF ZIMBABWE N.O

The 2<sup>nd</sup> Respondent

Office of the President and Cabinet

Private Bag 7700

Munhumutapa Building,

Samora Machel Avenue / Sam Nujoma Street,

Harare.

[info@opc.gov.zw](mailto:info@opc.gov.zw)

AND TO MINISTER OF JUSTICE AND PARLIAMENTARY AFFAIRS N.O

The 3<sup>rd</sup> Respondent

New Government Complex

Corner 4th & Samora Machel Avenue

6th Floor,

Harare

[justice@justice.gov.zw](mailto:justice@justice.gov.zw) +263-

024- 774620/7

AND TO THE REGISTRAR  
Constitutional Court of Zimbabwe  
HARARE

AND TO **PARLIAMENT OF ZIMBABWE**  
Parliament Building  
Mt Hampden,  
Harare  
[clerk@parlzim.gov.zw](mailto:clerk@parlzim.gov.zw)

AND TO **PRESIDENT OF ZIMBABWE N.O**  
The 2<sup>nd</sup> Respondent  
Office of the President and Cabinet  
Private Bag 7700  
Munhumutapa Building,  
Samora Machel Avenue / Sam Nujoma Street,  
Harare.  
[info@opc.gov.zw](mailto:info@opc.gov.zw)

AND TO **MINISTER OF JUSTICE AND PARLIAMENTARY AFFAIRS N.O**  
The 3<sup>rd</sup> Respondent  
New Government Complex  
Corner 4th & Samora Machel Avenue  
6th Floor, Harare  
[justice@justice.gov.zw](mailto:justice@justice.gov.zw)  
+263-024- 774620/7

IN THE CONSTITUTIONAL COURT OF ZIMBABWE  
HELD AT HARARE

CCZ. /26

*In the matter between:*

PRINCE DUBEKO SIBANDA

APPLICANT

&

THE PARLIAMENT OF ZIMBABWE 1<sup>st</sup> RESPONDENT

THE PRESIDENT OF ZIMBABWE [N.O] 2<sup>nd</sup> RESPONDENT

THE MINISTER OF JUSTICE & PARLIAMENTARY AFFAIRS [N.O] 3<sup>rd</sup> RESPONDENT

---

FOUNDING AFFIDAVIT

---

I, the undersigned,

PRINCE DUBEKO SIBANDA

do hereby make oath and swear to say as follows:-

*Parties*

1. I am the Applicant in this matter, an adult Zimbabwean citizen and a registered voter. I am also the former legislator for the Binga North Constituency, having been elected to such public office in the 2013, 2018 and 2023 General Elections.
2. For the avoidance of doubt, I attach my national identification papers as Annexure A1 demonstrating my citizenship, as well as my practising certificate as Annexure B, affirming my credentials as a registered legal practitioner.

3. I depose to this affidavit in my personal capacity. The facts I depose to are, unless otherwise stated, within my personal knowledge and are true and correct to the best of my knowledge, information and belief.
4. The 1<sup>st</sup> Respondent is THE PARLIAMENT OF ZIMBABWE, a constitutional organ established in terms of s 118 of the Constitution and vested with legislative authority. It is bound by the Constitution and must fulfil the obligations imposed upon it by the Constitution. Its address for service is Parliament Building, Mt Hampden, Harare.
5. The 2<sup>nd</sup> Respondent is the PRESIDENT OF THE REPUBLIC OF ZIMBABWE, cited in his official capacity by reason of the interest he **may** have in the subject matter of these proceedings. No relief is sought as against him this matter. His address for service is Munhumutapa Building, corner Samora Machel Avenue and Sam Nujoma Street, Harare.
6. The 3<sup>rd</sup> Respondent is the Minister of Justice Legal and Parliamentary Affairs cited in his official capacity by reason of the interest he **may** have in the subject matter of these proceedings. No relief is sought as against him this matter. The 3<sup>rd</sup> Respondents address of service is New Government Complex Corner 4th & Samora Machel Avenue 6th Floor, Harare

*Nature of the application*

7. This application impugns the 1<sup>st</sup> Respondent's conduct in passing the Constitution of Zimbabwe Amendment Act No. 6 of 2026, in particular sections 5(b) and 10(b) thereof, which purport to insert provisions into the Constitution extending the term of office of the President and the duration of Parliament in a manner that benefits incumbents notwithstanding s 328(7) of the Constitution.
8. For the avoidance of doubt it is my supplication this Court declares that the 1<sup>st</sup> Respondent failed to fulfil its Constitutional obligations imposed by section 117 (2) (a) as read with s 328 (7) of the constitution in its passing and enactment of Constitution of Zimbabwe Amendment Act No. 6 of 2026, in particular sections 5(b) and 10(b), thereof.

9. Such impugnation precipitates from the 1<sup>st</sup> Respondents duty to amend the Constitution in accordance with s 328 of the Constitution as enjoined by s 117 (2) (a) of the Constitution.
10. For ease of reference a copy of the Constitution of Zimbabwe Amendment Act No. 6 of 2026 is attached hereto as Annexure C.
11. This application is brought in terms of s 167(2)(d) of the Constitution as read with Rule 32(1) of the Constitutional Court Rules, 2025. To the extent necessary, I also invoke this Honourable Court's jurisdiction to determine the constitutionality of an Act of Parliament and to grant appropriate relief consequent upon constitutional invalidity.
12. For the avoidance of doubt I further contend that in terms of s 2 of our Constitution this Court has the jurisdiction to declare that Constitution of Zimbabwe Amendment Act No. 6 of 2026, in particular sections 5(b) and 10(b) are inconsistent with s 328 (7) of the Constitution and by such circumstance must be struck down.
13. As will morefully appear below this is a narrow but grave constitutional complaint. It is not directed at the wisdom, popularity or political desirability of a seven-year term. It is directed at the constitutional competence of an amendment that seeks to confer an incumbency benefit in the teeth of s 328(7).
14. The issue is now ripe. An earlier application brought by me under CCZ 17/26 was struck off under Judgement CCZ 9/26 because the provisions I sought to impugn were then still contained in a Bill. I have come to accept that at that stage, the attendant Bill had not been read, debated, voted upon, transmitted, assented to or promulgated. This Court held that the dispute had not yet crystallised.

15. That defect no longer exists. The Bill has since been enacted and promulgated as Act No. 6 of 2026. The impugned clauses have now assumed legislative form. They are no longer contingent proposals. They are enacted provisions whose constitutionality now falls to be measured against s 328(7).

16. I am advised, which advice I accept, that this Court has already held that s 328 is composite in character. Some of its provisions are procedural. Others, including s 328(7), are substantive limitations on the amending power of the Respondent.

17. I am further advised, which advice I accept, that this Court held that s 328(7) constitutes a constitutional standard against which any resulting amendment must be measured at the appropriate time. That appropriate time has now arrived. The matter is now ripe.

18. This application therefore does not invite the Court to intervene in an incomplete legislative process. It invites the Court to perform its constitutional function after promulgation: to decide whether Parliament, in passing the impugned provisions, acted within the amending power given to it by s 117(2)(a) as read with s 328.

*Respondent's conduct complained of*

19. The 1<sup>st</sup> Respondent, as constituted under s 116, processed, passed and caused to be enacted Act No. 6 of 2026. In so doing, it introduced into the Constitution provisions which expressly purport to operate "Notwithstanding section 328(7)".

20. Section 5 of Act No. 6 of 2026 amends s 95 of the Constitution by deleting the words “five years” and substituting “seven years” in relation to the term of office of the President and Vice-Presidents.

21. More gravely, s 5(b) then inserts a new s 95(2a), which provides that:  
*“Notwithstanding section 328(7), subsection (2)(b) shall apply to the continuation in office of the President.”*

22. Section 10 of Act No. 6 of 2026 amends s 143 of the Constitution by deleting the words “five-year term” and substituting “seven-year term” in relation to the duration of Parliament.

23. Section 10(b) then inserts a new s 143(2a), which provides that:  
*“Notwithstanding section 328(7), subsection (1) shall apply to the continuation in office of the Senate and National Assembly.”*

24. These provisions are not innocent drafting devices. They are the central mischief. They are designed to make the present President and the present Parliament benefit from a term-extension amendment despite the express constitutional prohibition contained in s 328(7).

25. The 1<sup>st</sup> Respondent’s own Act acknowledges, in its preamble, that Parliament’s power to amend the Constitution is exercisable only in accordance with s 328. That acknowledgement is decisive. Parliament’s amending power is not free-standing. It exists only as s 328 permits.

26. By passing provisions which say “Notwithstanding section 328(7)”, the 1<sup>st</sup> Respondent did not merely misread the Constitution. It enacted an express repudiation of the constitutional limitation that governs its own power.

27. That conduct is inconsistent with s 2, s 117(2)(a), as read with s 119, 324 and

328 of the Constitution. It is also inimical to the supremacy of the Constitution and to the founding principle that public authority must be exercised under, and not above, the Constitution.

*The constitutional framework*

28 Section 2(1) of the Constitution declares that the Constitution is the supreme law of Zimbabwe and that any law, practice, custom or conduct inconsistent with it is invalid to the extent of the inconsistency. Section 2(2) makes constitutional obligations binding on every person, including the State and all executive, legislative and judicial institutions and agencies of government at every level.

29. Parliament is therefore not sovereign over the Constitution. It is a creature of the Constitution. It may amend the Constitution only within the manner, form and substance permitted by the Constitution itself. To my mind references to the Westminster Parliamentary model of unfettered legislative power is inapplicable to our Parliamentary system which is bound and delimited by the Constitution.

30. Section 117(2)(a) is express. It confers on the Legislature the power "*to amend this Constitution in accordance with section 328*". The power to amend is therefore inseparable from the limits in s 328.

31. Section 119(1) provides that Parliament must protect the Constitution and promote democratic governance in Zimbabwe. Section 119(2) obliges Parliament to ensure that the State and all institutions and agencies of government act constitutionally and in the national interest.

32. Section 324 commands that all constitutional obligations must be performed diligently and without delay. The obligation to comply with s 328 is one of

the highest constitutional obligations because it regulates the lawful alteration of the supreme law itself.

33. I am advised, which advice I accept, that this Court has held that Parliament's power to amend the Constitution is strictly controlled and that every requirement of s 328 must be observed. Failure to comply with any such requirement is fatal.

34. It follows that Parliament cannot protect the Constitution by passing provisions whose intended operation is to defeat the Constitution's own amendment clause. That is not constitutional fidelity. It is constitutional abrogation.

*Section 328 (7) as a substantive limitation*

35. Section 328 is not a mere procedural checklist. It is the constitutional architecture that both creates and limits the amending power.

36. Section 328(1) defines a "term-limit provision" as a provision of the Constitution which limits the length of time that a person may hold or occupy a public office.

37. Section 328(7) then provides that, notwithstanding any other provision of s 328, an amendment to a term-limit provision *whose effect* is to extend the length of time that a person may hold or occupy any public office does not apply in relation to any person who held or occupied that office, or an equivalent office, at any time before the amendment.

38. The language is peremptory. It does not say that such an amendment may apply to incumbents if Parliament uses sufficiently emphatic words. It says the amendment "*does not apply*".

39. Section 328(7) therefore permits prospective reform. It does not permit incumbent benefit. The Respondent may extend a term-limit provision for future office-holders. It may not extend the tenure of those already in, or previously holding, the relevant office.

40. I am advised, which advice I accept, that this Court has already recognised s 95(2), which prescribes the President's five-year term coterminous with the life of Parliament, as a specific term-limit provision within the meaning of s 328.

41. The current amendment to s 95(2)(b) plainly extends the length of time a person may hold the office of President. It therefore falls squarely within s 328(7).

42. The same is true of the amendment to s 143. The duration of Parliament determines the length of time for which members of the Senate and National Assembly may continue to occupy their public offices before dissolution and the next general election.

43. Parliament cannot escape s 328(7) by describing the benefit as the "continuation in office of the Senate and National Assembly". The Senate and National Assembly act through their members. The practical and constitutional effect is to extend the tenure of current Members of Parliament.

44. Substance must prevail over form. A constitutional prohibition directed at incumbent benefit cannot be defeated by shifting the language from "members" to "Houses".

45. Section 328(9) reinforces the point. It entrenches s 328 itself by requiring any amendment to s 328 to follow the special procedure applicable to Chapter 4 amendments. This confirms that s 328 is not an ordinary provision that may be diluted by indirect drafting.

46. I specifically aver and affirm that if Parliament wishes to alter the operation of s 328(7), it must amend s 328 itself through the special procedure prescribed by s 328(9). It cannot achieve the same result by inserting "*Notwithstanding section 328(7)*" into s 95 or s 143.

47. The "*notwithstanding s 328(7)*" mechanism is therefore *ultra vires* the Constitution. It seeks to do indirectly what Parliament cannot do directly without complying with s 328(9).

*The constitutional illicit nature of 5(b) of Act No. 6 of 2026*

48. Section 5(b) inserts s 95(2a) into the Constitution. Its object and effect are clear. It applies the new seven-year presidential term to the continuation in office of the sitting President notwithstanding s 328(7).

49. That provision is constitutionally impermissible. It is drafted for one purpose: to secure an incumbency benefit from a term-extension amendment.

50. The President is a person who held and occupied the office of President before Act No. 6 of 2026. Section 328(7) therefore bars the extension from applying to him.

51. Section 5(b) attempts to displace that bar. It does not merely create tension with s 328(7). It contradicts it in terms.

52. Section 328(7) says the extension does not apply to the incumbent. Section 95(2a), as inserted by s 5(b), says it applies to the incumbent notwithstanding s 328(7). Both cannot stand.

53. Because s 328(7) limits the very power by which s 95(2a) was enacted, the subordinate amendment must yield to the entrenched limitation.

*The constitutional illicit nature of 10 (b) of Act No. 6 of 2026*

54. Section 10(b) inserts s 143(2a) into the Constitution. It applies the sevenyear duration of Parliament to the continuation in office of the Senate and National Assembly notwithstanding s 328(7).

55. This provision is affected by the same constitutional vice. It seeks to extend the present Parliament from five years to seven years and to allow current Members of Parliament to remain in office for the enlarged term.

56. Members of Parliament are persons occupying public office. They held such offices before Act No. 6 of 2026. They cannot lawfully benefit from a term-extension amendment whose effect is to lengthen their current tenure.

57. The 1<sup>st</sup> Respondent cannot cure this vice by referring to institutional continuation. The constitutional reality is that the holders of parliamentary office are being given two additional years without electoral renewal.

58. Section 10(b) therefore offends s 328(7). It is constitutionally incompetent and invalid to the extent that it seeks to apply the extended term to the present Senate and National Assembly or their current members.

*The disputation is now ripe*

59. As stated above; the previous application was struck off because the impugned provisions were still in a Bill. This Court held that the Bill was then a draft and not yet a substantive constitutional amendment. I accept that finding. This application is framed to meet it.

60. The impugned provisions are now contained in Act No. 6 of 2026. They have been enacted. Their wording is fixed. Their constitutional effect is immediate. The dispute is no longer hypothetical.

61. I am advised, which advice I accept, that this Court expressly refrained from deciding the merits of the s 328(7) challenge at the earlier stage because ripeness was dispositive.

62. The present application therefore raises the very question left open: whether the enacted amendment is consistent with the substantive limitation in s 328(7).

63. That is a concrete constitutional dispute. It concerns the validity of enacted law and the lawfulness of Parliament's exercise of its amending power.

64. Unless this Court intervenes, the unconstitutional extension will be treated as effective, and the incumbents will enjoy the precise benefit which s 328(7) was enacted to prevent.

*What constitutional obligations were not fulfilled*

65. The 1<sup>st</sup> Respondent as constituted under s 166 has failed to fulfil its constitutional obligation to amend the Constitution only in accordance with s 328.

66. It further failed to protect the Constitution as required by s 119. A Parliament that passes provisions designed to override s 328(7) does not protect the Constitution. It subverts it.
67. The 1<sup>st</sup> Respondent also failed to perform its constitutional obligations diligently as required by s 324. Constitutional diligence requires fidelity to the limits of the amending power, not ingenuity in avoiding them.
68. The 1<sup>st</sup> Respondent's conduct is especially grave because the impugned provisions do not arise by accident. They expressly identify s 328(7) and purport to disapply it.
69. That is a frontal collision with the Constitution. It is not a marginal drafting error. It is an enacted attempt to contract out of the very limitation that governs the amendment.
70. If this device is permitted, s 328 becomes optional. Parliament could in future enact amendments "notwithstanding" the two-thirds requirement, "notwithstanding" referendum requirements, or "notwithstanding" the special entrenchment of s 328 itself.
71. That would destroy the logic of constitutional supremacy and the substantive limitation imbued in s 328. It would convert a rigid Constitution into a flexible statute amendable at the will of the current majority or the wily minority.

72. The Constitution cannot be read to authorise its own evasion. Section 328 is the gate through which constitutional amendments must pass. Parliament cannot amend the gate by climbing over the wall.

*Relief sought*

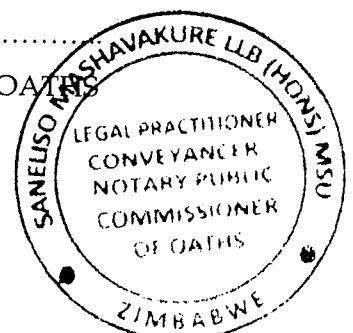
73. The relief sought is surgical. I do not ask this Court to strike down every provision of Act No. 6 of 2026.
74. I ask the Court to strike down only those provisions which purport to secure incumbency benefit contrary to s 328(7), namely s 5(b) and s 10(b) of Act No. 6 of 2026, and the resultant s 95(2a) and s 143(2a) inserted into the Constitution.
75. The prospective question whether future Presidents or future Parliaments may lawfully serve seven-year terms is not the central controversy in this application. The controversy is whether current office-holders may benefit from the extension.
76. Section 328(7) answers that question in the negative. In all the circumstances, I pray that the application be granted in terms of the draft order annexed hereto.

THUS SWORN to at Bulawayo on this the day of 18<sup>th</sup> JULY 2026

.....  
PRINCE DUBEKO SIBANDA

Before me

.....  
COMMISSIONER OF OATHS



REPUBLIC OF ZIMBABWE  
NATIONAL REGISTRATION

ID NUMBER: 08- 649489 S 06 CIT M

SURNAME: SIBANDA

FIRST NAME: DUBEKO PRINCE

DATE OF BIRTH: 02/10/1972

VILLAGE OF ORIGIN: SIALUTENGA

PLACE OF BIRTH: BINGA

DATE OF ISSUE: 05/03/2025

Signature of holder: [Signature]

Fingerprint: [Fingerprint]

[Portrait Photo]

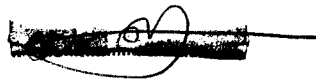
[Map of Zimbabwe]

CERTIFIED A TRUE COPY  
OF THE ORIGINAL



|                                                                                                                                                |                                                                                   |                                                                                   |
|------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
|                                                               |  |  |
| <b>Practising Certificate</b>                                                                                                                  |                                                                                   |                                                                                   |
| Name: Mr. Prince Dubeko Sibanda                                                                                                                |                                                                                   |                                                                                   |
| Nat Reg. no: 08649489506                                                                                                                       |                                                                                   |                                                                                   |
| is registered as a Legal Practitioner, Conveyancer, Notary Public and is entitled to practise as such during the year ending 31 December 2026. |                                                                                   |                                                                                   |
| Authorised by:                                                                                                                                 |  | EDWARD MAPARA<br>EXECUTIVE SECRETARY                                              |

CERTIFIED A TRUE  
COPY OF THE ORIGINAL





**ZIMBABWE**

# ACT

To amend the Constitution of Zimbabwe.

WHEREAS sections 88 and 117 of the Constitution provide that—

“88(1) Executive authority derives from the people of Zimbabwe and must be exercised in accordance with this Constitution.

(2) The executive authority of Zimbabwe vests in the President who exercises it, subject to this Constitution, through the Cabinet.”.

“117(1) The legislative authority of Zimbabwe is derived from the people and is vested in and exercised in accordance with this Constitution by the Legislature.

(2) The legislative authority confers on the Legislature the power—

- (a) to amend this Constitution in accordance with section 328;
- (b) to make laws for the peace, order and good governance of Zimbabwe; and
- (c) to confer subordinate legislative powers upon another body or authority in accordance with section 134.”

AND WHEREAS national development programmes benefit from stability and continuity of policies and legislative frameworks within a predictable governance environment, thereby enabling such programmes to be implemented to completion;

NOW, THEREFORE, be it enacted by the President and the Parliament of Zimbabwe as follows—

## 1 Short title

This Act may be cited as the Constitution of Zimbabwe (Amendment) Act (No. 3), 2026.

## 2 New section inserted in Constitution

A new section is inserted after section 43 (continuation and restoration of previous) as follows—

### “43A Registration of Voters, voters’ rolls and registers

The Registrar-General shall—

- (a) register voters;
- (b) compile voters’ rolls and registers;
- (c) ensure the proper custody and maintenance of the voters’ rolls and registers.”.

## 3 Amendment of section 92 of Constitution

Section 92 (“Election of President”) of the Constitution is repealed and substituted by the following—

### “92 Election of President

(1) The President must be elected by the members of Parliament in a joint sitting of the Senate and the National Assembly.

(2) The election must take place at a joint sitting of Parliament following the swearing in of members of the Senate and the National Assembly and the election of the Speaker of the National Assembly and the President of Senate, respectively, after every general election, or whenever necessary to fill a vacancy in the office of President.

(3) To be elected President, the candidate must receive more than half of the valid votes cast by the members of Parliament.

(4) In the event that none of the presidential candidates receive a majority in the first ballot, a run-off ballot must be held between the two candidates with the highest number of votes and the candidate receiving the majority in the run-off is declared elected as President.

(5) The election of the President shall be conducted by the Zimbabwe Electoral Commission, in accordance with the Electoral Law and Standing Orders.

(6) A person elected as President under this section must cease to be a member of Parliament upon assuming office, if they were a member at the time of election.

(7) In the case of a vacancy in the office of President due to death, resignation, removal, or incapacity, an election must be held at a joint sitting of Parliament not more than thirty days after the vacancy occurs.

(8) No amendment to any law or enactment introducing substantive policy changes shall be passed by Parliament during the period between the occurrence of a vacancy in the office of the President and the election of a new President by Parliament.”.

## 4 Amendment of section 94 of Constitution

Section 94 (“Assumption of office by President and Vice-President”) of Constitution is amended by the repeal of subsection (3).

## **5 Amendment of section 95 of Constitution**

Section 95 (“Term of office of President and Vice-Presidents”) of the Constitution is amended—

- (a) in subsection (2)(b) by the deletion of the words “five years” and the substitution of “seven years”.
- (b) by the insertion of the following new subsection after subsection (2) as follows—

“(2a) Notwithstanding section 328(7), subsection (2)(b) shall apply to the continuation in office of the President.”.

## **6 Amendment of section 100 of Constitution**

Section 100 (“Acting President”) of the Constitution is amended in subsection (1)—

- (a) paragraph (a) by the deletion of the word “first”.
- (b) by the repeal of paragraph (b).

## **7 Amendment of section 101 of Constitution**

Section 101 (“Succession in event of death, resignation or incapacity of President or Vice President”) of the Constitution is repealed and substituted with the following—

### **“101 Succession in event of death, resignation or incapacity of President**

If the person elected as President dies, resigns, or is removed from office the Vice President or, where there are two Vice-Presidents, the Vice-President who was last nominated to act in terms of section 100, acts as President until a new President assumes office in terms of section 92.”.

## **8 Amendment of section 114 of Constitution**

Section 114 (“Attorney General”) of the Constitution is amended in subsection (3) by the deletion of “High Court” and the substitution of “Supreme Court”.

## **9 Amendment of section 120 of Constitution**

Section 120 (“Composition of Senate”) of the Constitution is amended in subsection (1)—

- (a) by the deletion of the word “eighty” and the substitution of “ninety”.
- (b) by the insertion of a new paragraph after paragraph (d) as follows—
  - “(e) ten appointed by the President chosen for their professional skills and other competencies after consultation with the National Assembly.”.

## **10 Amendment of section 143 of Constitution**

Section 143 (“Duration and dissolution of Parliament”) of the Constitution is amended—

- (a) in subsection (1) by the deletion of the words “five-year term” and the substitution of “seven-year term.”
- (b) by the insertion of the following new subsection after subsection (2) as follows—

“(2a) Notwithstanding section 328(7), subsection (1) shall apply to the continuation in office of the Senate and National Assembly.”

**11 Amendment of section 145 of Constitution**

Section 145("First sitting of Parliament following general election") is repealed and substituted by the following—

**"145 First sitting of Parliament following general election**

(1) 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 published in the *Gazette*, but not later than fourteen days after the election result has been declared.

(2) Until the election of the President of the Senate or the Speaker the first meeting of each House of Parliament must be presided over by the Clerk of Parliament."

**12 Amendment of section 158 of Constitution**

Section 158 ("Timing of elections") of the Constitution is amended—

- (a) by the repeal of paragraph (a) of subsection (1) and the substitution of the following—

"(a) thirty days before the expiry of the seven-year period specified in section 143."

- (b) in subsection (2) by the deletion of "President and".

**13 Insertion of new section in Part 3 of Chapter 7 of Constitution**

Chapter 7 Part 3 ("Delimitation of Electoral Boundaries") of the Constitution is amended by the insertion of a new section 159A before "section 160" as follows—

**"159A Delimitation Commission**

(1) From time to time, as may be required for the purposes of this Constitution, the President shall appoint the Delimitation Commission which shall consist of—

- (a) a chairperson who must be a Supreme Court judge or a former Supreme Court judge or a person qualified for appointment as a Supreme Court judge appointed after consultation with the Judicial Service Commission; and
- (b) five other members who are appointed—
  - (i) at least one must be qualified in demography, and have been so qualified for at least seven years;
  - (ii) at least one chosen for their knowledge and experience in administration and governance and possesses relevant qualification from a certified institution;
  - (iii) at least one must be qualified in cartography and have been so qualified for at least seven years;
  - (iv) a representative from the National Chiefs Council who has knowledge in delimitation.

(2) Where the members of the Delimitation Commission are not unanimous regarding any matter, the view of the majority shall prevail and, in the event of an equality of votes, the chairperson shall have a casting vote.

(3) An Act of Parliament shall provide for the functions of the Delimitation Commission."

**14 Amendment of section 160 of Constitution**

Section 160 (“Number of constituencies and wards”) of the Constitution is amended in subsections (1) and (2) by the deletion of “Zimbabwe Electoral Commission” with the substitution of “Delimitation Commission”.

**15 Amendment of section 161 of Constitution**

Section 161 (“Delimitation of electoral boundaries”) of the Constitution is amended—

- (a) by the deletion of “Zimbabwe Electoral Commission” and the substitution of “Delimitation Commission” wherever it appears in this section;
- (b) in subsection (2), the deletion of “six months” and the substitution of “eighteen months”.

**16 Amendment of section 163 of Constitution**

Section 163 (“The Judiciary”) of the Constitution is amended—

- (i) in subsection (1) by the repeal of paragraph (b) and the substitution of the following paragraph—
  - “(b) the Judge President of the Supreme Court and other judges of the Supreme Court;”;
- (ii) by the repeal of subsection (2) and the substitution of the following subsections—
  - “(2) The Chief Justice is head of the judiciary and is in charge of the Constitutional Court.
  - (2a) The Judge President of the Supreme Court is in charge of that court.”.

**17 Amendment of section 166 of Constitution**

Section 166 (“Constitutional Court”) of the Constitution is amended in subsection (1) by the repeal of paragraph (b) and the substitution of the following—

- “(b) no fewer than five other judges of the Constitutional Court;”.

**18 Amendment of section 167 of Constitution**

Section 167 (“Jurisdiction of Constitutional Court”) of the Constitution is amended by the insertion of a new subsection (6) after subsection (5) as follows—

- “(6) The Constitutional Court may decide any other matter, if the Constitutional Court grants leave to appeal on the grounds that the matter raises an arguable point of law of general public importance which ought to be considered by the Court.”.

**19 Amendment of section 168 of Constitution**

Section 168 (“Supreme Court”) of the Constitution is amended by the repeal of subsection 1 and the substitution of the following—

- “(1) The Supreme Court is a superior court of record and consists of—
  - (a) the Judge President of the Supreme Court;
  - (b) no fewer than two other judges of the Supreme Court; and
  - (c) any additional judges appointed in terms of subsection (2).”.

**20 Amendment of section 180 of Constitution**

Section 180 (“Appointment of Judges”) of the Constitution is amended—

- (a) in subsection (1) by the insertion after the “the Deputy Chief Justice”, of “the Judge President of the Supreme Court”;

(b) by the repeal of subsection (2) and the substitution of the following—

“(2) The Chief Justice, the Deputy Chief Justice, the Judge President of the Supreme Court, the Judge President of the High Court and all other judges shall be appointed by the President after consultation with the Judicial Service Commission.”.

## **21 Amendment of section 181 of Constitution**

Section 181 (“Acting judicial appointments”) of the Constitution is amended—

(i) in subsection (2) by the insertion of new paragraph (a) before the current paragraph (a) as follows—

“(a) Judge President of the Supreme Court;”;

(ii) in subsection (3) by the insertion of the words “or any other person qualified to be appointed as a judge of the court concerned” after “a former judge”.

## **22 Amendment of section 212 of Constitution**

Section 212 (“Functions of Defence Forces”) of the Constitution is repealed and substituted by the following—

### **“212 Functions of Defence Forces**

Subject to sections 207 and 208, the function of the Defence Forces is to protect Zimbabwe, its people, its national security, its interests, its territorial integrity and to uphold this Constitution.”.

## **23 Amendment of section 232 of Constitution**

Section 232 (“Independent Commissions”) is amended by the repeal of paragraph (e).

## **24 Amendment of section 239 of Constitution**

Section 239 (“Function of Zimbabwe Electoral Commission”) of the Constitution is amended by the repeal of paragraphs (c), (d), (e) and (f).

## **25 Amendment of section 243 of Constitution**

Section 243 (“Functions of Zimbabwe Human Rights Commission”) of the Constitution is amended in subsection (1) by the repeal of paragraph (i) and the substitution of the following—

“(i) to recommend to Parliament and the Executive appropriate and effective measures for the promotion of human rights and fundamental freedom, including the enactment of legislation and the formulation of policies directed towards national healing, reconciliation and nation-building;”.

## **26 Amendment of section 259 of Constitution**

Section 259 (“Prosecutor-General and other officers”) of the constitution is amended in subsection (3) by the deletion of “on the advice of the Judicial Service Commission”.

## **27 Repeal of Part 6 of Chapter 12 of Constitution**

Chapter 12 of the Constitution is amended by the repeal of Part 6 (“National Peace and Reconciliation Commission”).

## **28 Amendment of section 277 of Constitution**

Section 277 (“Elections to local authorities”) of the Constitution is amended by the repeal of subsection (4) and the substitution of the following—

“(4) An Act of Parliament may provide for the election, by a system of proportional representation referred to in subsection (5), of at least—

- (a) thirty *per centum* of the total members of the local council elected on a ward basis as women;
- (b) ten *per centum* of the total members of the local council elected on a ward basis shall be youth aged eighteen to thirty-five years.”.

## **29 Amendment of section 285 of Constitution**

Section 285 (“National Council and provincial assemblies of Chiefs”) of the Constitution is amended in subsection (6) by the deletion of “five years” and the substitution of “seven years”.



**THE CONSTITUTIONAL COURT OF ZIMBABWE  
HELD AT HARARE**

**CCZ. /26**

*In the matter between:*

**PRINCE DUBEKO SIBANDA**

**APPLICANT**

**&**

**THE PARLIAMENT OF ZIMBABWE**

**1<sup>st</sup> RESPONDENT**

**THE PRESIDENT OF ZIMBABWE [N.O]**

**2<sup>nd</sup> RESPONDENT**

**THE MINISTER OF JUSTICE & PARLIAMENTARY  
AFFAIRS [N.O]**

**3<sup>rd</sup> RESPONDENT**

---

**DRAFT ORDER**

---

**HARARE** the day of 2026

**BEFORE** the Honourable Justices

**Mr(s).....For the Applicants**

**Mr(s).....For the Respondent**

**WHEREUPON** after reading papers filed of record and hearing Counsel,

**IT IS Ordered THAT**

1. The application be and is hereby granted.
2. It is hereby declared that the 1<sup>st</sup> Respondent failed to fulfil its Constitutional obligations imposed by section 117 (2) (a) as read with s 328 (7) of the Constitution.
3. Further it is hereby declared that the 1<sup>st</sup> Respondent's authority to amend the Constitution is exercisable only in accordance with s 328 of the Constitution.
4. It be and is hereby declared that s 328(7) of the Constitution prohibits the application of a term-extension amendment to any person who held or occupied the relevant public office, or an equivalent office, at any time before the amendment.

5. It be and is hereby declared that s 5(b) of the Constitution of Zimbabwe Amendment Act No. 6 of 2026, which inserted s 95(2a) into the Constitution, is inconsistent with s 328(7) of the Constitution and is invalid to the extent of its inconsistency.
6. It be and is hereby declared that s 10(b) of the Constitution of Zimbabwe Amendment Act No. 6 of 2026, which inserted s 143(2a) into the Constitution, is inconsistent with s 328(7) of the Constitution and is invalid to the extent of its inconsistency.
7. Consequently, s 95(2a) and s 143(2a) of the Constitution, as inserted by Act No. 6 of 2026, be and are hereby struck down and shall be of no force or effect.
8. It be and is hereby declared, for the avoidance of doubt, that the extension of the term of office of the President from five years to seven years does not apply to any person who held or occupied the office of President, or an equivalent office, at any time before the coming into force of Act No. 6 of 2026.
9. It be and is hereby declared, for the avoidance of doubt, that the extension of the duration of Parliament from five years to seven years does not apply to the current Senate and National Assembly, nor to any current Member thereof who held or occupied parliamentary office before the coming into force of Act No. 6 of 2026.
10. There shall be no order as to costs.

**BY THE JUDGES**