

BILL WATCH 45/2019

[12th August 2019]

The National Assembly Has Adjourned until 27th August

The Senate Will Meet on Wednesday 14th August for Special Business

By furious fast-tracking of business on Wednesday 8th [they sat until 10.39 pm] and Thursday 9th [until 4.10 am on Friday morning] the National Assembly managed to pass, not only the Finance (No. 2) Bill and the Appropriation Supplementary (2019) Bill [the two Budget bills], but also, with amendments, the Maintenance of Peace and Order Bill [*see Bill Watch 43/2014 of 9th August* [\[link\]](#)]. The House then adjourned until 27th August.

At the end of their sitting at 3.55 pm on Wednesday 7th August, Senators resolved to adjourn until Tuesday 27th August as it then seemed highly unlikely that the National Assembly would be sending the two Budget bills – or any other Bill – to the Senate in time for Senators to deal with them before the holiday weekend.

But late on Friday it was announced by Parliament that the President had summoned the Senate to re-assemble on Wednesday 14th August, two weeks earlier than expected.

Senators Recall

The President acted in terms of section 146 of the Constitution, which empowers him to alter a House's own recess arrangements by summoning it to sit at any time "to conduct special business". In this case the special business cited in Parliament's announcement [of the recall](#), is to finalise the three Bills that were passed by the National Assembly last Thursday [*in fact early Friday morning*] and immediately sent to the Senate – the Finance (No. 2) Bill, the Appropriation Supplementary (2019) Bill and the Maintenance of Peace and Order Bill.

Why the Hurry?

What is it about these Bills that qualifies as "special business"?

There is only one truly special element to the business facing the Senate – the need to avoid the collapse of the new monetary arrangements at midnight on Wednesday 21st August. That collapse may occur if Part VI of the Finance (No. 2) Bill does not become law on or before the 21st August. This deadline stems from the temporary nature of SI 33/2019, which underpins these arrangements. SI 33 – which was gazetted under the Presidential Powers (Temporary Measures) Act on 22nd February – is due to expire at midnight on Wednesday 21st August. Part VI [clauses 20 to 24] of [the Finance \(No. 2\) Bill](#) is designed to validate and regularise ["statutise" is the word used in the

explanatory memorandum to the Bill] the monetary system changes enacted by SI 33 – and, “for the avoidance of doubt”, SI 142/2019.

If the Finance (No. 2) Bill is passed on Wednesday by the Senate there will be only seven days left for the President to assent to and sign it and have it published as an Act of Parliament in the Government Gazette.

[Note previously there have been gaps after the expiry of Presidential Powers regulations – but there has been so much contention over these particular monetary measures that it is likely the government is acting to avoid more litigation].

The Senate has limited power when it comes to money bills – they cannot make amendments, but can only suggest amendments and send the Bill and suggested amendments back to the National Assembly for consideration. This would cause a delay which the Government may well pressure the Senate to avoid.

The Senate can make amendments to the Maintenance of Peace and Order Bill and it is hoped that they will take time to reflect on the Bill in its amended form. It still open to serious criticism. As pointed out in our Bill Watch 44/2019 [\[link\]](#) there are still unconstitutional clauses.

Relevant Documents Available on the Veritas Website

Appropriation Supplementary (2019) Bill [\[link\]](#)

Finance (No. 2) Bill [\[link\]](#)

Original Maintenance of Peace and Order Bill [\[link\]](#)

Joint Report on the Maintenance of Peace and Order Bill by the Portfolio Committee on Defence, Home Affairs and Security Services and the Thematic Committee on Peace and Security [\[link\]](#)

Amendments to Maintenance of Peace and Order Bill made on 8th August [\[link\]](#)

Annotated Maintenance of Peace and Order Bill indicating how the amendments of 8th August fit into the text of the Bill [\[link\]](#).

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