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SPEAKER'S ANNOUNCEMENT REGARDING VACANCIES IN TWO NATIONAL ASSEMBLY SEATS: HEADLANDS AND HURUNGWE WEST CONSTITUENCIES

Extract from National Assembly Hansard 3rd March

VACANCIES IN PARLIAMENTARY SEATS

MR. SPEAKER: I would like to inform the House that on the 19th of February 2015, I was notified by the Zimbabwe African National Union Patriotic Front ZANU PF, that both honourable Didymus Noel Mutasa, Member of Parliament for Headlands and Hon. Temba Peter Mliswa, Member of Parliament for Hurungwe West have ceased to be members of ZANU PF party and therefore, no longer represent the interests of the party in Parliament.

Section 121(1)(k) of the Constitution of Zimbabwe provides as follows:-

“That the seat of a Member of Parliament becomes vacant if the member has ceased to belong to the political party of which he or she was a member when elected to Parliament and the political party concerned, by written notice to the Speaker or the President of the Senate, as the case may be, has declared that the member has ceased to belong to it”

With regard to the same matter, I must also notify this House that I have received a letter from Mr. D. N. E Mutasa, in which he indicated that his expulsion from ZANU PF party was not warranted as due process was not followed in terms of the internal party democracy. This raises the issue pertaining to the expulsion of the member, a matter that I do not have the mandate to pursue.

It is vital that at this point, I mention that the notification to the Speaker by the party that a member has ceased to represent its interest in the National Assembly and Parliament is all that is required at law to create a vacancy and for the Speaker to declare the seat vacant. The duty of the Speaker after receipt of the notification was clearly explained in the case of *Abednigo Bhebhe and others versus the Chairman of the National Disciplinary Committee (MDC-Party)* HCB 85/2009 by Justice Cheda, that upon receipt of the notification, the Speaker of the National Assembly is constitutionally bound to declare the seat in question as vacant.

Hon. members, to that extent the position of the Constitution is unambiguous regarding the declaration of a vacant parliamentary seat.

Consequently, vacancies have arisen in Headlands and Hurungwe West Constituencies by operation of the law. The necessary administrative measures will be taken to inform his Excellency, the President of the Republic of Zimbabwe and the Zimbabwe Electoral Commission (ZEC) of the existence of the vacancies in line with Section 39 (1) of the Electoral Act Chapter 2:13 as amended.
