

On the insertion of a Preamble,

The Minister of Justice, Legal and Parliamentary Affairs, moved:

On page 3 of the Bill, delete the enacting formula in line 6 and substitute it by the following Preamble:

“WHEREAS section 86 of the Constitution provides in part as follows: —

***86 Limitation of rights and freedoms***

*(1) The fundamental rights and freedoms set out in this Chapter must be exercised reasonably and with due regard for the rights and freedoms of other persons (2) The fundamental rights and freedoms set out in this Chapter may be limited only in*

*terms of a law of general application and to the extent that the limitation is fair, reasonable, necessary and justifiable in a democratic society based on openness, justice, human dignity, equality and freedom, taking into account all relevant factors, including—*

- (a) the nature of the right or freedom concerned;*
- (b) the purpose of the limitation, in particular whether it is necessary in the interests of defence, public safety, public order, public morality, public health, regional or town planning or the general public interest;*
- (c) the nature and extent of the limitation;*
- (d) the need to ensure that the enjoyment of rights and freedoms by any person does not prejudice the rights and freedoms of others;*
- (e) the relationship between the limitation and its purpose, in particular whether it imposes greater restrictions on the right or freedom concerned than are necessary to achieve its purpose; and*
- (f) whether there are any less restrictive means of achieving the purpose of the limitation.*

AND WHEREAS it is desirable to make provision for the maintenance of peace, order and security to ensure the enjoyment of rights and freedoms by any person, and in particular to make provision for the peaceful conduct of gatherings in a manner that protects the rights of freedom of assembly, association, demonstration and petitioning without prejudicing the rights and freedoms of others

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

Amendment put and agreed to.

New insertion of a Preamble, put and agreed to.

Clauses 1 to 3, put and agreed to.

On clause 4,

The Minister of Justice, Legal and Parliamentary Affairs, moved:

On page 5 of the Bill, delete sub-clause (1)(b) on line 25 so that paragraph (a) becomes part of the text of the whole sub-clause (1).

Add the following proviso to sub-clause (1) after line 29:

“Provided that on expiry of the prohibition the regulating authority shall not, within a period of twelve months, renew the prohibition except on good cause shown on oath to a Magistrate having jurisdiction in the area where the prohibition is to take effect, upon an *ex parte* application by the regulating authority concerned.”

On page 5 of the Bill, in sub-clause (2), add after paragraph (c) on line 36 the following paragraph—

“or

- (d) by communication through the traditional leadership in the area where the prohibition is to take effect.”.

On page 5 of the Bill, delete in sub-clause (3) in line 38 the words “Minister, and the Minister may” and substitute “the Magistrates Court having jurisdiction in the area where the prohibition is to take effect, and the Magistrate”.

Amendment put and agreed to.

Clause 4, as amended, put and agreed to.

Clauses 5 and 6, put and agreed to.

On Clause 7,

The Minister of Justice, Legal and Parliamentary Affairs, moved:

On page 8 of the Bill, delete sub-clause (5) on lines 26 to 29 and substitute—

“(5) Any person who knowingly fails to give notice of a gathering in terms subsection (1), or of the postponement or delay of a gathering in terms of subsection (3), or of the cancellation or calling off of a gathering in terms of subsection (4) shall, in the case of a contravention of subsection (1), be liable to a fine not exceeding level 10 or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment, or, in the case of a contravention of subsection (3) or (4), be liable to a fine not exceeding level.”.

Amendment put and agreed to.

Clause 7, as amended, put and agreed to.

Clauses 8 and 9, put and agreed to.

On Clause 10,

The Minister of Justice, Legal and Parliamentary Affairs, moved:

On page 11 of the Bill, delete the proviso to sub-clause (2) on lines 1 and 2 and substitute—

“Provided that the convener or any person so authorised by him or her shall, if so requested by a police officer providing security within the radius of any area mentioned in subsection (1)(a) or (b), furnish to the officer proof of the appropriate permission”.

Amendment put and negatived.

Clauses 10 and 11 put and agreed to.

On Clause 12,

The Minister of Justice, Legal and Parliamentary Affairs, moved:

On page 11 of the Bill, delete paragraph 1 (c) and in line 32, delete the words “or arising out of or occurring at”

and in paragraph (2) add after the word “several” the words “unless the other convener or conveners can show on a balance of probabilities that they were not a party to any breach of subsection (1)”.

Amendment put and agreed to.

Clause 12, as amended, put and agreed to.

On Clause 13,

The Minister of Justice, Legal and Parliamentary Affairs, moved:

On page 13 of the Bill, paragraph 4, in line 11, to insert after “be” the words, “reasonable and”. In line 23, to delete the words after “b” up to line 25.

Amendment put and agreed to.

Clause 13, as amended, put and agreed to.

On Clause 14,

The Minister of Justice, Legal and Parliamentary Affairs, moved:

On page 14 of the Bill, delete sub-clauses (2) and (3) on lines 1 to 4 and substitute (the subsequent sub-clauses to be renumbered accordingly)—

“(2) If a police officer has a reasonable suspicion that any person in a public place has committed or is attempting to commit an offence, the officer may require the person to produce his or her identity document.”.

Amendment put and agreed to.

Clause 14, as amended put and agreed to.

On Clause 15,

The Minister of Justice, Legal and Parliamentary Affairs, moved:

On page 14 of the Bill, in 26, add after the word “necessary” the following words “in the interest of defence, public safety, public order, public morality, public health, regional or town planning or the general public interest”.

Amendment put and agreed to.

Clause 15, as amended, put and agreed to.

On Clause 16,

The Minister of Justice, Legal and Parliamentary Affairs, moved:

On page 15 of the Bill, insert after line 15 the following subclause—

“(4) For the purposes of this section a “checkpoint” is any barrier otherwise than on a road that is clearly signposted as a police checkpoint where at three or more police officers may conduct security checks in terms of this section on persons, vehicles or vessels passing through the checkpoint.”

Amendment put and agreed to.

Clause 16, as amended, put and agreed to.

Clauses 17 and 18, put and agreed to.

On Clause 19,

The Minister of Justice, Legal and Parliamentary Affairs, moved:

On page 17 of the Bill, in sub-clause (1), delete on line 1 the words “used for the purpose of or in connection with the commission of the offence” and substitute “used to commit or enable the offence to be committed”.

Amendment put and agreed to.

Clause 19, as amended, put and agreed to.

Clause 20, put and agreed to.

On Clause 21,

The Minister of Justice, Legal and Parliamentary Affairs, moved:

On page 18 of the Bill in lines 32 and 33, delete paragraph (4).

Amendment put and agreed to.

Clause 21, as amended, put and agreed.

Clauses 22 and 23, put and agreed to.

On New Clause Inserted after clause 23,

The Minister of Justice, Legal and Parliamentary Affairs, moved:

After clause 23 on page 18 of the Bill, insert the following clause—

**“24 Repeal of Cap. 11:17**

The Public Order and Security Act [*Chapter 11:17*] is repealed.”.

Amendment put and agreed to.

New Clause inserted after Clause 23, put and agreed to.

On Schedule,

The Minister of Justice, Legal and Parliamentary Affairs, moved:

On page 19, line 1 to delete (Sections 6(5) and 22 and substitute with (Section 9) and in line 2 to substitute “24” with “9” and in line 30 to add the following paragraph-

“(m) meetings of traditional leaders with their subjects.”

Amendment put and agreed to.

Schedule, as amended, put and agreed to.

Bill to be reported with amendments.

*(House resumed)*

Bill reported with amendments. Referred to the Parliamentary Legal Committee.

12. Report from the Parliamentary Legal Committee, NOT being an adverse report on the following Bill-

*Date received*

*Maintenance of Peace and Order Bill (H.B.3A, 2019) ..... 8th August, 2019*

13. CONSIDERATION: *Maintenance of Peace and Order Bill* (H.B.3A, 2019) as amended-  
***The Minister of Justice, Legal and Parliamentary Affairs (for the Minister of Home Affairs and Cultural Heritage)***

Insertion of Preamble, Amendments in Clauses 4, 5, 7, 10, 12, 13, 14, 15, 16, 19, 21, insertion of New Clause 24 and amendment to the Schedule, put and agreed to and Bill, as amended, adopted.

Third reading-forthwith.

Bill read the third time.

14. Bills transmitted to the Senate.

*Date Transmitted*

*Maintenance of Peace and Order Bill* (H.B.3A, 2019).....8th August, 2019

15. On the motion of the Minister of Justice, Legal and Parliamentary Affairs: The House adjourned at ten minutes past four o'clock am until Tuesday 27th August, 2019 at a quarter past two o'clock in the afternoon.

HON. W. MUTOMBA,

Acting Speaker.

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**TUESDAY, 27TH AUGUST, 2019**

**ORDERS OF THE DAY AND NOTICES OF MOTIONS**

1. COMMITTEE: To resume on the *Zimbabwe Investment Development Agency Bill* (H.B. 2, 2019)- (Progress reported 1st August 2019 –***The Minister of Industry and Commerce***)

*(See Notice of Amendments)*

2. SECOND READING: *Money Laundering and Proceeds of Crime Amendment Bill*, (H. B. 4, 2019)-***The Minister of Justice legal and Parliamentary Affairs.***
3. SECOND READING: *Coroner's Office Bill*, (H. B. 5, 2019) - ***The Minister of Justice legal and Parliamentary Affairs.***
4. COMMITTEE: Consideration of an adverse report by the Parliamentary Legal Committee on the *Education Amendment Bill*, (H.B. 7A, 2019), ***The Minister of Primary and Secondary Education.***
5. THE MINISTER OF JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS