

CONSTITUTION OF ZIMBABWE AMENDMENT (NO. 19) BILL, 2008

MEMORANDUM

This Bill will amend the Constitution in the following principal respects: firstly, to substitute the Chapter on Citizenship by another Chapter making more comprehensive provision on the same topic; secondly, to make specific provision for the appointment and functions of the committee of Parliament known as the Committee on Standing Rules and Orders; thirdly, to provide that the appointment by the President of the chairperson of Zimbabwe Electoral Commission, and of the members of the Anti-Corruption Commission, must be done in consultation with the Committee on Standing Rules and Orders; fourthly to provide for the appointment and functions of a Zimbabwe Media Commission; and finally to make certain transitional amendments pursuant to the agreement between the Presidents of the Zimbabwe African National Union-Patriotic Front (ZANU-PF) and the two formations of the Movement for Democratic Change (MDC), on resolving the challenges facing Zimbabwe, which was signed at Harare on the 15th September, 2008 (referred to in this Memorandum and Bill as the “Interparty Political Agreement”).

In more detail the individual clauses of the Bill provide as follows:

Clause 1

This clause sets out the Bill’s short title.

Clause 2

This clause defines a couple of terms for the purpose of this Bill.

Clause 3

This clause seeks to substitute Chapter II of the Constitution (“Citizenship”) by another Chapter making more comprehensive provision on the topic of citizenship.

Clause 4

This clause seeks to correct certain cross-references contained in section 41 of the Constitution (which previously cross-referred to members of the House of Assembly only) so as to make clear, for instance, that the “anti-defection” provisions of section 41(1)(e) apply to elected Senators as well as members of the House of Assembly.

Clauses 5

This clause seeks to omit from section 57(2) of the Constitution the incidental reference to the Committee on Standing Rules and Orders, for which fuller provision is to be made under Clause 6.

Clause 6

This clause seeks to include a new section in the Constitution that makes specific provision for the appointment and functions of the committee of Parliament known as the Committee on Standing Rules and Orders. However, for the period during which the Interparty Political Agreement subsists, the composition of this Committee will be as specified under subclause (2) of this clause.

Clause 7

This clause seeks to provide that the appointment by the President of the chairperson of Zimbabwe Electoral Commission must be done in consultation with the Committee on Standing Rules and Orders. Other amendments will fix that the term of office of members of the Commission at six years (renewable for one more consecutive term) and specify in broad terms the qualifications of members of the Commission.

Clause 8

This clause seeks to provide that the appointment by the President of the members of the Zimbabwe Anti-Corruption Commission must be done in consultation with the Committee on Standing Rules and Orders.

Clause 9

This clause seeks to provide for the appointment and functions of a new constitutional commission to be called the Zimbabwe Media Commission.

Clause 10

This clause seeks to amend the interpretation section of the Constitution by revising the definition of “Committee on Standing Rules and Orders” in conformity with the amendment made under clause 6.

Clauses 11 and 12

These clauses will insert a new section and Schedule in the Constitution providing for certain transitional amendments in connection with the new (but possibly temporary) office of Prime Minister and other matters pursuant to the Interparty Political Agreement. Since it is proposed to hold a referendum on a new Constitution within two years, this office may fall away or be retained, depending on the outcome of the referendum. If the referendum rejects the new Constitution, or the Interparty Political Agreement is for any reason terminated, the Constitution will continue in force as if not amended by the Schedule.

Clauses 13

This clause anticipates any legal challenge grounded in section 31E of the Constitution to the validity of anything done pursuant to the exercise of the functions of a Vice-President, Minister and Deputy Minister between the date when Parliament was dissolved on the 29th March, 2008, and the date when this Bill becomes an Act.

1st Draft: 17th November, 2008

BILL

To amend the Constitution of Zimbabwe.

ENACTED by the President and the Parliament of Zimbabwe.

1 Short title

This Act may be cited as the Constitution of Zimbabwe Amendment (No. 19) Act, 2008.

2 Interpretation

In this Act—

“fixed date” means the date of commencement of this Act;

“Interparty Political Agreement” means the agreement between the Presidents of the Zimbabwe African National Union-Patriotic Front (ZANU-PF) and the two formations of the Movement for Democratic Change (MDC), on resolving the challenges facing Zimbabwe. as published in the *Gazette* dated _____, which was signed at Harare on the 15th September, 2008, and witnessed by the President of the Republic of South Africa as facilitator mandated the Southern African Development Community (SADC).

3 New Chapter substituted for Chapter II of Constitution

Chapter II of the Constitution is repealed and the following is substituted—

“CHAPTER II
CITIZENSHIP

4 Zimbabwean citizenship

(1) There shall be a common Zimbabwean citizenship and all citizens are equal, that is to say citizens are entitled, subject to this Constitution, to the rights, privileges and benefits of citizenship and are subject to the duties and obligations of citizenship.

(2) It is the duty of every Zimbabwean citizen—

- (a) to observe this Constitution and to respect its ideals and institutions; and
- (b) to respect the national flag and the national anthem; and
- (c) to the best of his or her ability, to defend Zimbabwe in time of need.

(3) Every Zimbabwean citizen is entitled to the protection of the State wherever he or she may be.

(4) Zimbabwean citizenship may be acquired by birth, descent or registration.

5 Citizenship by birth

(1) Everyone born in Zimbabwe is a Zimbabwean citizen by birth if, when he or she was born—

- (a) either of his or her parents was a Zimbabwean citizen; or
- (b) either of his or her grandparents was a Zimbabwean citizen by birth or descent.

(2) Anyone born outside Zimbabwe is a Zimbabwean citizen by birth if, when he or she was born, either of his or her parents was a Zimbabwean citizen and was—

- (a) ordinarily resident in Zimbabwe; or
- (b) working outside Zimbabwe for the State or an international organisation.

6 Citizenship by descent

(1) Anyone born outside Zimbabwe is a Zimbabwean citizen by descent if, when he or she was born—

- (a) either of his or her parents or grandparents was a Zimbabwean citizen by birth or descent; or
- (b) either of his or her parents was a Zimbabwean citizen by registration;

and the birth is registered in Zimbabwe in accordance with the law relating to the registration of births.

(2) This section does not affect a person’s right to citizenship by birth under section 5.

7 Citizenship by registration

(1) Anyone who has been voluntarily and ordinarily resident in Zimbabwe for at least ten years, or for a shorter period fixed in an Act of Parliament, may apply to become a Zimbabwean citizen by registration.

(2) If a Zimbabwean citizen legally adopts someone who is not a Zimbabwean citizen, the adopted person becomes a Zimbabwean on the date of the adoption order and must be regarded as a citizen by registration.

(3) A minor child of a person who has become a Zimbabwean citizen by registration is entitled, on application, to become a Zimbabwean citizen by registration.

(4) A person who is married to a Zimbabwean citizen and who has been ordinarily resident in Zimbabwe for at least five years since the marriage is entitled, on application, to become a Zimbabwean citizen by registration.

(5) An Act of Parliament may provide for—

- (a) the acquisition of citizenship by registration by persons other than those mentioned in subsections (1), (2), (3) and (4); and
- (b) the procedure for acquiring citizenship by registration.

8 Citizenship and Immigration Board

An Act of Parliament must provide for the establishment of a Citizenship and Immigration Board consisting of a chairperson and at least two other members, appointed by the President, to be responsible for—

- (a) granting and revoking citizenship by registration;
- (b) permitting persons, other than citizens, to reside and work in Zimbabwe and fixing the terms and conditions under which they may so reside and work;
- (c) exercising any other functions that may be conferred or imposed on the Board by or under an Act of Parliament.

9 Powers of Parliament in relation to citizenship

An Act of Parliament may provide for—

- (a) the prohibition of dual citizenship;
- (b) procedures for the renunciation of citizenship;
- (c) the circumstances in which persons qualify for or lose their citizenship by descent or registration; and
- (d) any other matters regarding citizenship.

10 Interpretation and supplementary provisions regarding citizenship

(1) A reference in this Chapter to the citizenship of a person's parent or grandparent at the time of the person's birth must be construed, in relation to a person born after the death of the parent or grandparent, as a reference to the citizenship of the parent or grandparent when he or she died.

(2) Where a person became a citizen of Zimbabwe by virtue of his or her marriage to a citizen, the person remains a citizen of Zimbabwe even if the marriage is subsequently annulled or dissolved.”.

4 Amendment of section 41 of Constitution

Section 41 (“Tenure of seats of members”) (l) of the Constitution is amended—

- (a) in paragraph (e) —
 - (i) by the deletion of “section 38(1)(a)” and the substitution of “section 34(1)(a) or 38(1)”;
 - (ii) by the deletion of “the Speaker” and the substitution of “the President of the Senate or the Speaker, as the case may be”;
- (b) in paragraph (h) by the deletion of “section 38(1)(a)” and the substitution of “section 34(1)(a) or 38(1)”;
- (c) by repeal of paragraph (i) and the substitution of—
 - “(i) if, being a member referred to in section 34(1)(b), he ceases to hold office as Provincial Governor;”.

5 Amendment of section 57 of Constitution

Section 57 (“Standing Orders”) of the Constitution is amended by the repeal of subsection (2).

6 New section inserted in Constitution after section 57

(1) The Constitution is amended by the insertion after section 57 of the following section—

“57A Committee on Standing Rules and Orders

(1) There shall be, for the life of Parliament, a Committee to be known as the Committee on Standing Rules and Orders consisting of—

- (a) the Speaker; and
- (b) the President of the Senate; and
- (c) the Deputy Speaker; and
- (d) the Deputy President of the Senate; and
- (e) members appointed by the Speaker and the President of the Senate from their respective Houses of Parliament which shall include the Leader of Government Business, the Leader of the Opposition and the Chief Whip; and
- (f) members elected by each of the Houses of Parliament.

(2) With respect to the number of members from either House of Parliament, the number of members elected in terms of subsection (1)(f) is to be greater than that of members appointed in terms of subsection (1)(e).

(3) The election of members of the Committee on Standing Rules and Orders is to be based on the political and gender composition of the Parliament and is to be conducted as soon as possible after the commencement of each session.

(4) The Speaker is the Chairperson of the Committee on Standing Rules and Orders and the President of the Senate is to be its Deputy Chairperson.

(5) A vacancy occurring in the Committee on Standing Rules and Orders is to be filled in terms of the procedure applicable to the category of the position.

(6) The Committee on Standing Rules and Orders is responsible for—

- (a) supervising the administration of Parliament; and
- (b) appointing the staff of Parliament and fixing their conditions of service; and
- (c) considering and deciding all matters concerning Parliament; and
- (d) performing such other functions as are provided for under the Constitution.

(7) An Act of Parliament or Standing Orders may confer further functions on the Committee on Standing Rules and Orders.”.

(2) For the duration of the Interparty Political Agreement as stipulated in section 115(2) of the Constitution, and notwithstanding anything contained in section 57A of the Constitution, the Committee on Standing Rules and Orders shall consist of—

- (a) the Speaker; and
- (b) the President of the Senate; and
- (c) the Deputy Speaker; and
- (d) the Deputy President of the Senate; and
- (e) the two Vice-Presidents; and
- (f) the Prime Minister; and
- (g) the Minister responsible for justice or parliamentary affairs; and
- (h) the Minister responsible for finance; and
- (i) the Whip of each of the political parties that signed the Interparty Political Agreement; and
- (j) five members elected by the Houses of Parliament and four members elected by the Senate; and
- (k) the Deputy Leader of Government Business in the House of Assembly; and
- (l) the Deputy Leader of Government Business in the Senate.

7 Amendment of section 61 of Constitution

(1) Section 61 (“Zimbabwe Electoral Commission”) of the Constitution is amended—

- (a) in subsection (1)—
 - (i) in paragraph (a) by the insertion after “Judicial Service Commission” of “and the Committee on Standing Rules and Orders”;
 - (ii) by the repeal of paragraph (b) and the substitution of—
 - “(b) eight other members, at least four of whom shall be women, appointed by the President from a list of not fewer than twelve nominees submitted by the Committee on Standing Rules and Orders.”.
- (b) by the insertion of the following subsections after subsection (2)—

"(2a) Persons appointed to the Zimbabwe Electoral Commission must be chosen for their integrity and their experience and competence in the conduct of affairs in the public or private sector.

(2b) Members of the Zimbabwe Electoral Commission must be appointed for a term of six years, and their appointments may be renewed for one further term only.”;

(c) in subsection (8)(a) —

(i) by the repeal of subparagraph (i);

(ii) in subparagraph (ii) by the insertion of “particular” before “qualifications”.

(2) Notwithstanding subsection (1), the Zimbabwe Electoral Commission as constituted and appointed in terms of section 61 of the Constitution before the fixed date shall continue to operate as so constituted and appointed after the fixed date for the remainder of the terms of office of members of the Zimbabwe Electoral Commission as determined under section 61(8)(a)(i) before its repeal by subsection (1).

8 Amendment of section 108A of Constitution

Section 108A (“Anti-Corruption Commission”) of the Constitution is amended—

(a) by the deletion of the heading and the substitution of “**Zimbabwe Anti-Corruption Commission**”;

(b) the repeal of subsection (1) and the substitution of—

“(1) There shall be a commission to be known as the Zimbabwe Anti-Corruption Commission which shall consist of at least four and not more than nine members appointed by the President in consultation with the Committee on Standing Rules and Orders.”;

(c) in subsections (2), (3) and (4) by the insertion of “Zimbabwe” before “Anti-Corruption Commission”.

9 New section inserted in Constitution after section 108B

The Constitution is amended by the insertion after section 108B of the following section—

108C Zimbabwe Media Commission

(1) There shall be a commission to be known as the Zimbabwe Media Commission which shall consist of a chairperson and eight other members appointed by the President from a list of not fewer than twelve nominees submitted by the Committee on Standing Rules and Orders.

(2) Persons appointed to the Zimbabwe Media Commission shall be chosen for their knowledge of and experience in the press, print or electronic media, or broadcasting.

(3) The Zimbabwe Media Commission has the following functions—

(a) to uphold and develop freedom of the press; and

(b) to promote and enforce good practice and ethics in the press, print and electronic media, and broadcasting; and

- (c) to ensure that the people of Zimbabwe have equitable and wide access to information; and
 - (d) to ensure the equitable use and development of all indigenous languages spoken in Zimbabwe; and
 - (e) to exercise any other functions that may be conferred or imposed on the Commission by or under an Act of Parliament.
- (4) An Act of Parliament may confer powers on the Zimbabwe Media Commission, including power to—
- (a) conduct investigations and inquiries into—
 - (i) any conduct or circumstance that appears to threaten the freedom of the press; and
 - (ii) the conduct of the press, print and electronic media, and broadcasting;and
 - (b) the disciplinary action against journalists and other persons employed in the press, print or electronic media, or broadcasting, who are found to have breached any law or any code of conduct applicable to them."

10 Amendment of section 113 of Constitution

Section 113 ("Interpretation") of the Constitution is amended by the repeal of the definition of "Committee on Standing Rules and Orders" and the substitution of—

"Committee on Standing Rules and Orders" means the committee referred to in section 57A;".

11 New section inserted in Constitution after section 114

The Constitution is amended by the insertion after section 114 of the following section—

"115 Transitional provisions: Schedule 8

(1) In this section—

"Interparty Political Agreement" means the agreement between the Presidents of the Zimbabwe African National Union-Patriotic Front (ZANU-PF) and the two formations of the Movement for Democratic Change (MDC), on resolving the challenges facing Zimbabwe, as published in the *Gazette* dated _____, which was signed at Harare on the 15th September, 2008, and witnessed by the President of the Republic of South Africa as facilitator mandated the Southern African Development Community (SADC);

"Prime Minister" means the Prime Minister whose appointment is referred to in paragraph 2 of Schedule 8.

(2) The provisions of this Constitution shall, for the period specified in subsection (3), operate as amended or substituted to the extent or in the manner specified in Schedule 8.

(3) Schedule 8 shall have effect from the date of commencement of the Constitution of Zimbabwe Amendment (No. 19) Act, 2008, and continue in force during the subsistence of the Interparty Political Agreement.

(4) Notwithstanding anything to the contrary in this Constitution, during the subsistence of the Interparty Political Agreement—

- (a) the President shall make every appointment required under this Constitution or under any Act of Parliament to be made by the President, in consultation with the Prime Minister;
 - (b) the members of the Senate appointed in terms of section 34(1)(f) as inserted by paragraph 8(b) of Schedule 8 shall be nominated and appointed in accordance with the Interparty Political Agreement, and any vacancy in such membership arising in terms of section 41(1)(i2) as inserted by paragraph 7 of Schedule 8, or by reason of death, resignation or other cause, shall be filled in the manner intended by the Interparty Political Agreement;
 - (c) the President shall appoint the Vice-Presidents, Prime Minister, Deputy Prime Ministers, Ministers and Deputy Ministers in accordance with the provisions of the Interparty Political Agreement;
 - (d) the President shall fill vacancies in the offices of Vice-President, Prime Minister, Deputy Prime Minister, Minister or Deputy Minister in accordance with the provisions of the Interparty Political Agreement.
- (5) The Interparty Political Agreement shall subsist until such time as—
- (a) the parties to the Interparty Political Agreement mutually agree to terminate it; or
 - (b) the President is satisfied that the circumstances are such that the continuance of the Interparty Political Agreement is no longer possible for any reason;

in which event the President shall, by proclamation in the *Gazette*, declare the Interparty Political Agreement to be terminated with effect from the date specified in the proclamation.

(6) From the date specified in a proclamation referred to in subsection (5) this Constitution shall apply as if not amended by Schedule 8, unless, before that date, voters at a referendum held in terms of the Referendums Act [*Chapter 2:10*] (No. 24 of 1999) (or any other law that may be substituted for that Act), resolved to adopt a new constitution to replace this Constitution.”.

12 Insertion of Schedule 8 to Constitution

(1) The Constitution is amended by the insertion of the following Schedule after Schedule 7—

“SCHEDULE 8

(Section 4(1))

TRANSITIONAL AMENDMENTS

1. In section 31C (“Vice-Presidents”)(l) by the insertion after “the President” of “from among the members of Parliament”.
2. In section 31D (“Ministers and Deputy Ministers”)—
 - (a) by the deletion of the heading and the substitution of “**Prime Minister, Deputy Prime Ministers, Ministers and Deputy Ministers**”;
 - (b) in subsection (1)—
 - (i) by the insertion before paragraph (a) of the following paragraph—

“(1a) shall, from among the members of Parliament, appoint a Prime Minister and two Deputy Prime Ministers and may assign functions to such Prime Minister and Deputy Prime Ministers, including the administration of any Act of Parliament or of any Ministry or department; and;”;
 - (ii) in paragraph (a) by the insertion after “shall” of “, from among the members of Parliament,”;
 - (iii) in paragraph (b) by the insertion after “may” of “, from among the members of Parliament,”.
3. In section 31E (“Tenure of office of Vice-Presidents, Ministers and Deputy Ministers”)—
 - (a) by the deletion of the heading and the substitution of “**Tenure of office of Vice-Presidents, Prime Minister, Ministers and Deputy Ministers**”;
 - (b) in subsection (1) by the deletion of “a Vice-President, Minister or Deputy Minister” and the substitution of “a Vice-President, Prime Minister, Deputy Prime Minister, Minister or Deputy Minister”;
 - (c) in subsection (2) by the deletion of “Vice-President, Minister or Deputy Minister” and the substitution of “Vice-President, Prime Minister, Deputy Prime Minister, Minister or Deputy Minister”;
 - (d) in subsection (3) by the deletion of “Vice-President, Minister or Deputy Minister” and the substitution of “Vice-President, Prime Minister, Deputy Prime Minister, Minister or Deputy Minister”.
4. In section 31G (“Cabinet”)—
 - (a) in subsection (1) by the insertion after “as the case may be,” of “the Prime Minister and Deputy Prime Ministers”;
 - (b) by the insertion of the following subsection after subsection (3) —

“(4) The President shall be the chairperson of the Cabinet, and the Prime Minister shall be a deputy chairperson of the Cabinet.”.
5. By the insertion of the following sections after section 31G—

"31GA Functions of Prime Minister

Subject to this Constitution, the Prime Minister shall—

- (a) exercise executive authority; and
- (b) oversee the formulation and implementation of Government policies by the Cabinet; and
- (c) ensure that the policies so formulated are implemented by the entirety of Government; and
- (d) ensure that Ministers develop appropriate plans to give effect to the policies decided by Cabinet; in this regard the Ministers shall report to the Prime Minister on all issues relating to the implementation of such policies and plans; and
- (e) ensure that the legislation necessary to enable the Government to carry out its functions is in place; in this regard, the Prime Minister shall have the responsibility to discharge the functions of the Leader of Government Business in Parliament; and
- (f) be assigned such additional functions as are necessary further to enhance the work of the Government; and
- (g) in order to ensure the effective execution of the foregoing functions, be assisted by the Deputy Prime Ministers; and
- (h) report regularly to the President and Parliament.

31GB Council of Ministers

(1) To ensure that the Prime Minister properly discharges his or her responsibility to oversee the implementation of the work of the Government, there shall be a Council of Ministers consisting of the Prime Minister, who shall be chairperson of the Council and every Deputy-Prime Minister and Minister appointed in accordance with section 31D.

(2) The Council of Ministers shall—

- (a) assess the implementation of Cabinet decisions; and
- (b) assist the Prime Minister to attend to matters of coordination in Government; and
- (c) enable the Prime Minister to receive briefings from the Cabinet Committees; and
- (d) make progress reports to Cabinet on matters of implementation of Cabinet decisions; and
- (e) to receive and consider reports from the Committee of Cabinet responsible for the periodic review mechanism; and
- (f) to make reports to Cabinet on matters related to the periodic review mechanism.

31GC Acting Prime Minister

(1) Whenever the Prime Minister is absent from Zimbabwe or is, by reason of illness or other cause unable to exercise his or her functions, the President may in writing authorise a Deputy Prime Minister to exercise those functions, other than the functions conferred by subsection (2), and that Deputy Prime Minister may perform those functions until his or her authority is revoked by the President.

(2) The powers of the President under subsection (1) shall be exercised by him or her after consultation with the Prime Minister:

Provided that if the President, acting in his or her own discretion, considers that it is impracticable to consult the Prime Minister owing to the absence or illness of the Prime Minister, the President may exercise those powers acting in his or her own discretion."

6. In section 31H ("Executive functions of President")—

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

"(1) The executive authority of Zimbabwe shall vest in the President, the Vice-Presidents, the Prime Minister and the Cabinet.;"

(b) in subsection (5) by the repeal of proviso (c) and the substitution of—

"(c) the assignment or reassignment of functions to a Vice-President or with respect to the cancellation of any such assignment or reassignment of functions; or";

7. In section 31I ("Prerogative of mercy")(l) by the deletion of "The President may" and the substitution of "On the advice of the Cabinet the President may".

8. In section 34 ("Composition of Senate")(l)—

(a) by the deletion of "ninety-three" and the substitution of "one hundred and two";

(b) by the insertion of the following paragraph after paragraph (e) —

"(f) nine shall be appointed by the President on the nomination of the political parties represented in Parliament;".

9. Section 41 ("Tenure of seats of members")(l) of the Constitution is amended by the insertion of the following paragraph after paragraph (i)—

"(i2) if, being a member referred to in section 34(l)(f) and having ceased to be a member of the political party of which he or she was a member at the date of his or her appointment in terms of that section, the political party concerned, by written notice to the President of the Senate, declares that he has ceased to represent its interests in Parliament;".

10. In section 47 ("Vice-Presidents, Ministers, Deputy Ministers and Attorney-General in Parliament")(l) of the Constitution is amended by the deletion of "or a Minister or a Deputy Minister" and the substitution of "or the Prime Minister, a Deputy Prime Minister, Minister or Deputy Minister".

11. In section 63 ("Prorogation and dissolution") (2) by the insertion after "the President may" of "in consultation with the Prime Minister;".

12. In section 109 (“General provisions as to Commissions, etc”)—
- (a) in subsections (1), (2), (3), (4), (5) and (10) by the deletion of “Commission” and the substitution of “service or executive Commission”;
 - (b) by the insertion of the following subsection after subsection (10)—

“(10A) In addition to any other person or authority the President is required to consult in terms of this Constitution, the President shall make appointments to a service or executive Commission in consultation with the Prime Minister.”;
 - (c) in subsection (11) by the repeal of the definition of “Commission” and the substitution of the following—

"service or executive Commission" means the Public Service Commission, the Judicial Service Commission, the Police Service Commission, the Defence Forces Service Commission or the Prison Service Commission.”.
13. In section 113 (“Interpretation”)(l) by the insertion of the following definitions—
- ""Deputy Prime Minister" means a Deputy Prime Minister appointed in terms of section 31D(1)(1a);
 - "Prime Minister" means the Prime Minister appointed in terms of section 31D(1)(1a);
 - "Minister" includes the Prime Minister and a Deputy Prime Minister;".

13 Validity of acts of Vice-Presidents, Ministers and Deputy Ministers before fixed date

For the avoidance of doubt it is declared that nothing done pursuant to the exercise of the functions of a Vice-President, Minister or Deputy Minister shall be held invalid solely on the ground that the tenure of any person holding or purporting to hold such office between the date when Parliament first met on the 26th August, 2008, after its last dissolution, and the fixed date is invalid by reason of the provisions of section 31E of the Constitution.