Chapter 5
THE EXECUTIVE

69. In 5.1(2) to delete “and the Cabinet” to read as follows:
(2) The executive authority of Zimbabwe vests in the President

70. In 5.3 Add new clause (e) to read as follows:
“(e) promote and defend the values and ideals of the liberation struggle”

71. In 5.4 Delete “and Vice-Presidents” from the title

72. In 5.4(1) Delete “and Vice-Presidents”

73. In 5.4(1)(a) Delete “or descent”

74. 5.4(2) Delete and substitute with:
“(2) A person is disqualified for election as President if he or she has already been elected as President under this Constitution for two terms, whether continuous or not.”

75. In 5.5 Delete and Substitute with:
5.5 Election of President
(1) The election of a President must take place within the period specified in section 7.4
(2) The President is directly elected by registered voters throughout Zimbabwe;
(3) The qualifications for registration as a voter and for voting at an election of a President are set out in the Fourth Schedule;
(4) The election of a President must take place concurrently with every general election of Members of Parliament and local authorities;

76. Insert new clause
“5.6 Vice-Presidents
(1) There shall be two Vice-Presidents of Zimbabwe, who shall be appointed by the President
(2) A person qualifies for appointment as Vice-President if he or she -
a. is a citizen of Zimbabwe by birth;
b. has attained the age of forty years;
c. is ordinarily resident in Zimbabwe; and
d. is registered as a voter
(3) The Vice-Presidents, shall assist the President in the discharge of his or her executive functions, and shall perform such other functions, including the administration of any Act of Parliament or of any Ministry or department, as may be assigned by the President.
(4) A Vice-President shall, before entering upon his office, take and subscribe before the President the oath of loyalty and office in the forms set out in the Third Schedule.
(5) During his or her tenure of office, a Vice President shall not directly or indirectly hold any other public office or any paid office in the employment of any person.”

77. In 5.6 Delete clause and substitute with the following:
“5.7 Challenge to presidential election
1. Subject to this section, any aggrieved candidate may challenge the validity of an election of a President by lodging a petition or application with the Constitutional Court within seven days after date of the declaration of the results of the elections.
2. The appointment of a Vice-President may be challenged only on the ground that he or she is not qualified for appointment.
3. The constitutional Court must hear and determine a petition or application under subsection
within fourteen days after the petition or application was lodged, and the court’s decision is final.

4. In determining a petition or application under subsection (1), the Constitutional Court may:− (a) declare a winner; (b) invalidate the election, in which case a fresh election must be held within sixty days after the determination; or (c) make any other order it considers just and appropriate.

5. If, in a petition or application under subsection (1):− (a) the Constitutional Court sets aside the election of a President, the appointment of Vice President, is automatically nullified; (b) the Constitutional Court sets aside the appointment of either or both Vice-Presidents, the President must without delay appoint a qualified person or qualified persons, as the case may be, to be Vice-President or Vice Presidents.”

78. In 5.7(1) Delete and substitute with the following: “5.8(1) Assumption of office by President (1) Persons elected as President assume office when he or she takes, before the Chief Justice or the next-most senior judge available, the oaths of President respectively in the form set out in the Third Schedule, which oath he or she must take— (a) on the ninth day after he or she is declared to be elected; or (b) in the event of a challenge to the validity of his or her election, within forty-eight hours after the Constitutional Court has declared him or her to be the winner.”

79. In 5.8 Delete “Vice-President”

80. In 5.9 heading delete “or Vice President”

81. In 5.9 Delete “Speaker” and replace with”….Chief Justice”

82. In 5.10 Delete “or Vice President”

83. In 5.10(2) Delete “or Vice-President, as the case may be”

84. In 5.10(3)(a) Delete “or Vice-President”

85. In 5.10(3)(b) Delete “or Vice-President, as the case may be” and “or Vice-President”

86. Insert new clause 5.11 to read as follows: “5.11 Succession, in event of death, resignation or incapacity of President (1) In the event that the President dies, or resigns or is incapacitated, one of the Vice-Presidents from the party of the former President shall take over within 48 hours as the President for the remaining tenure of the former President.”

87. In 5.11 Presidential immunity To add a new clause to read as follows: “5.11(1) The President is not personally liable for anything done or omitted to be done in his or her official capacity”

88. In 5.11(2) delete and substitute with: “(2) Civil or criminal proceedings may be instituted against a former President for things done or omitted to be done in his or her personal capacity before he or she became President or while he or she was President”.

89. 5.11(4) Delete the entire clause

90. 5.13 Acting President
In 5.15(1)(a) Delete and substitute with: “by a Vice-President”
91. In 5.19(3) Delete the clause
92. In 5.20(2) Delete “Vice-President”
93. In 5.23(2) to add a new clause after 5.23.2(b) to read as follows:
(c) prorogation and dissolution of parliament
94. In 5.23(3) to add “under the direction of the President” to read as follows:
(3) Subject to this Constitution, the Cabinet under the direction of the President, is responsible
for
95. In 5.23(6) Delete the entire clause
96. 5.24 Delete and substitute with the following
“The President has power to declare war and make peace.”
97. In 5.27 Attorney-General
Transfer and combine the rest of the Attorney-General clause with the contents of the
Prosecutor-General in Chapter 13 Part 2 under the title of ATTORNEY-GENERAL
98. 5.28 Delete the clause

Chapter 6
Legislature
99. In 6.2(2) Insert a new clauses (d) and (e) to read as follows:
“(d) to exercise oversight over the State and all institutions and agencies of government
(e) to promote and defend the values and ideals of the liberation struggle”
100. 6.4 Role of Parliament
Delete the entire Clause
101. In 6.5(1) replace “eighty-eight” with “ninety two” to read as follows:
“The Senate consists of ninety two Senators, …”
102. In 6.5(1) Insert a new (a) to read as follows:
“(a) two of the Senators shall be the Vice-Presidents”
103. In 6.5(1)(d) Delete “other than the metropolitan provinces”
104. In 6.5 (1)(d) Delete and substitute with the following:-
“6.4(1)(e) Ten are Provincial Governors and Resident Ministers, one from each of the Provinces
into which Zimbabwe is divided”.
105. In 6.5(1)(e) Add“and one of whom shall be a woman”
106. In 6.7(4) Delete and substitute with:
“(4) Elections to the office of President of the Senate must be conducted by the Clerk of
Parliament or his or her nominee, by secret ballot in accordance with Standing Orders, and the
results must be announced forthwith.”
107. In 6.7(5) Delete and substitute with:
“(5) Before commencing his or her duties, the President of the Senate must take before the
Clerk of Parliament the oaths of loyalty and office in the forms set out in the Third Schedule.”
108. In 6.8(4) Delete and substitute with:
“(4) Elections to the office of Deputy President of the Senate must be conducted by the Clerk of
Parliament or his or her nominee, by secret ballot in accordance with Standing Orders, and the
results must be announced forthwith.”
109. In 6.8(5) Delete and substitute with:
“(5) Before commencing his or her duties, the Deputy President of the Senate must take before
the Clerk of Parliament the oaths of loyalty and office in the forms set out in the Third
Schedule.”
110. In 6.11(4) Delete and substitute with:
“(4) Elections to the office of Speaker must be conducted by the Clerk of Parliament or his or her nominee, by secret ballot in accordance with Standing Orders, and the results must be announced forthwith.”

111. In 6.11(5) Delete and substitute with:
“(5) Before commencing his or her duties, the Speaker must take before the Clerk of Parliament the oaths of loyalty and office in the forms set out in the Third Schedule.”

112. In 6.12(3) Delete and substitute with:
“(3) Elections to the office of Deputy Speaker must be conducted by the Clerk of Parliament or his or her nominee, by secret ballot in accordance with Standing Orders, and the results must be announced forthwith.”

113. In 6.12(4) Delete and substitute with:
“(4) Before commencing his or her duties, the Deputy Speaker must take before the Clerk of Parliament the oaths of loyalty and office in the forms set out in the Third Schedule.”

114. In 6.14(c) Delete “or a Vice-President”

115. In 6.14(g) and (h) Delete “or metropolitan”

116. In 6.14(3) Add “and Resident Minister” after “Provincial Governor”

117. 6.16(7) Delete and substitute with the following:
(7) Where a Bill has been referred back to Parliament in terms of subsection (6)(b), the Speaker must without delay convene a joint sitting of the National Assembly and the Senate, which must
—
(a) reconsider the Bill and fully accommodate the President’s reservations; or
(b) pass the Bill, with or without amendments, by a two-thirds majority of the total membership of both the National Assembly and the Senate;
and in either case the Speaker must cause the Bill to be presented to the President without delay for assent and signature and must give public notice of the date on which the Bill was sent to the President.

118. In 6.20 replace “Head” in the title with “Administration”

119. 6.20(1) replace the entire clause with the following:
“The day to day administration of Parliament shall be done by the Clerk of Parliament under the supervision of the Speaker or in his or her absence under the supervision of the President of the Senate”.

120. 6.20(2) Delete the clause

121. In 6.24(2)(d) Delete and substitute with:
“(d) the questioning of Ministers and Deputy Ministers by members of Parliament;”

122. 6.25(3) Delete the clause

123. 6.26(c)(iv) Delete and substitute with:
“(iv) to provide for the searching of any person and, where appropriate, the refusal of entry to Parliament or the removal of any person from Parliament;
but those measures must be fair and reasonable”

124. 6.28(2) Delete and substitute with:
(2) The President may at any time dissolve Parliament by proclamation.

125. 6.29 Delete and substitute with:
“6.29 General election resulting from dissolution of Parliament
(1) Where —
(a) the President has dissolved Parliament
the President must by proclamation call and set dates for a general election to be held not more than ninety days after the President dissolved Parliament, as the case may be.

(2) The dates for a general election called in terms of subsection (1) must be fixed by the President.”

126. 6.39 Delete and substitute with:
“6.39 Clerk of Parliament and other staff
(1) The Committee on Standing Rules and Orders, with the approval of the National Assembly, must appoint an officer to be known as the Clerk of Parliament to be responsible, subject to Standing Orders and to the control and supervision of the Speaker, for the day-to-day administration of Parliament.

(2) The Clerk of Parliament must vacate his or her office —
(a) if, on the recommendation of the Committee on Standing Rules and Orders, more than two thirds of all the members of the National Assembly resolve that the Clerk should be removed;
(b) if the Clerk would be required to vacate his or her seat were he or she a member of Parliament; or

(3) The Committee on Standing Rules and Orders must appoint such other staff of Parliament as it considers necessary.

(a) are appointed on terms of service approved from time to time by the Committee on Standing Rules and Orders; and
(b) are public officers but do not form part of the Public Service.”

CHAPTER 7
Elections

127. 7.3.1(f) Remove “provincial and metropolitan councils”

128. 7.4(1)(b) Delete the clause

129. 7.4(3) Delete and substitute with:
“(3) Polling in by-elections to Parliament and local authorities must take place within ninety days after the vacancies occurred.”

CHAPTER 8

Judiciary

130. In 8.1(a) Delete “the Constitutional Court” and substitute with “the Supreme Court”

131. In 8.1(b) Delete “the Supreme Court” and substitute with “the Constitutional Court”

132. Add new clause 8.4.1(d) to read as follows:
“(d) the values and ideals of the liberation struggle”

133. In 8.5 Constitutional Court;
Adopt the current practice of the Supreme Court reconstituting itself as the Constitutional court to read as follows:

8.5 Constitutional Court

(1) The Constitutional Court is a superior court of record whose composition is as follows:
(a) the Chief Justice
(b) the Deputy Chief Justice
(c) all judges of Supreme Court -
but the Constitutional Court shall be duly constituted by at least five judges of whom one shall be the Chief Justice or Deputy Chief Justice and other substantive judges of the Supreme Court.

134. In 8.5(3)(a) Delete “all the judges of the Court” and substitute with “at least seven judges”

135. In 8.5(3)(b) Delete “three judges of the Court” and substitute with “five judges”

136. In 8.19 Delete and substitute with the following:-

“8.18 Appointment of judges

(1) The Chief Justice, the Deputy Chief Justice, the Judge Presidents of the High Court, Labour Court, Administrative Court and all other judges of Supreme Court, High Court, Labour and Administrative Courts, are appointed by the President after consultation with the Judicial Service Commission in accordance with this section.

(2) Whenever there is need to appoint a person to the office of a judge, the Judicial Service
Commission must inform the President and invite him or her to make nominations.

(3) The Judicial Service Commission in considering the nomination must conduct interviews for candidates and advise the President accordingly.

(4) If the President’s appointment of a Judge is not consistent with the recommendation made by the Judicial Service Commission, the President shall inform the Senate as soon as is practicable.”

137. In 8.20(1) Delete “Constitutional Court” and substitute with “Supreme Court”

138. In 8.24(2) Delete “or the next most senior judge available”

139. 8.25(1) and (2) Add “the Administrative Court” and “Labour Court”

140. In 8.28 to add a new paragraph “h” to read as follows:

(g) Delete “Civil” and substitute with “Public”

(h) a Chief nominated by the National Council of Chiefs

141. In 8.29 add a new clause (5) to read as follows:
“(5) To exercise any other functions as may be conferred on the Judicial Service Commission in terms of this Constitution or any other law.”

142. In 8.30 Delete and substitute with the following:-

“The Judicial Service Commission must conduct its business in a just, fair and transparent manner.”

CHAPTER 9

PRINCIPLES OF PUBLIC ADMINISTRATION AND LEADERSHIP

143. Combine Chapter 9 and Chapter 10 with Chapter 9 as the introduction of the current Chapter 10

144. Recast title of Chapter 9 as follows:
CHAPTER 9
PUBLIC SERVICE
PART 1
PRINCIPLES OF PUBLIC ADMINISTRATION AND LEADERSHIP

145. In 9.1(1) and (2) Delete “tiers” and substitute with “structures”
146. 9.4 Delete the clause

147. CHAPTER 10 becomes PART 2 of new Chapter 9 as follows:

PART 2
PUBLIC SERVICE

148. Replace “Civil” with “Public” to read “Public Service” throughout the draft
149. In old 10.1(2)(a) Delete “services” and substitute with “organs”
150. 10.3 Delete the entire clause
151. 10.7(2) Delete the entire clause

CHAPTER 11
Security Services

152. Replace “Services” in the title with “Organs” to read “SECURITY ORGANS” and throughout the chapter
153. 11.2(1)(b) Replace “services” with “force” to read the “Police Force”and replace accordingly throughout the chapter
154. 11.2(2) Delete and substitute with:
“(2) The security organs are subject to the authority of this Constitution and the President.”
155. In 11.2(3) Delete “services” and substitute with “organs”
156. In 11.3(1) Delete “services” and substitute with “organs”

157. 11.3.2 delete the entire clause

158. 11.5 Delete the clause .

159. 11.6(1) Delete “services” and substitute with “organs”

160. 11.6 (3) Delete and substitute with the following:-

“(3) The defence forces must respect fundamental human rights and freedoms of every person and must be non-partisan, national in character, patriotic, professional and subordinate to the civilian authority.”

161. 11.7(2)(b) and (c) Delete “service” and substitute with “force”

162. 11.8(4) Delete entire clause

163. 11.9(b) Delete and substitute with:
“(b) outside Zimbabwe;

the President must cause Parliament to be informed.”

164. 11.10 Delete the clause

165. 11.11(2) Delete and substitute with:

“(2) Every Commander of the Defence Forces, and every Commander of a service of the Defence Forces, is appointed by the President after consultation with the Defence Force Service Commission.”

166. 11.11(3) Delete and substitute with:
“(3) Commanders of the Defence Forces and Commanders of services of the Defence Forces, are appointed for two terms of not more than five years each subject to annual renewal.”

167. 11.11(4) Delete the clause
168. 11.12 Add “forces” to read “Defence Forces Service Commission” throughout the draft.

169. In 11.12(1) Delete “civil” and substitute with “public”

170. Add new 11.13(d) to read as follows:

“(d) to determine the nature of disciplinary powers to be exercised over members of defence forces and the manner and the circumstances these are to be exercised.”

171. 11.14(2)(a) Delete and substitute with:
“(a) any intelligence service that may be established by law or administrative order;”

172. 11.15 Delete entire clause

173. 11.16(1) Delete and substitute with:
“(1) The Police Force is under the command of a Commissioner-General of Police appointed by the President after consultation with the Police Force Service Commission.”

174. 11.16(2) Delete and substitute with:
“(2) The Commissioner-General of Police is appointed for two five-year terms which may be renewed annually.”

175. 11.16(3) Delete the clause

176. In 11.16(4) Replace “…Minister responsible for the police” with “President”

177. Add new 11.18(d) to read as follows:

“(d) to determine the nature of disciplinary powers to be exercised over members of police force and the manner and the circumstances these are to be exercised.”

178. In 11.19(1) Delete “of a law or” and “Cabinet”

179. 11.19(2) Delete the clause

180. 11.20 Delete entire clause
181. 11.21 In the heading delete and substitute with: “Director-General of Intelligence Services”.

182. In 11.21 Replace “A person” with “The Director-General”

183. In 11.21(a) Delete “for a five-year term which may be renewed once and”

184. In 11.21(b) Replace “…Minister responsible for the intelligence services” with “President”

185. In PART 5 add “Prison” to the title to read as follows: “PRISON and CORRECTIONAL SERVICES” and to change accordingly throughout the draft

186. 11.23 Delete entire clause

187. 11.24 Add “Prison and” after Commissioner-General

188. 11.25 Delete “General”

189. 11.24(1) Delete and substitute with: “(1) The Prison and Correctional Service is under the command of a Commissioner of the Prison and Correctional Service appointed by the President after consultation with the Prison and Correctional Service.”

190. 11.24(3) Delete the clause

191. 11.24(4) Delete and substitute with: “(3) The Commissioner of the Prison and Correctional Service must exercise his or her command in accordance with general written policy directives given by the President.”

192. 11.26(d) to read as follows:

“(d) to determine the nature of disciplinary powers to be exercised over members of Prison and Correctional services and the manner and the circumstances these are to be exercised.”

CHAPTER 12

Independent Commissions

193. Delete “Supporting Democracy” from the title to read:
INDEPENDENT COMMISSIONS

194. In 12.1(e) Delete and substitute with “The Public Protector"

195. Add new 12.2(g) to read as follows:
“(g) to promote and defend the values and ideals of the liberation struggle”

196. In 12.8(h) delete and substitute with
“In accordance with the Electoral law to accredit observers of elections and referendums;”

197. In 12.18.1(a) Delete “press and other media of communication” and substitute with “media”

198. In 12.18.1(b) Delete “press and other media of communication” and substitute with “media”

199. 12.18.1(c) Delete and replace with “to ensure observance of public interest, fairness and diversity of views in the media.”

200. 12.18.1(d) Delete and recast to read as follows: “to formulate and promote codes of conduct for persons employed in the media.”

201. In 12.18.(1)(j) Delete “Press” and substitute with “media”

202. 12.18.2(a)(i) Replace “press” with “media”

203. 12.18.2(a)(ii) Delete “press, print and electronic media and broadcasting” substitute with “media”.

204. 12.18.2(b) Delete “the press and other media of communication” and substitute with “media”

205. 12.18(3) Delete “the press and other media of communication” and substitute with “media”

196. PART 6 NATIONAL PEACE AND RECONCILIATION COMMISSION
Delete entire part and substitute with “Part 6 Office of the Public Protector” to read as follows;

OFFICE OF THE PUBLIC PROTECTOR

197. 12.20 Establishment and functions of office of Public Protector
(1) There is a Public Protector whose office is a public office but does not form part of the Public Service.

(2) The Public Protector has the following functions-
(a) to investigate action taken by any officer, person or authority referred to in paragraph (b) in the exercise of the administrative functions of that officer, person or authority in any case where it is alleged that a person has suffered injustice in consequence of that action and it does not appear that there is any remedy reasonably available by way of proceedings in a court or on appeal from a court.
(b) Subject to such exceptions and conditions as may be prescribed by or under an Act of Parliament, the provisions of paragraph (a) shall apply in respect of any action taken by the following officers and authorities-
   (i) any Ministry or department or any member of such Ministry or department; and
   (ii) such other persons or authorities as may be prescribed by or under an Act of Parliament for the purposes of this paragraph
(c) to receive and investigate complaints from members of the public about misconduct on the part of members of the security organs and for remedying any harm caused by such misconduct
(d) to report to Parliament if he or she finds that any conduct referred to in paragraph (a) is improper or has resulted in impropriety or prejudice;
(e) to take or recommend appropriate action to remedy any improper or prejudicial conduct in State affairs or public administration; and
(f) to exercise any other function conferred or imposed upon the Public Protector by this Constitution or any other enactment.

(3) The Public Protector must be accessible to all persons and communities.

(4) An Act of Parliament may confer additional functions on the Public Protector and may regulate the manner in which the functions of the office may be exercised provided that the Public Protector’s independence and effectiveness are not compromised.

198. 12.21 Independence of Public Protector
Subject to this Constitution, the Public Protector-
(a) is independent and is not subject to the direction or control of anyone; and
(b) must exercise his or her functions without fear, favour or prejudice;
and though the Public Protector is accountable to Parliament for the efficient performance of his or her functions, Parliament may not interfere with him or her in such a way as to prevent him or her from performing the functions of the office impartially.

199. 12.22 Appointment and tenure of Public Protector
(1) The Public Protector is appointed by the President after consultation with the Judicial Service Commission and Committee on Standing Rules and Orders

(2) The Public Protector must be a person qualified for appointment as a judge of the High Court.

(3) The provisions relating to the removal of a judge from office apply to the removal of the
Public Protector from office.

(4) The conditions of service of the Public Protector, including his or her remuneration, must be provided for in an Act of Parliament, but the remuneration must not be reduced during the Public Protector’s tenure of office.

(5) The remuneration of the Public Protector is a charge against the Consolidated Revenue Fund.

200. 12.23 Conduct of affairs of office of Public Protector
An Act of Parliament may provide for the practices and procedures to be adopted by the Public Protector and, in any matter that is not so provided for, the Public Protector may determine the practices and procedures to be followed, but any such procedures must be fair and promote transparency.

201. 12.24 Public Protector to report annually to Parliament

(1) The Public Protector must submit to the Senate and the National Assembly an annual report on the operations and activities of the office, the report being submitted not later than the end of March in the year following the year to which the report relates.

(2) An Act of Parliament may require the Public Protector to submit further reports in addition to the annual report specified in subsection (1).

CHAPTER 13
Institutions to Combat Corruption and Crime

202. In 13.1(a) Insert after the word “with” the words “the Judicial Service Commission and”

203. Insert the following new sub clause (2)
“(2) the chairperson of the Zimbabwe Anti Corruption Commission must be a person who has been qualified for at least seven years to practice as a legal practitioner in Zimbabwe”

204. Insert in current 13.1(2) before the word “members” the words “the other eight”

205. In 13.2.1(e) Replace “direct” with “require” to read as follows:
(e) require the Commissioner-General of Police to investigate cases of suspected corruption and to report to the Commission on the results of any such investigation;

206. In 13.2.1(f) Replace “National Prosecuting Authority” with “Attorney-General”

207. 13.2(2) Replace “directive” with “requirement” to read as follows:
(2) The Commissioner-General of Police must comply with any requirement given to him or her by the Zimbabwe Anti-Corruption Commission under subsection (1)(e).

208. Delete Part 2 and substitute with Part 2 Attorney - General to read as follows;

PART 2
ATTORNEY-GENERAL

209. 13.5 Establishment of Attorney-General’s Office

(1) There is an Attorney-General appointed by the President after consultation with the Judicial Service Commission and following the procedure for the appointment of a judge.

(2) A person who has been appointed as Attorney-General assumes office upon taking before the President, or a person authorised by the President, the oaths of loyalty and office in the forms set out in the Third Schedule.

210. 13.6 The functions of the Attorney-General are-

(1) The Attorney-General shall have power in any case in which he or she considers it desirable so to do-
(a) to institute and undertake criminal proceedings before any court, not being a court established by a disciplinary law, and to prosecute or defend an appeal from any determination in such proceedings;
(b) to take over and continue criminal proceedings that have been instituted by any other person or authority before any court, not being a court established by a disciplinary law, and to prosecute and defend an appeal from any determination in proceedings so taken over by him; and
(c) to discontinue at any stage before judgment is delivered any criminal proceedings he has instituted under paragraph (a) or taken over under paragraph (b) or any appeal prosecuted or defended by him from any determination in such proceedings.

(2) The powers of the Attorney-General under subsection (1) may be exercised by him in person or through other persons acting in accordance with his general or specific instruction.

(3) The powers of the Attorney-General under subsection (1)(b) and (c) shall be vested in him to the exclusion of any other person or authority.

Provided that where any other person or authority has instituted criminal proceedings, nothing in this subsection shall prevent the withdrawal of those proceedings by or at the instance of that person or authority at any stage before the person against whom the proceedings have been instituted has been arraigned before the court.

(4) The exercise of his powers under subsection (1), the Attorney-General shall not be subject to
the direction or control of any person or authority
(5) to represent the Government in civil and constitutional proceedings;

(6) to act as the principal legal adviser to the Government;

(7) to draft legislation on behalf of the Government;

(8) to promote, protect and uphold the rule of law and to defend the public interest; and

(9) to exercise any other functions that may be assigned to the Attorney-General by an Act of Parliament;

(10) The Attorney-General may with the leave of the court concerned, appear as a friend of the court in any civil proceedings to which the Government is not a party.

211. Add 13.6(11) to read as follows:

“(11) The Attorney-General may-
(a) attend Cabinet meetings, but has no vote;
(b) sit and speak in the Senate and the National Assembly, but has no vote”

212. 13.7 Attorney-General and other officers

(1) The office of the Attorney-General is a public office but does not form part of the Public Service.

(2) The Attorney-General must be a person qualified for appointment as a judge of the Supreme Court.

(3) The provisions relating to the removal of a judge from office apply to the removal of the Attorney-General from office.

(4) The conditions of service of the Attorney-General, including his or her remuneration, must be provided for in an Act of Parliament, but the remuneration must not be reduced during the Attorney-General’s tenure of office.

(5) The remuneration of the Attorney-General is a charge on the Consolidated Revenue Fund.

(6) An Act of Parliament must provide for the establishment of a board to employ persons to assist the Attorney-General in the exercise of his or her functions, and must also provide-
(a) for the qualifications of those persons;
(b) for the conditions of service, conduct and discipline of those persons;
(c) that in exercising their functions, those persons must be independent and impartial and subject only to the law and to the direction and control of the Attorney-General;

(d) for the structure and organisation of the Attorney-General’s office; and

(e) generally, for the efficient performance and well-being of the Attorney-General’s office.

(7) The Attorney-General may require the Commissioner of Police to investigate and report to him on anything which, in the Attorney-General’s opinion, relates to an offence or alleged or suspected offence, and the Commissioner of Police must comply with that requirement.

213. 13.8 Independence of Attorney-General with respect to prosecution

(1) Subject to this Constitution, the Attorney-General must exercise his or her functions impartially and without fear, favour, prejudice or bias.

(2) The Attorney-General must formulate and publicly disclose the general principles by which he or she decides whether and how to institute and conduct criminal proceedings.

214. 13.9 Conduct of officers of Attorney-General

(1) The Attorney-General and officers must act in accordance with this Constitution and the law.

(2) No officer of the Attorney-General may, in the exercise of his or her functions-

(a) act in a partisan manner;

(b) further the interests of any political party;

(c) prejudice the lawful interests of any political party; or

(d) violate the fundamental rights and freedoms of any person.

(3) Officers of the Attorney-General must not be active members or office-bearers of any political party or organisation.

(4) An Act of Parliament may make further provis