



## **PRACTICE DIRECTION NUMBER 2 OF 2023**

### **MANAGEMENT OF ELECTORAL MATTERS**

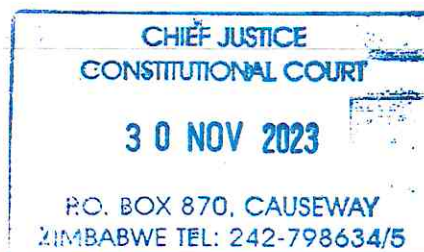
This Practice Direction provides the procedures to be followed in managing electoral matters.

#### **1. APPLICATION**

The Practice Direction shall apply in all courts within Zimbabwe with jurisdiction to deal with electoral matters.

#### **2. DEFINITION OF TERMS**

- 2.1. Electoral matters - These are cases filed in the courts involving a dispute of any nature, whether connected with the provisions of the Electoral Act [Chapter 2: 13] or otherwise, and whose proximate background are pre-electoral, electoral or post-electoral processes.
- 2.2. Registrar – includes a Deputy Registrar of a Court and a Clerk of Court.
- 2.3. In this Practice Direction, references to the Chief Justice, Judge President or Senior Judge shall be construed as references to the Chief Magistrate



or any other magistrate designated by the Chief Magistrate to administer a magistrates court.

### **3. PROCEDURE UPON FILING OF ELECTORAL MATTERS**

- 3.1. Upon the filing of an electoral matter, a registrar shall immediately, and in any event, no later than twenty-four hours from the time of filing, place the matter before the Chief Justice, Judge President or Senior Judge, as the case may be, for the giving of directions on the management of the matter.
- 3.2. The Chief Justice, Judge President or Senior Judge shall forthwith issue directions on the management of the matter.
- 3.3. Where it is necessary to convene a case management meeting, as it may appear fit to the Chief Justice, Judge President or Senior Judge, the Chief Justice, Judge President or Senior Judge shall accordingly direct the registrar to invite the parties to a case management meeting.
- 3.4. Upon the referral of a matter to him or her in terms of paragraph 3.1. above, the Chief Justice, Judge President or Senior Judge shall allocate the electoral matter to a Judge or Judges, as the case may be, who shall be responsible for the management of the case and where necessary, the issuance of any further directions necessary to secure the expeditious disposition of the matter and to curtail prehearing procedures.
- 3.5. If a Registrar is not sure about whether a matter qualifies as an electoral matter as defined herein, he or she shall immediately obtain directions



from the Chief Justice, Judge President or Senior Judge, as the case may be, on the nature of the matter.

#### **4. CASE MANAGEMENT PROCEDURES**

- 4.1. The purpose of case management procedures shall be to stipulate strict timelines within which electoral matters are to be prosecuted and to provide for any procedures incidental to or connected with the objective of ensuring the expeditious hearing of cases.
- 4.2. Case management meetings shall cover the procedural aspects of an electoral matter including the following:
  - a. the timelines for the filing of any pleadings;
  - b. the preparation of the record of proceedings;
  - c. filing of heads of argument;
  - d. consolidation of matters;
  - e. setting down of matters for hearing;
  - f. and any other such matters.
- 4.3. After a case management meeting, the presiding Judge or Judges, as the case may be, shall issue an order recording the directions made during the case management meeting or any other procedural courses to which the parties may have consented.



#### **5. GUIDELINES FOR TIMELINES IN ELECTORAL MATTERS**

- 5.1. A Judge or Judges of a court dealing with electoral matters at the first instance shall, in determining the timelines for the hearing and finalisation of the matter, take into account the possibility of a subsequent appeal or review that may be made.

- 5.2. In pre-electoral matters, that is any electoral matters arising before an election has been conducted, the timelines shall be such that matters are finalised within a week of their filing and, insofar as it may be possible, nor less than twenty-one days before the election.
- 5.3. In electoral matters arising during an election, matters shall be managed with the utmost urgency so as to ensure that they are disposed of, insofar as it may be possible, within two days of the date of filing and before the conclusion of the election or the declaration of the result(s) of the election.
- 5.4. In post-electoral matters, that is any electoral matters arising after a declaration of the result of an election has been made, the timelines shall be such that matters are finalised within two months of their filing and, in any other case, not more than ninety days from the declaration of the electoral result.
- 5.5. A finalised electoral matter is one in which a final judgment has been passed and the reasons thereof, if any, handed down.



**HON. MR JUSTICE L. MALABA**  
**CHIEF JUSTICE OF ZIMBABWE**

**HARARE**

**30 NOVEMBER 2023**

