

VERSION INGLESA DE LA CONSTITUCION ESPAÑOLA DE 1978

(Traducción provisional y no oficial)

CONSTITUTION SPANISH

PREAMBLE

The Spanish Nation, desirous of establishing justice, liberty and security and promoting the good of its members, by virtue of its sovereignty, proclaims its will to:

Guarantee democratic co-existence within the Constitution and the law consistent with, a just social and economic order;

Consolidate a State of Law which assures the rule of law as an expression of the popular will;

Protect all Spaniards and peoples of Spain in the exercise of human rights, of their cultures and traditions, and of their languages and institutions;

Promote the progress of culture and of the economy in order to ensure a worthy quality of life for all;

Establish a democratic and advanced society, and

Collaborate in the strengthening of peaceful relations and effective co-operation amongst all the peoples of the World.

Therefore, the Cortes adopt and the Spanish people ratify the following.

CONSTITUTION

PRELIMINARY TITLE

Article 1. 1. Spain constitutes a social and democratic State of Law, advocating as higher values of its legal order, liberty, justice, equality and political pluralism.

2. National sovereignty is vested in the Spanish people, from whom emanate the powers of the State.

3. The political form of the Spanish State is that of Parliamentary Monarchy.

Art. 2. The Constitution is based on the indissoluble unity of the Spanish Nation, the common and indivisible country of all Spaniards,

and recognizes and guarantees the right to self-government of the nationalities and regions of which it is composed and solidarity amongst them all.

Art. 3. 1. Castillian is the oficial Spanish language of the State. All Spaniards have the duty to know it and the right to use it.

2. The other languages of Sapin shall also be official in the respective Self-Governing Communities in accordance with their Statutes.

3. The wealth of the different language variations of Spain is a cultural heritage which shall be the object of special respect and protection.

Art. 4. 1. The flag of Spain consists of three horizontal stripes: red, yellow and red, the yellow stripe being double the width of the red ones.

2. The Statutes may recognize flags and ensigns of the Self-Governing Communities. These shall be used together with the flag of Spain on and in their public buildings and in their official ceremonies.

Art. 5. The capital of the State is the city of Madrid.

Art. 6. The political parties are the expression of political pluralism; cooperate in the formation and expression of the will of the people and are a basic instrument for political participation. Their creation and the exercise of their activity are free in so far as they are compatible with respect for the Constitution and the law. Their internal structure and operation must be democratic.

Art. 7. Trade unions and employer's associations contribute to the defence and promotion of the economic and social interests proper to them. Their creation and the exercise of their activity are free in so far as they are compatible with respect for the Constitution and the law. Their internal structure and operation must be democratic.

Art. 8. 1. The Armed Forces, comprising the Army, the Navy and the Air Force, have as their mission the guaranteeing of the sovereignty and independence of Spain and of defending her territorial integrity and the Constitutional order.

2. An organic law shall regulate the bases of military organization in conformity with the principles of the present Constitution.

Art. 9. 1. Citizens and public authorities are bound by the Constitution and the rest of the legal order.

2. It is incumbent upon the public authorities to promote conditions which allow for the liberty and equality of the individual and of the groups to which he belongs to be real and effective, to remove the obstacles which prevent or hinder their full enjoyment, and to facilitate the participation of all citizens in political, economic, cultural and social life.

3. The Constitution guarantees the principle of legality, the hierarchy of rules, the publicity surrounding rules, the non-retroactivity of punitive measures unfavourable or restrictive to individual rights, legal security and the accountability of the public authorities, as well as protection against arbitrary action on the part of the latter.

TITLE ONE

Concerning fundamental rights and duties

Art. 10. 1. Human dignity, man's inviolable and inherent rights, the free development of his personality, respect for the law and for the rights of others are fundamental to political order and social peace.

2. The standards relative to the fundamental rights and liberties recognized by the Constitution shall be interpreted in conformity with the Universal Declaration of Human Rights and the international treaties and agreements thereon ratified by Spain.

CHAPTER ONE

Concerning Spaniards and aliens

Art. 11. 1. Spanish nationality is acquired, retained and lost in accordance with the provisions of the law.

2. No person of Spanish origin may be deprived of his nationality.

3. The State may negotiate dual-nationality treaties with Ibero-American countries or with those which have special links with Spain. In these countries, Spaniards may become naturalized without losing their nationality of origin, even if said countries do not recognize the reciprocal right of their own citizens.

Art. 12. Spaniards are legally of age at the age of eighteen.

Art. 13. 1. Aliens shall enjoy the public freedoms guaranteed by the present Title, under the terms to be laid down by treaties and the law.

2. Only Spaniards shall be entitled to the rights recognized in article 23, except with regard to what, in accordance with criteria of reciprocity, may be established by treaty or by law with a view to the right of active suffrage in municipal elections.

3. Extradition shall be granted only in compliance with a treaty or with the law, on the basis of the principle of reciprocity. Not subject to extradition are political offences; acts of terrorism are not regarded as such.

4. The law shall establish the terms under which citizens from other countries and stateless persons may enjoy the right of asylum in Spain.

CHAPTER II

Concerning Rights and Liberties

Art. 14. Spaniards are equal before the law and may not in any way be discriminated against on account of birth, race, sex, religion, opinion or any other condition or personal or social circumstance.

SECTION 1.—CONCERNING FUNDAMENTAL RIGHTS AND PUBLIC LIBERTIES

Art. 15. Every person has the right to life and physical and moral integrity, and may under no circumstance be subject to torture or to inhuman or degrading punishment or treatment. The death penalty shall be abolished, except as provided for by military criminal law in wartime.

Art. 16. 1. Freedom of ideology, religion and worship of individuals and communities is guaranteed, with no more restrictions on their expression as may be necessary in order to maintain the public order protected by law.

2. Nobody may be compelled to make declarations regarding his religion, beliefs or ideologies.

3. There shall be no State religion. The public authorities shall take the religious beliefs of Spanish society into account and shall maintain the consequent relations of cooperation with the Catholic Church and the other confessions.

Art. 17. 1. Every person has a right to freedom and security. Nobody may be deprived of his freedom except as laid down in this article and in the cases and in the manner provided by the law.

2. Preventive detention may last no longer than the time strictly necessary in order to carry out the necessary investigations aimed at establishing the facts and in any case the person arrested must be set free or handed over to the judicial authorities within a maximum period of seventy-two hours.

3. Any person arrested must be informed immediately, and in a manner understandable to him, of his rights and of the reasons for his arrest, and may not be compelled to make a statement. The arrested person shall be guaranteed the assistance of a lawyer for police or legal enquiries, under the terms to be laid down by the law.

4. A *habeas corpus* procedure shall be regulated by law in order to secure the immediate handing over to the judicial authority of any person arrested illegally. Likewise, the maximum period of provisional imprisonment shall be determined by law.

Art. 18. 1. The right to honour, to personal and family privacy and to personal reputation is guaranteed.

2. The home is inviolable. No entry or search may be made without the consent of the occupant or a legal warrant, except in case of *flagrante delicto*.

3. Secrecy of communications is guaranteed, particularly of postal, telegraphic and telephonic communications, except in the event of a legal ruling.

4. The law shall limit the use of data processing in order to guarantee the honour and personal and family privacy of citizens and the full exercise of their rights.

Art. 19. Spaniards have the right to choose their place of residence freely, and to move about freely in the National territory.

Likewise, they have the right to freely enter and leave Spain under the terms to be laid down by the law. This right may not be restricted for political or ideological reasons.

Art. 20. 1. The following rights are recognized and protected:

a) The right to freely express and disseminate thoughts, ideas and opinions by word, in writing or by any other means of divulgation.

b) The right to literary, artistic, scientific and technical production and creation.

c) The right to professorial freedom.

d) The right to freely communicate or receive truthful information by any means of dissemination whatsoever. The law shall regulate the right to invoke the clause of conscience and that of professional secrecy in the exercise of these freedoms.

2. The exercise of these rights may not be restricted by any kind of prior censorship.

3. The law shall regulate the organization and Parliamentary control of the social communications media dependent upon the State or upon any public agency and shall guarantee access to such media by significant social and political groups, respecting the pluralism of society and of the various languages of Spain.

4. The freedoms are limited by respect for the rights recognized in this Title, by the precepts of the laws implementing it, and especially by the right to honour, to privacy, to personal reputation and to the protection of youth and childhood.

5. The confiscation of publications and recordings and other information media may only be granted by virtue of a legal ruling.

Art. 21. 1. The right to peaceful assembly without arms is recognized. The exercise of this right shall not require previous authorization.

2. In cases of meetings in places of public transit and of demonstrations, prior notification shall be given to the authorities, who may ban them only when there are well-founded reasons to expect a breach of public order, with danger to persons or property.

Art. 22. 1. The right to association is recognized.

2. Associations which pursue ends or use means classified as criminal offences are illegal.

3. Associations set up on the basis of this article must be recorded in a register for the sole purpose of public knowledge.

4. The associations may only be dissolved or have their activities suspended by virtue of a considered judicial ruling.

5. Secret and paramilitary associations are prohibited.

Art. 23. 1. Citizens have the right to participate in public affairs, directly or through their representatives freely elected in periodic elections by universal suffrage.

2. They likewise have the right to accede on equal terms to public functions and offices, in accordance with the requirements to be prescribed by law.

Art. 24. 1. Every person has the right to obtain the effective protection of the Judges and Courts in the exercise of his legitimate rights and interests, and in no case may he go undefended.

2. Likewise, all persons have the right to access to the Ordinary Judge predetermined by law, to the defence and assistance of a lawyer, to be informed of the charges brought against them, to a public trial without undue delays and with full guarantees, to the use of the evidence pertinent to their defence, not to make declarations against themselves, not to confess themselves guilty, and to the presumption of innocence.

The law shall regulate the cases in which, for reasons of family relationship or professional secrecy, it shall not be obligatory to make declarations regarding presumed criminal offences.

Art. 25. 1. No-one may be convicted or sentenced for any act or omission which at the moment it was committed did not constitute a criminal offence, misdemeanour or administrative infringement according to the law, in force at that time.

2. Punishments entailing deprivation of liberty and security measures shall be oriented towards re-education and social reintegration and may not consist of forced labour. The person sentenced to a prison term shall, during his imprisonment, enjoy the fundamental rights contained in this Chapter except those expressly limited by the content of the conviction, the meaning of the sentence and the penitentiary law. In any case, he shall be entitled to paid employment and to the corresponding Social Security benefits, as well as to access to culture and the full development of his personality.

3. The Civil Administration may not impose sanctions which directly or in a subsidiary manner imply deprivation of freedom.

Art. 26. Honour Courts are prohibited within the framework of the Civil Administration and of professional societies.

Art. 27. 1. Everyone is entitled to education. Freedom of instruction is recognized.

2. Education shall have as its objective the full development of the human personality compatible with respect for the democratic principles of co-existence and for the fundamental rights and liberties.

3. The public authorities guarantee the right of parents to ensure that their children receive religious and moral instruction compatible with their own convictions.

4. Basic education is compulsory and gratuitous.

5. The public authorities guarantee the right of everyone to education, through general planning of education, with the effective participation of all parties concerned and the setting up of teaching establishments.

6. The right of individuals and legal entities to set up teaching establishments is recognized, provided they are compatible with respect for Constitutional principles.

7. Teachers, parents and, when appropriate, pupils, shall participate in the control and management of all the centres maintained by the Administration with public funds, under the terms to be laid down by the law.

8. The public authorities shall inspect and standardize the educational system in order to guarantee compliance with the law.

9. The public authorities shall help teaching establishments which meet the requirements to be laid down by the law.

10. The autonomy of the Universities is recognized, under the terms to be laid down by the law.

Art. 28. 1. Everyone has the right to freely join a trade union. The law may limit the exercise of this right or make an exception to it in the case of the Armed Forces or Institutes or other Corps subject to military discipline, and shall regulate the special features of its exercise by public officials. Trade union freedom includes the right to found trade unions and to join the union of one's choice, as well as the right of the trade unions to form confederations and found international trade union organizations, or to become members of same. Nobody may be compelled to join a trade union.

2. The right of workers to strike in defence of their interests is recognized. The law regulating the exercise of this right shall establish the guarantees necessary to ensure the maintenance of essential community services.

Art. 29. 1. All Spaniards shall have the right to individual and collective petition, in writing, in the manner and with the consequences to be prescribed by law.

2. Members of the Armed Forces or Institutes or Corps subject to military discipline may only exercise this right individually and in accordance with the provisions of the legislation pertaining to them.

SECTION 2.—CONCERNING THE RIGHTS AND DUTIES OF CITIZENS

Art. 30. 1. Citizens have the right and the obligation to defend Spain.

2. The law shall determine the military obligations of Spaniards and shall regulate, with the proper safeguards, conscientious objection as well as other causes of exemption from compulsory military service; it may also, when appropriate, impose a substitutional form of social service.

3. A civil service may be established to accomplish objectives of general concern.

4. The duties of citizens in cases of grave risk, catastrophe or public calamity may be regulated by law.

Art. 31. 1. Everyone shall contribute to bearing public expenditure in accordance with his financial means, through a just system of taxation based on principles of equality and progress, which in no case shall be confiscatory in character.

2. Public expenditure shall be incurred in such a way that an equitable allocation of public resources may be achieved, and its planning and execution shall comply with criteria of efficiency and economy.

3. Personal or property contributions of a public nature may only be imposed in accordance with the law.

Art. 32. 1. Men and women are entitled to enter into marriage on a basis of full legal equality.

2. The law shall regulate the forms of marriage, the age at which it may be entered into and the required capacity therefor, the rights and duties of the spouses, the grounds for separation and dissolution, and their consequences.

Art. 33. 1. The right to private property and inheritance is recognized.

2. The social function of these rights shall determine their content, in accordance with the law.

3. No-one may be deprived of his property and rights, except on justified grounds of public utility or social interest in return for proper compensation in accordance with the provisions of the law.

Art. 34. 1. The right of foundation for reasons of general interest is recognized, in conformity with the law.

2. The provisions of clauses 2 and 4 of article 22 shall be applicable to foundations.

Art. 35. 1. All Spaniards have the duty to work and the right to employment, to free choice of profession or trade, to advancement through their work, and to sufficient remuneration for the satisfaction

of their needs and those of their families, while in no case may they be discriminated against on account of their sex.

2. The law shall establish a Workers' Statute.

Art. 36. The law shall regulate the special features of the legal status of the Professional Colleges and the exercise of the degree professions. The internal structure and operation of the Colleges must be democratic.

Art. 37. 1. The law shall guarantee the right to collective labour bargaining between workers' and employers' representatives, as well as the binding force of the agreements.

2. The law recognizes the right of workers and employers to adopt collective labour dispute measures. The law regulating the exercise of this right shall, without prejudice to the restrictions which it may establish, include the safeguards necessary to ensure the operation of essential community services.

Art. 38. Free enterprise is recognized within the framework of a market economy. The public authorities shall guarantee and protect its exercise and the safeguarding of productivity in accordance with the demands of the economy in general and, as the case may be, of its planning.

CHAPTER III

Concerning the governing principles of economic and social policy

Art. 39. 1. The public authorities guarantee the social, economic and legal protection of the family.

2. The public authorities likewise guarantee full protection of children, who shall be equal before the law, irrespective of their filiation, and of mothers, whatever their civil status. The law shall allow for the investigation of paternity.

3. Parents must provide their children, whether born within or outside wedlock, with assistance of every kind while they are still underage, and in other cases which are legally applicable.

4. Children shall enjoy the protection provided in the international agreements which safeguard their rights.

Art. 40. 1. The public authorities shall promote favourable conditions for social and economic progress and for a more equitable distribution of personal and regional income within the framework of a policy of economic stability. They shall devote special attention to carrying out a policy directed towards full employment.

2. Likewise, the public authorities shall foster a policy guaranteeing professional training and re-adaptation; they shall ensure labour safety and hygiene and shall guarantee adequate rest by means of a

limited working day, periodic paid holidays, and the promotion of suitable centres.

Art. 41. The public authorities shall maintain a public Social Security system for all citizens which will guarantee adequate social assistance and benefits in needy situations, especially in cases of unemployment. Complementary assistance and benefits shall be optional.

Art. 42. The State shall pay special attention to safeguarding the economic and social rights of Spanish workers abroad, and shall direct its policy towards their return.

Art. 43. 1. The right to protection of health is recognized.

2. It is incumbent upon the public authorities to organize and safeguard public health through preventive measures and the necessary benefits and services. The law shall establish the rights and duties of all concerned to this effect.

3. The public authorities shall foster health education, physical education and sports. Likewise, they shall encourage the proper use of leisure.

Art. 44. 1. The public authorities shall promote and protect access to culture, to which all are entitled.

2. The public authorities shall promote science and scientific and technical research in the general interest.

Art. 45. 1. Everyone has the right to enjoy an environment suitable for personal development, as well as the duty to preserve it.

2. The public authorities shall safeguard a rational use of all the natural resources with a view to protecting and improving the quality of life and defending and restoring the environment; drawing support therefor from indispensable collective solidarity.

3. Criminal or, where applicable, administrative sanctions, as well as the obligation to make good the damage, shall be imposed, under the terms to be laid down by the law, against those who violate the provisions contained in the foregoing clause.

Art. 46. 1. The public authorities shall guarantee the preservation and promote the enrichment of the historic, cultural and artistic heritage of the peoples of Spain and of the property of which it consists, whatsoever its legal status and to whomsoever it may belong. Offences committed against this heritage shall be penalized by criminal law.

Art. 47. All Spaniards are entitled to enjoy fitting and adequate housing. The public authorities shall promote the necessary conditions and shall establish pertinent standards in order to make this right effective, regulating land use in accordance with the general interest in order to prevent speculation.

The community shall participate in the benefits accruing from the town planning policies of the public bodies.

Art. 48. The public authorities shall promote conditions directed towards the free and effective participation of young people in political, social, economic and cultural development.

Art. 49. The public authorities shall carry out a policy of preventive care, treatment, rehabilitation and integration of the physically, sensorially and mentally handicapped, who shall be given the specialized care that they require, and shall afford them special protection in order that they may enjoy the rights conferred by this Title upon all citizens.

Art. 50. The public authorities shall guarantee, through adequate and periodically updated pensions, sufficient financial means for citizens during old age. Likewise, and independently of the obligations of their families towards them, they shall promote their welfare through a system of social services which shall provide for their specific problems of health, housing, culture and leisure.

Art. 51. 1. The public authorities shall guarantee the protection of consumers and users and shall, by means of effective measures, safeguard their safety, health and legitimate economic interests.

2. The public authorities shall promote the information and education of consumers and users, shall encourage their organizations, and shall provide hearings for such organizations on all matters affecting their members, under the terms to be established by law.

3. Within the framework of the provisions of the foregoing clauses, the law shall regulate domestic trade and the system of permits for commercial products.

Art. 52. The law shall regulate the professional organizations which contribute to the defence of the economic interests pertaining to them. Their internal structure and operation must be democratic.

CHAPTER IV

Concerning the guaranteeing of fundamental rights and liberties

Art. 53. 1. The rights and liberties recognized in Chapter II of the present Title are binding on all public authorities. The exercise of such rights and liberties, which shall be protected in accordance with the provisions of article 161, 1 a), may be regulated only by law which shall, in any case, respect their essential content.

2. Any citizen may assert his claim in Ordinary Courts to the protection of the liberties and rights recognized in article 14 and in Section 1 of Chapter II, by means of a preferential and summary procedure and, when appropriate, through submitting an individual appeal (-recurso de amparo-) to the Constitutional Court. This latter recourse shall be applicable to conscientious objection as recognized in article 30.

3. The acknowledgment, respect and protection of the principles recognized in Chapter III shall mould the positive legislation, judicial practice and actions of the public authorities. They may only be cited before Ordinary Jurisdiction in accordance with the provisions of the laws by which they are developed.

Art. 54. 1. An organic law shall regulate the institution of Defender of the People, who shall be the supreme instrument of the Cortes Generales, appointed by them to defend the rights contained in this Title; for this purpose he may supervise Administration activities, reporting thereon to the Cortes Generales.

CHAPTER V

Concerning the suspension of rights and liberties

Art. 55. 1. The rights recognized in articles 17 and 18, clauses 2 and 3, articles 19 and 20, clause 1, sub-clauses *a)* and *d)* and clause 5, articles 21 and 28, clause 2, and article 37, clause 2, may be suspended when the declaration of a state of emergency or siege is decided upon under the terms provided in the Constitution. Clause 3 of article 17 is excepted from the foregoing provisions in the event of the declaration of a state of emergency.

2. An organic law may determine the manner and the cases in which, on an individual basis and with the necessary judicial participation and proper parliamentary control, the rights recognized in articles 17, clause 2 and 18, clauses 2 and 3, may be suspended for specific persons in connection with investigations relative to the activities of armed bands or terrorist groups.

Unjustified or abusive use of the powers recognized in said organic law shall constitute criminal responsibility inasmuch as it is a violation of the rights and liberties recognized by the law.

TITLE II

Concerning the Crown

Art. 56. 1. The King is the Head of State, the symbol of its unity and permanence. He arbitrates and moderates the regular working of the institutions, assumes the highest representation of the Spanish State in international relations, especially with those nations belonging to the same historic community, and exercises the functions expressly conferred on him by the Constitution and the law.

2. His title is King of Spain, and he may use the other titles belonging to the Crown.

3. The person of the King is inviolable and is not subject to liability. His acts shall always be countersigned in the manner estab-

lished in article 64. Without such countersignature the shall lack validity, except as provided for in article 65, 2.

Art. 57. 1. The Crown of Spain is hereditary with respect to the successors of H. M. Juan Carlos I de Borbón, legitimate heir of the historic dynasty. Succession to the throne shall follow the regular order of primogeniture and representation, with preference always being given to the earlier line over the later ones; within the same line, to the closer degree over the more distant one; within the same degree, to the male over the female; and for the same sex, to the older person over the younger.

2. The Crown Prince, from the time of his birth or the event giving rise to his claim, shall hold the title of Prince of Asturias and the other titles traditionally linked to the heir of the Crown of Spain.

3. Should all the lines designated by law be come extinct, the Cortes Generales shall provide for the succession to the Crown in the manner most suited to the interests of Spain.

4. Those persons with a right of succession to the Throne who should enter into marriage against the express prohibition of the King and the Cortes Generales, shall be excluded from succession to the Crown, both with regard to themselves and to their descendats.

5. Abdications and renunciations and any doubt concerning a fact or the law that may arise in connection with the succession to the Crown shall be resolved by an organic law.

Art. 58. The Queen Consort, or the Queen's consort, may not assume any constitutional functions, except as provided for by the Regency.

Art. 59. 1. In the event of the King being under age, the father or mother of the King or, in their default, the relative of legal age who is nearest in succession to the Crown, according to the order established in the Constitution, shall immediately assume the office of the Regency, which he shall exercise during the King's minority.

2. If the King becomes incapacitated for the exercise of his authority, and this incapacity is recognized by the Cortes Generales, the Crown Prince shall immediately assume the power of the Regency, if he is of age. If he is not, the procedure outlined in the foregoing clause shall be followed until the coming of age of the Prince.

3. If there is no person entitled to assume the Regency, the latter shall be appointed by the Cortes Generales and shall consist of one, three or five persons.

4. In order to exercise the Regency, it is necessary to be Spanish and legally of age.

5. The Regency shall be exercised by constitutional mandate, and always on behalf of the King.

Art. 60. 1. The tutor of a King during his minority shall be the person designated in the will of the late King, provided that he is of

age and Spanish by birth. If a tutor should not have been designated, the father or mother shall be tutor, as long as they remain in the widowed state. In their default, the tutor shall be appointed by the Cortes Generales, but the offices of Regent and Tutor may not be assumed by the same person, except by the father, mother or direct ascendants of the King.

2. The exercise of the tutorship is also incompatible with that of any political office or representation.

Art. 61. 1. The King, on being proclaimed before the Cortes Generales, shall take oath to discharge his functions faithfully, to abide by the Constitution and the law and ensure that they are abided by, and to respect the rights of citizens and the Self-Governing Communities.

2. The Crown Prince, on coming of age, and the Regent or Regents, on assuming their functions, shall take the same oath, as well as that of loyalty to the King.

Art. 62. It is incumbent upon the King:

- a) To sanction and promulgate the laws.
- b) To summon and dissolve the Cortes Generales and to call elections upon the terms provided for in the Constitution.
- c) To call a referendum in the cases provided for in the Constitution.
- d) To propose a candidate for President of the Government and, as the case may be, appoint him or remove him from office, under the terms provided in the Constitution.
- e) To appoint and dismiss members of the Government at the proposal of its President.
- f) To issue the decrees agreed upon by the Council of Ministers, to confer civil and military employments and award honours and distinctions in conformity with the law.
- g) To keep himself informed about the affairs of State and to preside, for this purpose, the meetings of the Councils of Ministers when he deems opportune, at the request of the President of the Government.
- h) To exercise supreme command of the Armed Forces.
- i) To exercise the right to grant pardons in accordance with the law, which may not authorize general pardons.
- j) To exercise the High Patronage of the Royal Academies.

Art. 63. 1. The King accredits ambassadors and other diplomatic representatives. Foreign representatives in Spain are accredited to him.

2. It is incumbent on the King to express the State's assent to make international commitments through treaties, in conformity with the Constitution and the law.

3. It is incumbent on the King, following authorization by the Cortes Generales, to declare war and make peace.

Art. 64. 1. The King's acts shall be countersigned by the President of the Government and, where appropriate, by the competent ministers. The nomination and appointment of the President of the Government, and the dissolution provided for in article 99, shall be countersigned by the President of the Congress.

2. Those countersigning the King's acts shall be liable for them.

Art. 65. 1. The King receives an overall amount from the State Budget for the upkeep of his Family and Household and distributes it freely.

2. The King freely appoints and dismisses the civil and military members of his Household.

TITLE III

Concerning the Cortes Generales

CHAPTER ONE

Concerning the Chambers

Art. 66. 1. The Cortes Generales represent the Spanish people and consist of the Congress of Deputies and the Senate.

2. The Cortes Generales exercise the legislative power of the State, approve its Budgets, control Government action and hold all the other powers vested in them by the Constitution.

3. The Cortes Generales are inviolable.

Art. 67. 1. No-one may be a member of both Chambers simultaneously, nor be a representative in the Assembly of a Self-Governing Community at the same time that he is a Deputy to Congress.

2. The members of the Cortes Generales shall not be bound by imperative mandate.

3. Meetings of members of Parliament which are held without having been called in the statutory manner shall not be binding on the Chambers, and in them members may not exercise their functions nor enjoy the privileges corresponding to their office.

Art. 68. 1. Congress consists of a minimum of three hundred and a maximum of four hundred deputies, elected by universal, free, equal, direct and secret suffrage on the terms laid down by the law.

2. The electoral district is the province. The cities of Ceuta and Melilla shall each be represented by a Deputy. The total number of Deputies shall be distributed in accordance with the law, each electoral

district being assigned a minimum initial representation and the rest being distributed in proportion to the population.

3. The election in each electoral district shall be conducted on the basis of proportional representation.

4. Congress is elected for four years. The term of office of the Deputies ends four years after their election or on the day that the Chamber is dissolved.

5. All Spaniards who are entitled to the full exercise of their political rights are electors and eligible for election.

The law shall recognize and the State shall facilitate the exercise of the right of suffrage of Spaniards who find themselves outside Spanish territory.

6. Elections shall take place between thirty and sixty days after the end of the term of office. Congress-elect must be summoned within twenty-five days after the holding of elections.

Art. 69. 1. The Senate is the Chamber of territorial representation.

2. In each province, four Senators shall be elected by universal, free, equal, direct and secret suffrage by the voters in each of them, on the terms to be contained in an organic law.

3. In the island provinces, each island or group of islands with a «Cabildo» or Island Council shall constitute an electoral district for the purpose of electing Senators, of which there shall be three for each of the larger islands—*Gran Canaria, Mallorca and Tenerife*—and one for each of the following islands or groups of islands: *Ibiza-Formentera, Menorca, Fuerteventura, Gomera, Hierro, Lanzarote and La Palma.*

4. The cities of Ceuta and Melilla shall each elect two Senators.

5. The Self-Governing Communities shall moreover nominate one Senator and a further Senator for each million in habitants in their respective territories. The nomination shall be incumbent upon the Legislative Assembly or, in its default, upon the Self-Governing Community's highest corporate body, in accordance with the provisions of the Statutes, which shall, in any case, guarantee adequate proportional representation.

6. The Senate is elected for four years. The Senators' term of office shall end four years after their election or on the day that the Chamber is dissolved.

Art. 70. 1. The electoral law shall establish grounds for ineligibility and incompatibility for Deputies and Senators, which shall in any case include:

- a) Members of the Constitutional Court.
- b) The high offices of the State Administration, as may be laid down by law, with the exception of members of the Government.
- c) The Defender of the People.
- d) Active Magistrates, Judges and Public Prosecutors.

e) Professional soldiers and members of the Security and Police Forces and Corps on active service.

f) Members of the Election Commissions.

2. The validity of the certificates of election and credentials of the members of both Chambers shall be subject to judicial control, on the terms to be established in the electoral law.

Art. 71. 1. Deputies and Senators shall enjoy inviolability for opinions expressed in the exercise of their functions.

2. During their terms of office, Deputies and Senators shall likewise enjoy immunity and may only be arrested in the event of *delicto flagrante*. They may neither be indicted nor tried without prior authorization of the respective Chamber.

3. In actions brought against Deputies and Senators, the competent court shall be the Criminal Division of the Supreme Court.

4. Deputies and Senators shall receive a salary to be fixed by the respective Chambers.

Art. 72. 1. The Chambers establish their own Standing Orders, adopt their budgets autonomously and, in common agreement, regulate the Personnel Statutes of the Cortes Generales. The Standing Orders and any alteration there of shall be subject in their entirety to a final vote, which shall require an absolute majority.

2. The Chambers choose their respective Presidents and the other members of their Steering Committees. Joint assemblies shall be presided over by the President of Congress and shall be governed by the Standing Orders of the Cortes Generales adopted by absolute majority of the members of each Chamber.

3. The Presidents of the Chambers exercise on behalf of the latter all administrative powers and disciplinary functions within their respective Chambers.

Art. 73. 1. The Chambers shall meet annually for two ordinary sessions: the first from September to December, and the second from February to June.

2. The Chambers may meet in extraordinary assembly at the request of the Government, of the Standing Committee («Deputation») or of the absolute majority of members of either of the Chambers. Extraordinary meetings must be convened with a specific agenda and shall be adjourned once it has been covered.

Art. 74. 1. The Chambers shall meet in joint assembly in order to exercise the non-legislative powers expressly conferred upon the Cortes Generales by Title II.

2. The decisions of the Cortes Generales outlined in articles 94, 1, 145, 2 and 158, 2 shall be adopted by majority of each of the Chambers. In the first case, the procedure shall be initiated by Congress, and in the other two by the Senate. In both cases, if an agreement is not reached between the Senate and Congress, an attempt to reach agree-

ment shall be made by a Mixed Commission consisting of an equal number of Deputies and Senators. The Commission shall submit a text which shall be voted on by both Chambers. If this is not passed in the established manner, Congress shall decide by absolute majority.

Art. 75. 1. The Chambers shall function in Plenary Assembly and in Committee.

2. The Chambers may delegate to the Standing Legislative Committees the passing of Government or non-Government bills. However, the Plenum may at any time demand debate and a vote on any Government or non-Government bill which has been the object of this delegation.

3. Excluded from the provisions of the foregoing paragraph are constitutional reform, international affairs, organic and basic laws and the General State Budgets.

Art. 76. 1. Congress and the Senate and, when appropriate, both Chambers jointly, may appoint fact-finding committees on any matters of public interest. Their conclusions shall not be binding on the Courts, nor shall they affect judicial decisions, notwithstanding the fact that the results of investigations may be transmitted to the Public Prosecutor for him to take appropriate action when necessary.

2. It shall be compulsory to appear when summoned by the Chambers. Penalties which may be imposed for failure to comply with this obligation shall be established by law.

Art. 77. 1. The Chambers may receive individual and collective petitions, always in writing, while direct submittal by citizens' demonstrations is prohibited.

2. The Chambers may refer the petitions that they receive to the Government. The Government is obliged to provide an explanation regarding their content, when required to do so by the Chambers.

Art. 78. 1. In each Chamber there shall be a Standing Committee consisting of a minimum of twenty-one members who shall represent the Parliamentary groups in proportion to their numerical importance.

2. The Standing Committees shall be presided by the Presidents of the respective Chambers and their functions shall be: that provided in Article 73 which consists of assuming the powers of the Chambers, in accordance with Articles 85 and 116 in case the latter should have been dissolved or their terms should have expired, and that of safeguarding the powers of the Chambers when they are not in session.

3. On the expiration of the term of the Cortes Generales, or in case of dissolution, the Standing Committees shall continue to exercise their functions until the constitution of the new Cortes Generales.

4. When the Chamber concerned meets, the Standing Committee shall report on the matters dealt with and on its decisions.

Art. 79. 1. In order to adopt decisions, the Chambers must have met in a statutory manner, with a majority of their members present.

2. In order to be valid, said decisions must be passed by the majority of the members present, without prejudice to the special majorities that may be established by the Constitution or the organic laws and those which are established by the Standing Orders of the Chambers.

3. The votes of Senators and Deputies are personal and may not be delegated.

Art. 80. The plenary meetings of the Chambers shall be public, except in case of agreement to the contrary on the part of each Chamber, adopted by absolute majority, or in accordance with the Standing Orders.

CHAPTER II

Concerning the Drafting of Bills

Art. 81. 1. The organic laws are those relative to the development of fundamental rights and public liberties, those which adopt Statutes of Self-Government and the general electoral system, and the others provided for in the Constitution.

2. The passing, amendment or repeal of the organic laws shall require an absolute majority of the members of Congress in a final vote on the bill as a whole.

Art. 82. 1. The Cortes Generales may delegate to the Government the power to issue rules with the status of law on specific matters not included in the foregoing article.

2. Legislative delegation must be granted by means of a basic law when its purpose is that of drawing up articulated texts, or by an ordinary law when it is a matter of recasting several legal texts into one.

3. Legislative delegation must be expressly granted to the Government for specific purposes and with a fixed time limit for its exercise. The delegation shall expire when the Government, having availed itself thereof, has published the corresponding regulations. It may not be construed as having been granted implicitly or for an indeterminate period. Nor shall sub-delegation to authorities other than the Government itself be authorized.

4. Basic laws shall precisely delimit the purpose and scope of legislative delegation, as well as the principles and criteria to be followed in exercising it.

5. Authorization for recasting legal texts shall determine the scope of the rules implicit in the delegation, specifying if it is restricted to the mere formulation of a single text or whether it includes that of regularizing, clarifying and harmonizing the legal texts that are to be recast.

6. The delegation laws may establish additional control formulas in each case, without prejudice to the Courts' own jurisdiction.

Art. 83. The basic laws may in no case:

- a) Authorize the modification of the basic law itself.
- b) Grant power to enact retroactive legal rules.

Art. 84. In the event that a non-Government bill or amendment is contrary to currently valid legislative delegation, the Government may oppose its passage. In this case, a non-Government bill may be submitted for the total or partial repeal of the delegation law.

Art. 85. Government provisions containing delegated legislation shall be entitled «Legislative Decrees».

Art. 86. 1. In cases of extraordinary and urgent need, the Government may issue temporary legislative provisions which shall take the form of Decree-Laws and which may not affect the regulation of the basic State institutions, the rights, duties and liberties of citizens contained in Title 1, the system of the Self-Governing Communities, nor the General Electoral Law.

2. The Decree-Laws must immediately be submitted to the Congress of Deputies, which must be summoned for this purpose if not already in session. They must be debated and voted upon in their entirety within thirty days after their promulgation. Congress must expressly declare itself in favour of ratification or repeal within said period of time, for which purpose the Standing Orders shall establish a special summary procedure.

3. During the period established in the foregoing clause, their passage through the Cortes may be the same as for Government bills, by means of the emergency procedure.

Art. 87. 1. The Government, the Congress and the Senate are competent to propose legislation, in accordance with the Constitution and the Standing Orders of the Chambers.

2. The Assemblies of the Self-Governing Communities may request the Government to adopt or refer a non-Government bill to the Congressional Steering Committee, delegating a maximum of three Assembly members to defend it.

3. An organic law shall establish the manner in which popular initiative relative to the submitting of non-Government bills shall be regulated, as well as the requirements therefor. In any case, no fewer than 500,000 authorized signatures shall be required; this initiative may not touch on matters concerning organic laws, taxation, international affairs or the prerogative of granting pardons.

Art. 88. Government bills shall be passed by the Council of Ministers, which shall refer them to Congress, accompanied by a state-

ment setting forth the reasons and antecedents necessary in order for them to reach a decision thereon.

Art. 89. 1. The passage of non-Government bills shall be regulated by the Standing Orders of the Chambers, in such a way that the priority owing to Government bills shall not prevent the exercise of the right to propose legislation under the terms laid down in article 87.

2. Non-Government bills which, in accordance with article 87 are deliberated by the Senate, shall be referred to Congress to for their passage as such.

Art. 90. 1. Once an ordinary or organic bill has been passed by the Congress of Deputies, the President thereof shall immediately report on it to the President of the Senate, who shall submit it to the latter for its deliberation.

2. Within two months of receiving the text, the Senate may, by means of a considered opinion, veto it or introduce amendments into it. The veto must be passed by an absolute majority. The bill may not be submitted to the King for his sanction unless, in case of veto, Congress has ratified the initial text by an absolute majority, or by simple majority if two months have elapsed since its introduction, or has reached a decision relative to the amendments, accepting them or not by simple majority.

3. The period of two months allowed to the Senate for vetoing or amending a bill shall be reduced to twenty calendar days for bills declared by the Government or the Congress of Deputies to be urgent.

Art. 91. The King shall, within a period of fifteen days, sanction the laws passed by the Cortes Generales, and shall promulgate them and order their immediate publication.

Art. 92. 1. Political decisions of special importance may be submitted to all citizens in a consultative referendum.

2. The referendum shall be called by the King at the proposal of the President of the Government, following authorization by the Congress of Deputies.

3. An organic law shall regulate the terms and procedures for the different kinds of referendum provided for in this Constitution.

CHAPTER III

Concerning International Treaties

Art. 93. By means of an organic law, authorization may be granted for concluding treaties by which powers derived from the Constitution shall be vested in an international organization or institution. It is

incumbent on the Cortes Generales or the Government, as the case may be, to guarantee compliance with these treaties and with the resolutions emanating from the international and supranational organizations upon whom the powers have been conferred.

Art. 94. 1. Before contracting obligations by means of treaties or agreements, the State shall require the prior authorization of the Cortes Generales in the following cases:

- a) treaties of a political nature;
- b) treaties or agreements of a military nature;
- c) treaties or agreements affecting the territorial integrity of the State or the fundamental rights and duties established in Title I;
- d) treaties or agreements which imply financial obligations for the Public Treasury.

e) treaties or agreements which involve amendment or repeal of some law or require legislative measures for their execution.

2. Congress and the Senate shall immediately be informed regarding the conclusion of other treaties or agreements.

Art. 95. 1. The conclusion of any international treaty containing stipulations contrary to the Constitution shall require prior Constitutional amendment.

2. The Government, or either of the Chambers, may request the Constitutional Court to declare whether or not there is a contradiction.

Art. 96. 1. Validly concluded international treaties, once officially published in Spain, shall form part of the internal legal order. Their provisions may only be repealed, amended or suspended in the manner provided in the treaties themselves or in accordance with the general rules of international law.

2. The same procedure shall be used for denouncing international agreements as that, contained in Article 94, for adopting them.

TITLE IV

Concerning the Government and the Administration

Art. 97. The Government directs domestic and foreign policy, civil and military administration and the defence of the State. It exercises the executive function and statutory authority in accordance with the Constitution and the Law.

Art. 98. 1. The Government comprises the President, Vice-Presidents, when applicable, Ministers and other members as may be laid down by law.

2. The President directs Government action and coordinates the functions of the other members thereof, without prejudice to the competence and direct responsibility of the latter in the discharge of their functions.

3. Members of the Government may not exercise representative functions other than those derived from their Parliamentary mandate, nor any other public function not derived from their office, nor engage in any professional or commercial activity whatever.

4. The status and incompatibilities of the members of the Government shall be regulated by law.

Art. 99. 1. After each renewal of the Congress of Deputies, and in other cases provided for in the Constitution, the King, after consultation with the representatives appointed by the political groups with Parliamentary representation, and through the President of the Congress, shall put forward a candidate for President of the Government.

2. The candidate put forward in accordance with the provisions of the foregoing paragraph shall submit to the Congress of Deputies the political programme of the Government that he intends to form and shall seek the confidence of the Chamber.

3. If the Congress of Deputies, by vote of the absolute majority of its members, grants its confidence to said candidate, the King shall appoint him President. If said majority is not obtained, the same proposal shall be submitted for a fresh vote forty-eight hours after the previous vote, and it shall be considered that confidence has been obtained if it passes by simple majority.

4. If, after said voting, confidence for the investiture has not been obtained, successive proposals shall be voted upon in the manner provided in the foregoing paragraphs.

5. If within two months from the first vote for investiture no candidate has obtained the confidence of Congress, the King shall dissolve Congress and call new elections, following endorsement by the President of Congress.

Art. 100. The other members of the Government shall be appointed and dismissed by the King at the proposal of its President.

Art. 101. The Government shall resign after the holding of general elections, in the event of loss of Parliamentary confidence as provided in the Constitution, or on account of the resignation or death of its President.

2. The outgoing Government shall continue to exercise its functions until the new Government takes office.

Art. 102. 1. The President of the Government and other members of the Government shall be held criminally liable, should the occasion arise, before the Criminal Division of the Supreme Court.

2. If the charge is of treason or of any offence against the security of the State committed in the exercise of their functions, it may only be brought at the initiative of one quarter of the members of Congress and with the approval of the absolute majority thereof.

3. The Royal prerogative of pardon shall not be applicable in any of the cases contained in the present article.

Art. 103. 1. The Public Administration serves the general interests with objectivity and acts in accordance with the principles of efficiency, hierarchy, decentralization, deconcentration, and coordination, being fully subject to justice and the law.

2. The organs of State Administration are created, directed and coordinated in accordance with the law.

3. The law shall regulate the status of public officials, admittance to the civil service in accordance with the principles of merit and ability, the special features of the exercise of their right to union membership, the system of incompatibilities, and the guarantees of impartiality in the exercise of their functions.

Art. 104. 1. The Security Forces and Corps dependent upon the Government shall have as their mission that of protecting the free exercise of rights and liberties and of guaranteeing citizens' safety.

2. An organic law shall determine the functions, basic principles of action and statutes of the Security Forces and Corps.

Art. 105. The law shall regulate:

a) the hearing of citizens directly, or through the organizations and associations recognized by law, in the process of drawing up the administrative provisions which affect them;

b) the access of citizens to administrative files and records, except as they may concern the security and defence of the State, the investigation of crimes and the privacy of individuals.

c) the procedures for the taking of administrative action, guaranteeing the hearing of interested parties when appropriate.

Art. 106. 1. The Courts control the power to issue regulations and the rule of law in administrative action, as well as the subordination of the latter to the ends which justify it.

2. Private individuals shall, under the terms established by law, be entitled to compensation for any loss that they may suffer to their property or rights, except in cases of *force majeure*, whenever such loss is the result of the operating of public services.

Art. 107. The Council of State is the supreme consultative organ of the Government. An organic law shall regulate its composition and competence.

TITLE V

Concerning the relations between the Government and the Cortes Generales

Art. 108. The Government is jointly answerable to the Congress of Deputies for its political management.

Art. 109. The Chambers and their Committees may, through their respective Presidents, request whatever information and help they may need from the Government and its Departments and from any authorities of the State and of the Self-Governing Communities.

Art. 110. 1. The Chambers and their Committees may require the presence of members of the Government.

2. Members of the Government are entitled to attend meetings of the Chambers and their Committees and to be heard in them and may request that officials from their Departments submit information to them.

Art. 111. 1. The Government and each of its members are subject to interpellations and questions put to them in the Chambers. The Standing Orders shall establish a minimum weekly period for this type of debate.

2. Any interpellation may give rise to a motion in which the Chamber makes known its position.

Art. 112. The President of the Government, after deliberation by the Council of Ministers, may ask Congress for a vote of confidence in favour of his programme or of a general policy statement. Confidence shall be considered obtained when a simple majority of the Deputies votes in favour.

Art. 113. 1. The Congress of Deputies may challenge Government policy by means of the adoption by an absolute majority of its members of a motion of censure.

2. The motion of censure must be proposed by at least one tenth of the Deputies, including a candidate for the office of President of the Government.

3. The motion of censure may not be voted until five days after it has been submitted. During the first two days of this period, alternative motions may be submitted.

4. If the motion of censure is not passed by Congress, its signatories may not submit another during the same session.

Art. 114. 1. If Congress withholds its confidence from the Government, the latter shall submit its resignation to the King, whereafter a President of the Government shall be nominated in accordance with the provisions of article 99.

2. If Congress adopts a motion of censure, the Government shall submit its resignation to the King, while the candidate proposed in the motion of censure shall be considered to have the confidence of the Chambers for the purposes provided in article 99. The King shall appoint him President of the Government.

Art. 115. 1. The President of the Government, after deliberation by the Council of Ministers, and under his own exclusive responsibility, may propose the dissolution of the Congress, the Senate of the Cortes

Generales, which shall be decreed by the King. The decree of dissolution shall set the date of the elections.

2. The proposal for dissolution may not be submitted while a motion for censure is in process.

3. There shall be no further dissolution until a year has elapsed since the previous one, except as provided for in article 99, clause 5.

Art. 116. 1. An organic law shall regulate the states of alarm, emergency and siege and the corresponding powers and restrictions.

2. The state of alarm shall be declared by the Government, by means of a decree decided upon by the Council of Ministers, for a maximum period of fifteen days. The Congress of Deputies shall be informed and must convene immediately in this connection. Without their authorization the said period may not be prolonged. The decree shall specify the territorial area to which the effects of the declaration shall apply.

3. The state of emergency shall be declared by the Government by means of a decree decided upon by the Council of Ministers, after prior authorization by the Congress of Deputies. The authorization for and proclamation of the state of emergency must specifically determine the effects thereof, the territorial area to which it is to apply and its duration, which may not exceed thirty days, subject to prolongation for a further thirty-day period, with the same requirements.

4. The state of siege shall be declared by absolute majority of the Congress of Deputies, exclusively at the proposal of the Government. Congress shall determine its territorial extension, duration and terms.

5. Congress may not be dissolved while any of the states contained in the present article remain in operation, and if the Chambers are not in session, they must automatically be convened. Their functioning, as well as that of the other constitutional State authorities may not be interrupted while any of these states is in operation.

In the event that Congress has been dissolved or its term has expired, if a situation giving rise to any of these states occurs, the powers of the Congress shall be assumed by its Standing Committee.

6. Declarations of states of alarm, emergency and siege shall not modify the principle of responsibility of the Government or its agents as recognized in the Constitution and the law.

TITLE VI

Concerning the judicial power

Art. 117. 1. Justice emanates from the people and is administered on behalf of the King by Judges and Magistrates of the Judiciary who shall be independent, irremovable, liable and subject only to the rule of law.

2. Judges and Magistrates may only be dismissed, suspended, transferred or retired for one of the reasons, and with the guarantees, provided by law.

3. Exercise of jurisdictional power in any kind of action, both in passing judgment and having judgments executed, lies exclusively within the competence of the Courts and Tribunals laid down by the law, in accordance with the rules of jurisdiction and procedure which may be therein established.

4. The Courts and Tribunals shall exercise only the functions indicated in the foregoing clause and those which are expressly allocated to them by law as a guarantee of some right.

5. The principle of jurisdictional unity is the basis of the organization and operation of the Courts. The law shall regulate the exercise of military jurisdiction strictly within military limits and in cases of siege, in accordance with the principles of the Constitution.

6. Courts of exception are prohibited.

Art. 118. It is compulsory to execute the sentences and other final judgments of Judges and Courts, as well as to collaborate with them as they may require during the course of trials and execution of judgments.

Art. 119. Justice shall be gratuitous, when thus provided by law, and shall in any case be so in respect of those who have insufficient means to litigate.

Art. 120. 1. Judicial proceedings shall be public, with the exception of those provided for in the laws of procedure.

2. Proceedings shall be predominantly oral, especially in criminal cases.

3. Sentences shall always be justified, and they shall be delivered in a public hearing.

Art. 121. Damages caused by judicial errors, as well as those arising from irregularities in the administration of Justice, shall be subject to compensation by the State, in accordance with the law.

Art. 122. 1. The organic law on judicial power shall determine the setting up, operation and control of the Courts and Tribunals as well as the legal status of professional Judges and Magistrates, who shall form a single body, and of the staff serving in the Administration of Justice.

2. The General Council of the Judiciary is the latter's governing body. An organic law shall set up its statutes and the system of incompatibilities applicable to its members and their functions, especially in connection with appointments, promotions, inspection and the disciplinary system.

3. The General Council of the Judiciary shall consist of the President of the Supreme Court, who shall preside it, and of twenty mem-

bers appointed by the King for a five-year period, amongst whom shall be twelve Judges and Magistrates of all judicial categories, under the terms established by the organic law; four nominated by the Congress of Deputies and four by the Senate, elected in both cases by three-fifths of their members from amongst lawyers, and other jurists of acknowledged competence and over fifteen years' experience in the exercise of their profession.

Art. 123. 1. The Supreme Court, with jurisdiction over the whole of Spain, is the highest judicial body in all branches of justice, except with regard to the provisions concerning Constitutional guarantees.

2. The President of the Supreme Court shall be appointed by the King, on being proposed by the General Council of the Judiciary in the manner to be laid down by the law.

Art. 124. 1. The Office of the Public Prosecutor, without prejudice to the functions entrusted to other bodies, has as its mission that of promoting the working of justice in the defence of the rule of law, of citizens' rights and of the public interest as safeguarded by the law, whether *ex officio* or at the request of interested parties, as well as that of protecting the independence of the Courts and securing through them the satisfaction of social interest.

2. The Office of Public Prosecutor discharges its functions through its own agencies in accordance with the principles of unity of action and hierarchical dependency, subject in all cases to the principles of the rule of law and impartiality.

3. The organic statute of the office of the Public Prosecutor shall be regulated by law.

4. The State Public Prosecutor shall be appointed by the King on being proposed by the Government, after consultation with the General Council of the Judiciary.

Art. 125. Citizens may engage in popular action and participate in the administration of justice through the establishment of the Jury, in the manner and with respect to those criminal actions as may be determined by law, as well as in consuetudinary and traditional courts.

Art. 126. The judiciary police are responsible to the Judges, the Courts and the Public Prosecutor when discharging their duties of crime detection and the discovery and apprehension of criminals, under the terms to be laid down by the law.

Art. 127. 1. Judges and Magistrates, as well as Public Prosecutors, whilst on active service, may not hold other public office, nor belong to political parties or trade unions. The law shall lay down the system and methods of professional association for Judges, Magistrates and Prosecutors.

2. The law shall establish the system of incompatibilities for members of the Judiciary, which must assure their total independence.

TITLE VII

Economy and Finance

Art. 128. 1. All the wealth of the country in its different forms, by whosoever it may be owned, is subordinate to the general interest.

2. Public initiative in economic activity is recognized. Essential resources or services may be restricted by law to the public sector, especially in the case of monopolies. Likewise, intervention in companies may be decided upon when the public interest so demands.

Art. 129. 1. The law shall establish the forms of participation in the Social Security and in the activities of those public bodies whose operation directly affects the quality of life or the general welfare.

2. The public authorities shall efficiently promote the various forms of participation within companies and shall encourage cooperative societies by means of appropriate legislation. They shall also take measures to facilitate ownership of the means of production by the workers.

Art. 130. 1. The public authorities shall attend to the modernization and development of all economic sectors and, in particular, those of agriculture, livestock raising, fishing and handicrafts, in order to bring the standard of living of all Spaniards up to the same level.

2. With the same object in view, special treatment shall be given to mountainous areas.

Art. 131. 1. The State, through the law, shall be able to plan general economic activity in order to meet collective needs, balance and harmonize regional and sectorial development and stimulate the growth of income and wealth and its more equitable distribution.

2. The Government shall draft planning projects in accordance with the forecasts supplied by the Self-Governing Communities and the advice and collaboration of trade unions and other professional, employers' and financial organizations. A council shall be set up for this purpose, whose composition and functions shall be developed by law.

Art. 132. 1. The legal system governing public domain and community property shall be regulated by law, based on the principles of inalienability and imprescriptibility; they shall not be subject to attachment, nor be put to other uses.

2. Considered property of the State public domain is that determined by the law which shall, in any case, include the coastal area the beaches, the territorial sea and the natural resources of the economic zone and the continental shelf.

3. The State and National Heritage, as well as their administration, protection and preservation, shall be regulated by law.

Art. 133. 1. The original power to raise taxes is vested exclusively in the State by law.

2. The Self-Governing Communities and local Corporations may establish and levy taxes, in accordance with the Constitution and the law.

3. Any fiscal benefit affecting State taxes must be established by virtue of law.

4. Public Administrations may only contract financial obligations and incur expenditure in accordance with the law.

Art. 134. 1. It is incumbent upon the Government to prepare the General State Budgets and upon the Cortes Generales to examine, amend and approve them.

2. The General State Budgets shall be prepared annually and shall include the entire expenditure and income of the State public sector and in them shall be recorded the amount of the fiscal benefits affecting State taxes.

3. The Government must submit the General State Budgets to the Congress of Deputies at least three months before the expiration of those of the previous year.

4. If the Budget Law is not approved before the first day of the corresponding financial year, the budgets of the previous financial year shall be considered automatically prolonged until the new ones have been approved.

5. Once the General State Budgets have been approved, the Government may submit bills involving increases in public expenditure or decreases in the revenue corresponding to the same budgetary year.

6. Any non-Government bill or amendment which involves an increase in credits or a decrease in budget revenue shall require previous approval of the Government before its passage.

7. The Budget Law may not establish new taxes. It may modify them if a substantive tax law makes provision therefor.

Art. 135. 1. The Government must be authorized by law in order to issue Public Debt or to contract loans.

2. Loans to meet payment on the interest and capital of the State Public Debt shall always be understood to be included in budget expenditure and may not be subject to amendment or modification as long as they conform to the terms of the law of issue.

Art. 136. 1. The Court of Audit is the supreme body charged with auditing the State's accounts and financial management, as well as those of the public sector.

It shall be directly responsible to the Cortes Generales and shall discharge its functions by delegation of the latter when examining and verifying the General Accounts of the State.

2. The State Accounts and those of the State public sector shall be submitted to the Court of Audit and shall be audited by the latter.

The Court of Audit, without prejudice to their own jurisdiction, shall remit an annual report to the Cortes Generales in which they shall when applicable, inform the latter of any infringements that may, in their opinion, have been committed, or any liabilities that may have been incurred.

3. The members of the Court of Audit shall enjoy the same independence and irremovability and shall be subject to the same incompatibilities as Judges.

4. An organic law shall regulate the composition, organization and functions of the Court of Audit.

TITLE VIII

Concerning territorial organization of the State

CHAPTER ONE

General Principles

Art. 137. The State is organized territorially into municipalities, provinces and any Self-Governing Communities that may be constituted. All these bodies shall enjoy self-government for the management of their respective interests.

Art. 138. 1. The State guarantees the effective implementation of the principle of solidarity consecrated in Article 2 of the Constitution, safeguarding the establishment of a just and adequate economic balance between the different areas of Spanish territory and taking into special consideration the circumstances pertaining to the situation of the islands.

2. The differences between the Statutes of the different Self-Governing Communities may in no case imply economic or social privileges.

Art. 139. 1. All Spaniards have the same rights and obligations in any part of the State territory.

2. No authority may adopt measures which directly or indirectly obstruct freedom of movement and settlement of persons and free movement of goods throughout the Spanish territory.

CHAPTER II

Concerning local Administration

Art. 140. The Constitution guarantees the autonomy of the municipalities, which shall enjoy full legal personality. Their government and administration shall be incumbent on their respective Town Coun-

cils consisting of Mayors and Councillors. The Councillors shall be elected by the residents of the municipalities by universal, equal, free and secret suffrage, in the manner laid down by the law. The Mayors shall be elected by the Councillors or by the residents. The law shall regulate the terms under which an open Council System shall be applicable.

Art. 141. 1. The province is a local entity, with its own legal personality, determined by the grouping of municipalities as well as a territorial division, in order to carry out the activities of the State. Any alteration of the provincial boundaries must be approved by the Cortes Generales by means of an organic law.

2. The government and autonomous administration of the provinces shall be entrusted to Provincial Councils (Diputaciones) or other Corporations that are representative in character.

3. Groups of municipalities other than those of the provinces may be formed.

4. In the archipelagoes, the islands shall also have their own administration in the form of «Cabildos» or Councils.

Art. 142. Local Treasuries must have sufficient funds available in order to discharge the functions assigned by law to the respective Corporations, and shall mainly be financed by their own taxation as well as by their share of State taxes and those of the Self-Governing Communities.

CHAPTER III

Concerning the Self-Governing Communities

Art. 143. 1. In the exercise of the right to self-government recognized in article 2 of the Constitution, bordering provinces with common historic, cultural and economic characteristics, island territories and provinces with historic regional status may accede to self-government and form Self-Governing Communities in conformity with the provisions contained in this Title and in the respective Statutes.

2. The right to initiate the process towards self-government (*) lies with all the Provincial Councils concerned or with the corresponding inter-island body and with two-thirds of the municipalities whose populations represent at least the majority of the electorate of each province or island. These requirements must be met within six months from the initial agreement adopted to this effect by any of the local Corporations concerned.

3. If this initiative should not be successful, it may only be repeated after five years have elapsed.

(*) Hereinafter referred to as «the initiative towards self-government» or «the initiative».

Art. 144. The Cortes Generales may, in the national interest, and by means of an organic law:

a) Authorize the setting up of a Self-Governing Community provided that its territorial area does not exceed that of a province and that it does not possess the characteristics outlined in clause 1 of article 143.

b) Authorize or grant, as the case may be, a Statute of Self-Government for territories not forming part of the provincial organization.

c) Substitute the initiative of the local Corporations referred to in clause 2 of article 143.

Art. 145. 1. Under no circumstances shall the federations of Self-Governing Communities be allowed.

2. The Statutes may provide for the cases, requirements and terms under which the Self-Governing Communities may reach agreements amongst themselves for management and the rendering of services relative to matters pertaining to them, as well as the nature and effects of the corresponding communication to the Cortes Generales. In all other cases, cooperation agreements between the Self-Governing Communities shall require the authorization of the Cortes Generales.

Art. 146. The draft Statute shall be drawn up by an assembly consisting of the members of the Provincial Council or inter-island body of the provinces concerned and by the Deputies and Senators elected in them, and shall be sent to the Cortes Generales for passage as a bill.

Art. 147. 1. Within the terms of the present Constitution, the Statutes shall constitute the basic institutional rules of each Self-Governing Community and the State shall recognize and protect them as an integral part of its legal order.

2. The Statutes of Self-Government must contain:

a) The name of the Community which corresponds most closely to its historic identity.

b) Its territorial delimitation.

c) The name, organization and seat of its own autonomous institutions.

d) The powers assumed within the framework established by the Constitution and the bases for the transfer of the corresponding services to them.

3. Amendment of the Statutes shall conform to the procedure established therein and shall in any case require the approval of the Cortes through an organic law.

Art. 148. 1. The Self-Governing Communities may assume jurisdiction in respect of the following matters:

1) Organization of their institutions of self-government.

2) Changes in the municipal boundaries within their territory and, in general, the functions incumbent on the State Administration regarding local Corporations, whose transfer may be authorized by legislation on Local Government.

3) Town and country planning and housing.

4) Public works of benefit to the Self-Governing Community, within its own territory.

5) Railways and roads whose routes lie exclusively within the territory of the Self-Governing Community and transport by the above means or by cable which also fulfils the same conditions.

6) Ports of refuge, recreational ports and airports and, in general, those which are not engaged in commercial activities.

7) Agriculture and livestock raising, in accordance with general economic planning.

8) Woodlands and forestry.

9) Environmental protection management.

10) Planning, construction and exploitation of hydraulic projects, channels and irrigated lands that have interest for the Self-Governing Community; mineral and thermal waters.

11) Inland water fishing, the shellfish industry and aquaculture, hunting and river fishing.

12) Local fairs.

13) Promotion of the economic development of the Self-Governing Community within the objectives set by national economic policy.

14) Handicrafts.

15) Museums, libraries and music conservatories of interest to the Self-Governing Community.

16) The Self-Governing Community's monuments of interest.

17) The promotion of culture, of research and, when applicable, the teaching of the language of the Self-Governing Community.

18) The promotion and planning of tourism within their territorial area.

19) The promotion of sports and the proper use of leisure.

20) Social assistance.

21) Health and hygiene.

22) The supervision and protection of their buildings and installations; coordination and other powers relating to local police forces under the terms to be laid down by an organic law.

2. After five years have elapsed, the Self-Governing Communities may, by amendment of their Statutes, successively enlarge their powers within the framework established in article 149.

Art. 149. 1. The State holds exclusive jurisdiction over the following matters:

1) Regulation of the basic conditions guaranteeing the equality of all Spaniards in the exercise of their rights and in the fulfilment of their constitutional duties.

- 2) Nationality, immigration, emigration, alienage, and right of asylum.
- 3) International relations.
- 4) Defence and the Armed Forces.
- 5) Administration of Justice.
- 6) Commercial, penal and penitentiary legislation; procedural legislation, without prejudice to the necessary special applications in these fields derived from the peculiar features of the substantive law of the Self-Governing Communities.
- 7) Labour legislation, without prejudice to its execution by the agencies of the Self-Governing Communities.
- 8) Civil legislation, without prejudice to the preservation, modification and development by the Self-Governing Communities of their civil rights, «fueros» or special rights, whenever these exist; in any case, the rules relative to the application and effectiveness of legal rules, legal-civil codes relative to the forms of marriage, the keeping of records and drawing up of public instruments, bases of contractual obligations, rules for resolving conflicts of law and determination of the sources of law in conformity, in this last case, with the rules of the «fueros» or with those of special laws.
- 9) Legislation on intellectual and industrial property.
- 10) Customs and tariff regulations; foreign trade.
- 11) Monetary system; foreign currency, exchange and convertibility, bases for the regulations concerning credit, banking and insurance.
- 12) Legislation on weights and measures, determination of the official time.
- 13) Bases and coordination of general planning of economic activity.
- 14) General Finances and the State Debt.
- 15) Promotion and general coordination of scientific and technical research.
- 16) External health measures; bases and general co-ordination of health matters; legislation on pharmaceutical products.
- 17) Basic legislation and financial system of the Social Security, without prejudice to the implementation of its services by the Self-Governing Communities.
- 18) The bases of the legal system of Public Administrations and the statutes of their public officials which shall, in any case, guarantee that the administered will receive equal treatment from them; the common administrative procedure, without prejudice to the special features of the Self-Governing Communities' own organizations; legislation on forced expropriation; basic legislation on contracts and administrative concessions and the system of liability of all the Public Administrations.
- 19) Sea fishing, without prejudice to the powers which, in the regulations governing this sector, shall be conferred on the Self-Governing Communities.

20) The Merchant Navy and the registering of ships; lighting of coasts and signals at sea; general-purpose ports; general-purpose airports; control of the air space, air traffic and transport; meteorological services and registration of aircraft.

21) Railways and land transport passing through the territory of more than one Self-Governing Community; general system of communications; motor vehicle traffic; Post Office services and telecommunications; air and underwater cables and radiocommunications.

22) Legislation, regulation and concession of hydraulic resources and development when the waters flow through more than one Self-Governing Community, and authorization for hydroelectrical installations when their development affects another Community or when energy transport leaves its territorial area.

23) Basic legislation on environmental protection, without prejudice to the powers of the Self-Governing Communities to establish additional protective measures; basic legislation on woodlands, forestry, and cattle trails.

24) Public works of general benefit or whose execution affects more than one Self-Governing Community.

25) Bases of the organization of mining and energy.

26) System of production, sale, possession and use of arms and explosives.

27) Basic rules relating to the organization of the press, radio and television and, in general, all the means of social communication, without prejudice to the powers vested in the Self-Governing Communities relative to their development and implementation.

28) Protection of Spain's cultural and artistic heritage and national monuments against exportation and expoliation museums, libraries and archives belonging to the State, without prejudice to their management by the Self-Governing Communities.

29) Public safety, without prejudice to the possibility of the creation of police forces by the Self-Governing Communities, in the manner to be laid down in their respective Statutes and within the framework to be established by an organic law.

30) Regulation of the conditions relative to the obtaining, issuing and standardization of academic degrees and professional qualifications and basic rules for the development of article 27 of the Constitution, in order to guarantee the fulfilment of the obligations of the public authorities in this matter.

31) Statistics for State purposes.

32) Authorization for popular consultations through the holding of referendums.

2. Without prejudice to the jurisdiction which may be assumed by the Self-Governing Communities, the State shall consider the promotion of culture a duty and an essential function and shall facilitate cultural communication between the Self-Governing Communities, in collaboration with them.

3. Matters not expressly assigned to the State by virtue of the present Constitution may fall under the jurisdiction of the Self-Governing Communities by virtue of their respective Statutes: Matters for which jurisdiction has not been assumed by Statutes of Self-Government shall fall within the jurisdiction of the State, whose rules shall prevail, in case of conflict, over those of the Self-Governing Communities regarding all matters over which exclusive jurisdiction has not been conferred upon the latter. State law shall, in all cases, be supplementary to that of the Self-Governing Communities.

Art. 150. 1. The Cortes Generales, in matters of State Jurisdiction, shall confer upon all or any of the Self-Governing Communities the power to enact legislation for themselves within the framework of the principles, bases and guidelines established by State law. Without prejudice to the jurisdiction of the Courts, each basic law shall contain the method of control by the Cortes Generales over the Self-Governing Communities' legislation.

2. The State may transfer or delegate to the Self-Governing Communities, through an organic law, powers belonging to it which by their very nature lend themselves to transfer or delegation. The law shall, in each case, provide for the corresponding transfer of financial means, as well as specify the forms of control to be retained by the State.

3. The State may enact laws establishing the principles necessary for harmonizing the rule-making provisions of the Self-Governing Communities, even in the case of matters over which jurisdiction has been conferred upon the latter, when this is necessary in the general interest. It is incumbent upon the Cortes Generales, by an absolute majority of the members of each Chamber, to evaluate this necessity.

Art. 151. 1. It shall not be necessary to wait for the five-year period referred to in clause 2 of Article 148 to elapse when the initiative for attaining self-government is agreed upon within the time limit specified in Article 143, clause 2, not only by the corresponding Provincial Councils or inter-island bodies but also by three-quarters of the Municipalities of each province concerned, representing at least the majority of the electorate of each one, and said initiative is ratified in a referendum by the absolute majority of the electors in each province, under the terms to be laid down by an organic law.

2. In the case provided for in the foregoing clause, the procedure for drafting the Statute shall be as follows:

1) The Government shall summon all the Deputies and Senators elected in the electoral districts within the territorial area seeking self-government in order that they may resolve themselves into an Assembly for the sole purpose of drawing up the corresponding draft Statute for Self-Government, to be adopted by the absolute majority of its members.

2) Once the draft Statute has been passed by the Parliamentary Assembly, it shall be remitted to the Constitutional Committee of Congress which shall examine it within the space of two months with the co-operation and assistance of a delegation from the Assembly which has proposed it, in order to decide in common agreement upon its final form.

3) If such an agreement is reached, the resulting text shall be submitted in a referendum to the electorate of the provinces within the territorial area to be covered by the proposed Statute.

4) If the draft Statute is approved in each province by the majority of validly cast votes, it shall be referred to the Cortes Generales. Both Chambers, in plenary assembly, shall decide upon the text by means of a vote of ratification. Once the Statute has been passed, the King shall sanction it and shall promulgate it as a law.

5) If the agreement referred to in sub-clause 2) of this clause is not reached, the legislative process for the draft Statute in the Cortes Generales shall be the same as that for a bill. The text passed by the latter shall be submitted in a referendum to the electorate of the provinces within the territorial area to be covered by the draft Statute. In the event that it is passed by the majority of the validly cast votes in each province, it shall be promulgated in the manner outlined in the foregoing sub-clause.

3. In the cases described in sub-clauses 4) and 5) of the foregoing clause, failure to pass the draft Statute by one or several of the provinces shall not prevent the constitution of the remaining provinces into a Self-Governing Community in the manner to be prescribed by the organic law envisaged in clause 1 of this article.

Art. 152. 1. In the Statutes passed by means of the procedure referred to in the foregoing article, the institutional Self-Governing organization shall be based on a Legislative Assembly elected by universal suffrage in accordance with a system of proportional representation which assures, moreover, the representation of the various areas of the territory; a Governing Council with executive and administrative functions and a President elected by the Assembly from among its members and appointed by the King. The President shall be responsible for directing the Governing Council, which constitutes the supreme representation of the respective Community as well as the State's ordinary representation in the latter. The President and the members of the Governing Council shall be politically accountable to the Assembly.

A High Court of Justice, without prejudice to the jurisdiction exercised by the Supreme Court, shall be at the head of the Judiciary within the territorial area of the Self-Governing Community. The Statutes of the Self-Governing Communities shall establish the circumstances and manner in which they will participate in the organization of the judicial demarcations of the territory, all of which must

be in conformity with the provision of the organic law on judicial power and compatible with its unity and independence.

Without prejudice to the provisions of Article 123, successive appeals shall, where applicable, be lodged with judicial bodies located in the same territory of the Self-Governing Community as that in which the competent court of the first instance is located.

2. Once the respective Statutes have been sanctioned and promulgated, they may only be amended by means of the procedures established therein and through a referendum of the electors registered in the corresponding electoral rolls.

3. By grouping the bordering municipalities together, the Statutes may set up their own territorial electoral districts, which will enjoy full legal personality.

Art. 153. Control over the agencies of the Self-Governing Communities shall be exercised by:

a) The Constitutional Court, in matters relative to the constitutionality of its regulatory provisions having the force of law.

b) The Government, after the handing down by the Council of State of its opinion, regarding the exercise of the delegated functions referred to in clause 2 of Article 150.

c) Administrative litigation jurisdictional bodies, with regard to autonomous administration and its regulations.

d) The Court of Audit, with regard to financial and budgetary matters.

Art. 154. A delegate appointed by the Government shall direct State administration in the territorial area of each Self-Governing Community and shall coordinate it, when necessary, with the Community's own administration.

Art. 155. 1. If a Self-Governing Community does not fulfil the obligations imposed upon it by the Constitution or other laws, or should act in a way seriously prejudicing the general interest of Spain, the Government, after lodging a complaint with the President of the Self-Governing Community and failing to receive satisfaction therefor, may, following approval granted by an absolute majority of the Senate, adopt the measures necessary in order to oblige the latter forcibly to meet said obligations, or in order to protect the above-mentioned general interest.

2. With a view to implementing the measures provided for in the foregoing clause, the Government may give instructions to all the authorities of the Self-Governing Communities.

Art. 156. 1. The Self-Governing Communities shall enjoy financial autonomy for the development and exercising of their powers, in conformity with the principles of coordination with the State Treasury and solidarity amongst all Spaniards.

2. The Self-Governing Communities may act as delegates or collaborators of the State for the collection, management and settlement of the latter's tax resources, in conformity with the law and the Statutes.

Art. 157. 1. The resources of the Self-Governing Communities shall comprise:

- a) Taxes wholly or partially made over to them by the State; surcharges on State taxes and other shares in State revenue.
- b) Their own taxes, rates and special levies.
- c) Transfers from an inter-territorial clearing fund and other allocations to be charged to the General State Budgets.
- d) Revenues accruing from their property and private law income.
- e) The yield from credit operations.

2. The Self-Governing Communities may under no circumstances adopt measures to raise taxes on property located outside their territory or likely to hinder the free movement of goods or services.

3. The exercise of the financial powers enumerated in clause 1, above, the rules for settling the conflicts which may arise, and the possible forms of financial collaboration between the Self-Governing Communities and the State, may be regulated by an organic law.

Art. 158. 1. In the General State Budgets, an allocation may be made to the Self-Governing Communities in proportion to the volume of State services and activities for which they have assumed responsibility and to their guarantee to provide a minimum level of basic public services throughout Spanish territory.

2. With the object of correcting inter-territorial economic unbalances and implementing the principle of solidarity, a clearing fund shall be set up for investment expenditure, whose resources shall be distributed by the Cortes Generales amongst the Self-Governing Communities and the provinces, as the case may be.

TITLE IX

Concerning the Constitutional Court

Art. 159. 1. The Constitutional Court consists of twelve members appointed by the King. Of these, four shall be nominated by Congress by a majority of three-fifths of its members, four shall be nominated by the Senate with the same majority; two shall be nominated by the Government, and two by the General Council of the Judiciary.

2. The members of the Constitutional Court shall be appointed from among Magistrates and Prosecutors, University professors, public officials and lawyers, all of whom must be jurists of acknowledged competence with at least fifteen years' experience in the exercise of their professions.

3. The members of the Constitutional Court shall be appointed for a period of nine years and shall be renewed by thirds every three years.

4. The office of member of the Constitutional Court is incompatible: with any representative function, with a management role in a political party or trade union or any employment in their service, with a career as a Judge or Prosecutor, and with any professional or commercial activity whatsoever.

In other cases, the incompatibilities relative to the judicial power shall also be applicable to the members of the Constitutional Court.

5. The members of the Constitutional Court shall be independent and irremovable during their term of office.

Art. 160. The President of the Constitutional Court shall be appointed by the King from among its members, on the recommendation of the Plenum of the Court itself, for a period of three years.

Art. 161. 1. The Constitutional Court holds jurisdiction over the whole of Spanish territory and is competent to hear:

a) Unconstitutionality appeals against laws and regulations having the force of law. A declaration of unconstitutionality of a legal rule with the status of law, interpreted by jurisprudence, shall also affect the latter, although an overturned sentence or sentences shall not lose the validity of a judgment.

b) Individual appeals against violation of the rights and liberties contained in Article 53.2 of this Constitution, in the cases and forms to be laid down by law.

c) Conflicts of jurisdiction between the State and the Self-Governing Communities or between the Self-Governing Communities themselves.

d) Other matters assigned to it by the Constitution or by organic laws.

2. The Government may contest before the Constitutional Court the provisions and resolutions adopted by the agencies of the Self-Governing Communities, which shall bring about the suspension of the contested provisions or resolutions, but the Court must either ratify or lift the suspension, as the case may be, within a period of not more than five months.

Art. 162. 1. The following are eligible to:

a) Lodge an appeal of unconstitutionality: the President of the Government, the Defender of the People, fifty Deputies, fifty Senators, the executive corporate bodies of the Self-Governing Communities and, when applicable, their Assemblies.

b) Lodge an individual appeal («recurso de amparo»): any individual or corporate body with a legitimate interest, as well as the Defender of the People and the Office of the Public Prosecutor.

2. In all other cases, the organic law shall determine which persons and agencies are eligible.

Art. 163. If a judicial body considers, in some action, that a regulation with the status of law which is applicable thereto and upon the validity of which the judgment depends, may be contrary to the Constitution, it may bring the matter before the Constitutional Court in the cases, manner and with the consequences to be laid down by law, which in no case shall be suspensive.

Art. 164. 1. The verdicts of the Constitutional Court shall be published in the official State gazette, with the dissenting votes, if any. They have the validity of a judgements as from the day following their publication, and no appeal may be brought against them. Those which declare the unconstitutionality of a law or of a rule with the force of law, and all those which are not limited to the subjective evaluation of a right, shall be fully binding on everybody.

2. Unless the verdict rules otherwise, that part of the law not affected by unconstitutionality shall remain in force.

Art. 165. An organic law shall regulate the functioning of the Constitutional Court, the statutes of its members, the procedure to be followed before it, and the conditions governing actions brought before it.

TITLE X

Concerning Constitutional amendment

Art. 166. The right to propose a Constitutional amendment shall be exercised under the terms contained in clauses 1 and 2 of article 87.

Art. 167. 1. Bills on Constitutional amendment must be approved by a majority of three-fifths of the members of each Chamber. If there is no agreement between the Chambers, an effort to reach it shall be made by setting up a Joint Commission of Deputies and Senators which shall submit a text to be voted on by the Congress and the Senate.

2. If adoption is not obtained by means of the procedure outlined in the foregoing clause, and provided that the text has been passed by an absolute majority of the members of the Senate, Congress may pass the amendment by a two-thirds vote in favour.

3. Once the amendment has been passed by the Cortes Generales, it shall be submitted to ratification by referendum, if so requested by one tenth of the members of either Chamber within fifteen days after its passage.

Art. 168. 1. If a total revision of the Constitution is proposed or a partial revision thereof, affecting the Preliminary Title, Chapter

Two, Section 1 of Title I, or Title II, the principle shall be approved by a two-thirds majority of the members of each Chamber, and the Cortes shall immediately be dissolved.

2. The Chambers elected must ratify the decision and proceed to examine the new Constitutional text, which must be approved by a two-thirds majority of the members of both Chambers.

3. Once the amendment has been passed by the Cortes Generales, it shall be submitted to ratification by referendum.

Art. 169. The process of Constitutional amendment may not be initiated in time of war or when of the states outlined in Article 116 are in operation.

ADDITIONAL PROVISIONS

One.—The Constitution protects and respects the historic rights of the territories with «fueros».

The general updating of the «fuero» system shall be carried out, when appropriate, within the framework of the Constitution and of the Statutes of Self-Government.

Two.—The declaration regarding coming of age contained in Article 12 of this Constitution shall not be prejudicial to the cases to which the «fueros» are applicable within the sphere of Private Law.

Three.—Any modification of the financial and tax system of the Canarian Archipelago shall require a previous report from the Self-Governing Community or, as the case may be, from the provisional autonomous body.

Four.—In the Self-Governing Communities where more than one Territorial Court holds jurisdiction, the Statutes of Self-Government may maintain the existing Courts, distributing jurisdiction among them, provided this is done in accordance with the provisions of the Organic Law on Judicial Power and in conformity with the unity and independence of the latter.

TRANSITORY PROVISIONS

One.—In the territories with a provisional Self-Governing régime, their higher corporate bodies may, by means of an agreement adopted by an absolute majority of their members, assume for themselves the initiative towards self-government which, in clause 2 of Article 143 is conferred upon the Provincial Councils or corresponding inter-island bodies.

Two.—The territories which in the past have, by plebiscite, approved draft Statutes of Self-Government and which, at the time of the promulgation of this Constitution, have provisional self-governing régimes,

may proceed immediately in the manner provided in clause 2 of Article 148, when agreement thereon is reached by an absolute majority of their preself-governing higher corporate bodies, and the Government is duly informed. The draft Statutes shall be drawn up in accordance with the provisions of Article 151, clause 2, when so requested by the preself-governing corporate body.

Three.—The right to initiate the process towards self-government conferred on the local corporations or their members, which is contained in clause 2 of Article 143, shall be postponed for all purposes until the first local elections have taken place, once the Constitution has come into effect.

Four.—In the case of Navarra, and for the purposes of its corporation into the General Basque Council or the Basque self-governing régime replacing it, instead of the procedure established by the provisions of Article 143 of the Constitution, the initiative shall lie with the competent «Foral» body, which shall adopt its decision by a majority of the members comprising it. In order for this initiative to be valid, the decision of the competent «Foral» body must also be ratified by a referendum expressly held for this purpose and passed by a majority of the valid votes cast.

2. If the initiative does not succeed, it may only be repeated during a different term of office of the competent «Foral» body and, in any case, only when the minimum period laid down in Article 143 has elapsed.

Five.—The cities of Ceuta and Melilla may set themselves up as Self-Governing Communities if their respective Municipal Councils should so decide by an absolute majority of their members and if the Cortes Generales thus authorize, by means of an organic law, under the terms provided in Article 144.

Six.—When several draft Statutes are referred to the Constitutional Committee of Congress, decisions regarding them shall be taken according to the order in which they are received. The two months period referred to in Article 151 shall be counted from the moment that the Committee completes its study of the draft or drafts that it has successively examined.

Seven.—The provisional self-governing bodies shall be considered dissolved in the following cases:

a) Once the bodies established by the Statutes of Self-Government passed in conformity with the Constitution have been set up.

b) In the event that the initiative directed towards obtaining self-government should not be successful on account of non-compliance with the requirements provided in Article 143.

c) If the body has not exercised the right recognized in the first transitory provision within a period of three years.

Eight.—1. Once the present Constitution has become effective, the Chambers which adopted it shall assume the functions and powers indicated therein for the Congress and Senate respectively, while under no circumstances shall their term of office continue beyond June 15, 1981.

2. With regard to the provisions of Article 99, the promulgation of the Constitution shall be considered as creating the Constitutional basis for the subsequent application of these provisions. To this end, there shall be a thirty-day period, as from the date of the promulgation, for implementing the provisions laid down in said article.

During this period, the current President of the Government, who shall assume the functions and powers laid down by the Constitution for this office, may decide to use the authority conferred on him by Article 115 or, through resignation, leave the way open for application of the provisions established in Article 99. In the latter case, the situation relative to the President shall be that provided in clause 2 of Article 101.

3. In the event of dissolution, in accordance with the provisions of Article 115, and if the provisions contained in Articles 68 and 69 have not been enacted into law, the rules previously in force shall be applicable in the elections, except with regard to ineligibilities and incompatibilities, to which the provisions of the second sub-clause b) of clause 1 of Article 1 of the Constitution shall be directly applicable, as well as its provisions concerning the voting age and those contained in Article 69, clause 3.

Nine.—Three years after the election of the members of the Constitutional Court for the first time, lots shall be drawn to choose four members of said Court of the same electoral origin who shall resign and be replaced. Considered as members of the same electoral origin exclusively for this purpose shall be the two members appointed following proposal by the Government and the two appointed following proposal by the General Council of Judicial Power. After three years have elapsed, the same procedure shall be carried out with regard to the two groups not affected by the aforementioned drawing of lots. Thereafter, the provisions contained in clause 3 of Article 159 shall be applied.

REPEAL PROVISION

1. Law 1/1977, of January 4, on political reform, is hereby repealed, as well as the following laws, in so far as they were not already repealed by the above-mentioned law: the Law of the Fundamental Principles of the Movement of May 17, 1958, the «Fuero» of the Spanish People of July 17, 1945, the Labour «Fuero» of March 9, 1938, the Constitutive Law of the Cortes of July 17, 1942, the Law of Succession for the Headship of State of July 26, 1947, all of which as amended by the Organic Law of State of January 10, 1967. Likewise repealed

are the last mentioned law and that of the National Referendum of October 22, 1948.

2. To the extent that it may still retain some validity, the Royal Decree of October 25, 1839 shall be definitively repealed in so far as it affects the provinces of Alava, Guipuzcoa and Vizcaya.

Under the same terms, the Law of July 21, 1876 shall be considered definitively repealed.

3. Likewise, any provisions contrary to those contained in the Constitution shall be repealed.

FINAL PROVISION

This Constitution shall become effective on the day of the publication of the official text in the official State gazette. It shall also be published in the other languages of Spain.