

1

Libya is a free, independent and sovereign State. Neither its sovereignty nor any part of its territories may be relinquished.

2

Libya is a federal State with a hereditary monarchy and a parliamentary system. Its name is the “United Kingdom of Libya”.

3

The United Kingdom of Libya is composed of the provinces of Cyrenaica, Tripolitania and Fezzan.

4

Boundaries of the United Kingdom of Libya are:

The Mediterranean Sea to the north,

The Kingdom of Egypt and Anglo-Egyptian Sudan to the east,

Anglo-Egyptian Sudan, French Equatorial Africa, French West Africa and the Algerian Desert to the south,

Tunis and Algeria to the west.

5

Islam is the religion of the State.

6

The emblem and national anthem of the State shall be determined by federal law.

7

The national flag shall have the following shape and dimensions: its length shall be twice its width; it shall be divided into three parallel stripes coloured from the top down in red, black and green. The black stripe shall equal in size the two other stripes combined and shall bear in its centre a white crescent between the ends of which there shall be a five-pointed white star.

8

Every person who resides in Libya and has no foreign nationality or citizenship shall be considered a Libyan citizen if he meets one of the following conditions:

1. He was born in Libya;
2. Either of his parents was born in Libya;
3. He has been in Libya for a minimum period of ten years of normal residence.

9

Subject to Article 8 of the present Constitution, the conditions for acquiring Libyan nationality shall be determined by a federal law which grants facilities to expatriates of Libyan origin and their children and to citizens of Arab countries and foreigners residing in Libya who, at the entry into force of this Constitution, held normal residence in Libya for not

less than ten years. The latter may choose Libyan nationality in accordance with the conditions stipulated by law, provided they apply for the nationality within three years as of 1 January 1952.

10

No person shall hold Libyan nationality and any other nationality at the same time.

11

Libyans are equal before the law. They shall enjoy equal civil and political rights and equal opportunity, and they shall be subject to the same public duties and obligations without any distinction of religion, belief, race, language, wealth, kinship, or political or social views.

12

Personal freedom shall be guaranteed and everyone shall be entitled to equal protection before the law.

13

No forced labour shall be imposed except by law in cases of emergency, disaster, or circumstances that may endanger the safety of the population or a part thereof.

14

Every person shall have the right to resort to courts in accordance with the provisions of the law.

15

Any person charged with a crime shall be presumed innocent until duly proven guilty in a trial at which he shall have the guarantees necessary for his defence. The trial shall be public except in exceptional cases stipulated by law.

16

No one may be arrested, detained, imprisoned or searched except in the cases prescribed by law. No one shall be tortured or subjected to degrading punishment.

17

All crimes and penalties shall be subject to the law. No penalty shall be inflicted except for actions subsequent to the issuance of the relevant law. The penalty inflicted shall not be heavier than the penalty applicable at the time the crime was committed.

18

No Libyan may be deported from Libya under any circumstances nor may he be forbidden to reside in any locality or compelled to reside in any specific place or prohibited from moving within Libya except in cases stipulated by law.

19

Homes are inviolable and may not be entered or searched except in the cases and by the methods stipulated by law.

20

The secrecy of letters, telegrams, telephone communications and all correspondence of all forms and means shall be guaranteed; they shall not be censored or delayed except in cases prescribed by law.

21

Freedom of belief shall be absolute. The State shall respect all religions and faiths and shall ensure to Libyans and to foreigners residing in its territory freedom of belief and the liberty to practice religious rites so long as this does not prejudice public order and morality.

22

Freedom of thought shall be guaranteed. Everyone shall have the right to express and proclaim their opinions by all means and methods. However, this freedom may not be abused in any way that contravenes public order and morality.

23

Freedom of the press and printing shall be guaranteed within the limits of the law.

24

Every person shall be free to use any language in their private transactions or in religious, cultural or press-related matters or any other publications or in public meetings.

25

Freedom of peaceful assembly shall be guaranteed within the limits of the law.

26

Freedom of peaceful association shall be guaranteed, and the exercise thereof shall be regulated by law. Secret societies and associations that aim to achieve political goals through organizations of a military character are prohibited.

27

Individuals shall have the right to address public authorities concerning matters of interest by means of letters signed with their names. However, only official bodies or legal entities may address the authorities on behalf of collectivities.

28

Education is a right for every Libyan. The State shall endeavour to spread education through the public schools it establishes and the private schools it permits to be established under its supervision for Libyans and foreigners.

29

Education shall be unrestricted so long as it does not contravene public order or morality. Matters of public education shall be regulated by law.

30

Elementary education is compulsory for Libyan children of both sexes. Elementary and primary education shall be free in public schools.

31

Property is inviolable. No owner shall be prevented from disposing of his property except within the limits of the law. No property of any person shall be expropriated except to serve the public interest and in cases and means prescribed by law, provided that such person is awarded fair compensation.

32

The penalty incurred of general confiscation of assets shall be prohibited.

33

Family is the basic pillar of society and shall enjoy the protection of the State. The State shall protect and promote marriage.

34

Labour is one of the basic elements of economic life and is protected by the State. It is a right for all Libyans, and any individual who performs labour is entitled to fair remuneration.

35

The State shall endeavour to provide as much possible a decent living for every Libyan citizen and his family.

36

The Libyan Federation shall assume the powers related to the following affairs:

1. Diplomatic, consular and commercial representation
2. United Nations and specialized agencies affairs
3. Participation in international conferences and committees and implementation of resulting decisions
4. Affairs of war and peace
5. Conclusion and implementation of treaties and agreements with other countries
6. Regulation of commercial exchange with foreign countries
7. External loans
8. Extradition of criminals
9. Issuance of visas and Libyan passports
10. Migration to and from Libya
11. Foreigners' entry into, residence in and expulsion from the country
12. Nationality affairs

13. All other matters related to foreign affairs
14. Institute, train, use and spend on land, air and sea forces
15. Defence industries
16. Facilities of Libyan air, land and sea forces
17. Determine the authorities in military base areas, assign needed staff therein and define their functions and the regulations of residence therein. Boundaries of such areas are to be set following interprovincial consultation.
18. National defence weapons of all kinds, including firearms, ammunition and explosives
19. Martial law
20. Nuclear power and the necessary production material
21. All other national defence issues
22. Airlines and related agreements
23. Meteorology
24. Mail, telegraph, telephone, wireless communication, federal radio and other federal means of communication
25. Federal roads and roads that the federal government, after consulting with provinces, deems to not belong to a specific province.
26. Establishment and monitoring of the federal railway after the approval of the host province
27. Customs
28. Taxation needed to cover the federal government's expenditure following consultation with provinces
29. Federal bank
30. Currency, printing banknotes and minting currency
31. Federal finance and public debt
32. Exchange rate and stock market
33. Inquiries and statistics related to the federal government
34. Federal government employee affairs
35. Promote agricultural and industrial production and commercial activity, upon consultation with the provinces, and ensure the acquisition of the necessary foodstuffs for the country
36. Federal government properties: acquisition, management and disposition
37. Cooperation between the federal government and the provinces in the field of criminal policing, central administration of criminal police and tracking of international criminals
38. Education in universities and higher institutes, and determination of academic degrees
39. All matters vested in the federal government by this Constitution

37

The federal government may, upon agreement with a province, delegate to such province or the employees thereof executive powers related to internal affairs within its jurisdiction in accordance with this Constitution, provided that the federal government bears the implementation expenses.

83

A Minister may be a member of the Council of the Nation at the same time.

84

The Cabinet shall be responsible for the administration of all internal and external affairs of the State within the federal government's jurisdiction prescribed by this Constitution and in accordance with its provisions.

85

For the signatures of the King concerning the affairs of the State to be effective, they require the countersignature of the Prime Minister and the competent ministers, save for the decree in which the Prime Minister is appointed or relieved of office, which shall be signed by the King alone. Decrees in which ministers are appointed or relieved of office shall be signed by the King and the Prime Minister.

38

To ensure interprovincial policy coordination and consolidation, the Libyan Federation shall assume legislative authority for the following matters while the provinces assume executive authority under the supervision of the Libyan Federation:

1. Companies Act
2. Banks
3. Import and export regulation
4. Income tax
5. Monopolies and privileges
6. Underground wealth, excavation and mining
7. Scales, weights and measures
8. Insurance of all sorts
9. Population census
10. Ships and maritime navigation
11. Large ports deemed important for international navigation by the federal government
12. Aircrafts and aviation, establishment of airports, regulation of airplane movement and airport administration affairs
13. Lighthouses, warning ships, buoys and other important tools for aviation and maritime navigation
14. Institute the general judicial system subject to Chapter 8 of this Constitution
15. Civil and commercial laws, penal code, code of civil and criminal procedure, and the legal profession
16. Literary, artistic and industrial property, inventions, registration, industrial and commercial trademarks
17. Newspapers, books, printing press and broadcasting
18. General assemblies and associations
19. Expropriation
20. All matters related the flag of the country, the national anthem and official holidays
21. Conditions of practicing scientific and technical self-employment.

22. Workers' affairs and social security
23. General education system
24. Antiquities, archaeological sites, museums, libraries and other establishments that are deemed of general national importance in a law promulgated by the federal government
25. Protection of public health and coordination of related affairs
26. Quarantine and relevant hospitals
27. Licencing requirements for medicine and other medical professions

39

All powers relating to matters that are not entrusted by this Constitution to the federal government shall be assumed by the provinces.

40

Sovereignty lies with the nation. The nation is the source of authority.

41

Legislative authority shall be vested in the King in conjunction with the Council of the Nation. The King shall issue laws after their approval by the Council of the Nation as prescribed by this Constitution.

42

Executive authority shall be vested in the King within the limits of this Constitution.

43

Judicial authority shall be vested in the Supreme Court and other courts that render verdicts within the limits of the Constitution in accordance with the law and in the name of the King.

44

Sovereignty of the United Kingdom of Libya lies with the nation and is, with God's will, vested in trust by the people with King Mohammed Idris al-Mahdi al-Senussi and afterwards to his male heirs, from oldest to oldest, degree to degree.

45

The throne of the Kingdom is hereditary. Succession to the throne shall be regulated by a noble order issued by King Idris I within one year from the date of issuance of this Constitution. No one shall succeed to the throne unless he is of sound mind, Libyan, Muslim, and born to Muslim parents through a legal marriage. The royal order that governs succession to the throne shall have a constitutional character.

46

In the event of the King's death and the throne remaining vacant due to the absence of a successor to the King or to no successor having been appointed, the Senate and the House of Representatives shall hold a joint session at once without convocation to appoint a successor

within ten days at most. At least three-quarters of the members of the two Chambers shall be present and voting shall take place openly by a majority of two-thirds of the members present. If no choice is made at the specified time, the two Chambers shall jointly proceed to make the choice on the eleventh day in the presence of an absolute majority of the members of both Chambers and by a relative majority. If the House of Representatives has been dissolved, the old House shall immediately convene until the King is chosen.

47

Before assuming his constitutional powers, the King shall take the following oath before the Senate and the House of Representatives in a joint session:

“I swear by Almighty God to observe the Constitution and the laws of the country and to devote all my efforts to preserving the independence of Libya and defending the safety of its territory.”

48

In the event that the King wishes to leave Libya or that he is temporarily prevented or delayed from exercising his constitutional powers, he may appoint one or more deputies to perform the duties and exercise the rights and powers the King may delegate to such deputy.

49

The King shall attain the age of majority upon completion of his eighteenth lunar year.

50

If the King is a minor or if he is prevented or delayed from exercising his constitutional powers and he himself is unable to appoint one or more deputies, the Cabinet shall appoint, with the consent of the Council of the Nation, a regent or Regency Council to perform the duties of the King and exercise his rights and powers until he becomes of age or is capable of exercising his powers. If the Council of the Nation is not in session, it shall be called to convene. If the House of Representatives is dissolved, the old House shall convene immediately until a regent or Regency Council is appointed.

51

No person shall be appointed as deputy to the throne or member of the Regency Council unless he is a Muslim Libyan who has completed his fortieth year as per the Gregorian calendar. However, a male of the Royal Family who has completed his twenty-first year as per the Gregorian calendar may be appointed.

52

From the time of death of the King up until his successor, regent or members of the Regency Council take the constitutional oath, the Cabinet shall at its own responsibility exercise the constitutional powers of the King in the name of the Libyan nation.



53

The regent or any member of the Regency Council shall not assume office unless he takes the following oath before the Senate and the House of Representatives in a joint session:

“I swear by Almighty God to observe the Constitution and the laws of the country, to devote all my efforts to preserving the independence of Libya and defending the safety of its territory and to be loyal to the King.”

The deputy to the throne shall take this oath before the King or before any person designated by the King.

54

Ministers or members of any legislative body may not be regents or members of the Regency Council. If a deputy to the throne is a member of any legislative body, he shall not take part in the activities of that body while being deputy to the throne.

55

If the regent or member of the Regency Council appointed in accordance with Article 50 dies or is prevented from performing his duties as regent or as member of the Regency Council, the Cabinet may, with the consent of the Council of the Nation, appoint a substitute therefor under the conditions set forth in Articles 51, 53 and 54. If the Council of the Nation is not in session, it shall be convened. If the House of Representatives has been dissolved, the old House shall convene immediately until the regent or member of the Regency Council is appointed.

56

The civil list of the King and the royal family shall be determined by federal law. It may not be reduced during the reign of the King but may be increased by a resolution of the Council of the Nation. The law shall determine the salaries of regents and of deputies to the throne, which shall be paid from the civil list of the King.

57

The Code of Judicial Procedure to be followed in cases brought by or against the retinue shall be regulated by federal law.

58

The King is the supreme head of State.

59

The King is inviolable and not accountable.

60

The King exercises his powers through his ministers, who are accountable.

61

The King shall not assume a throne outside Libya except upon approval by the Council of the Nation.

62

The King shall ratify and promulgate the laws.

63

The King shall set the necessary regulations to enforce the laws without modification, suspension or exemption from enforcement.

64

In the event that exceptional circumstances arise requiring urgent measures and the Council of the Nation is not in session, the King shall be entitled to issue decrees with respect thereto. Such decrees shall have the force of law provided that they are not in breach of the provisions of the Constitution. They shall be referred to the Council of the Nations during its first session. If they are not submitted or approved by either Chamber, they shall cease to have the force of law.

65

The King shall open and close the sessions of the Council of the Nation, and dissolve the House of Representatives in accordance with the provisions of the Constitution. He may, when necessary, convene a joint meeting of the two Chambers to discuss important issues.

66

The King may summon the Council of the Nation to hold extraordinary sessions if he deems it necessary. He shall also convene the same upon presentation of a petition signed by the majority of the members of the two Chambers. The King shall announce the closure of the extraordinary session.

67

The King may adjourn the session of the Council of the Nation. However, the adjournment may not exceed thirty days nor may it be repeated during the same session without the approval of both Chambers.

68

The King shall be the supreme commander of all the Libyan armed forces.

69

The King shall declare war, conclude peace, enter into treaties and ratify the same after the approval of the Council of the Nation.

70

The King may declare martial law and a state of emergency provided that he submits the martial law declaration to the Council of the Nation which decides whether it shall continue or

be cancelled. If such declaration is made when the Council is not in session, it shall be urgently convened.

71

The King shall create and grant titles, ranks, medals and other signs of honour.

72

The King shall appoint, dismiss or accept the resignation of the Prime Minister, and shall appoint, dismiss or accept the resignation of ministers based on the suggestion of the Prime Minister.

73

The King shall appoint and dismiss political representatives based on the suggestion of the Minister of Foreign Affairs. He shall accept the accreditation of the heads of foreign political missions in his country.

74

The King shall establish public services and shall appoint and discharge senior officials in accordance with the provisions of the law.

75

Currency shall be minted in the name of the king in accordance with the law.

76

No death sentence rendered by any Libyan court shall be executed without the consent of the King.

77

The King has the right to grant pardons and mitigate sentences.

78

The Cabinet shall consist of the Prime Minister and of the ministers that are appointed by the King at the proposal of the Prime Minister.

79

Before assuming office, the Prime Minister and ministers shall take an oath before the King.

80

The King may, when necessary, appoint ministers without portfolio.

81

Ministers shall only be Libyan nationals.

82

No member of the royal family shall be appointed as minister.

86

Ministers are collectively responsible before the House of Representatives for the public policy of the State. Each minister shall be individually responsible for the activity of his ministry.

87

If the House of Representatives decides by the majority of all its members to give a vote of no confidence in the ministry, the latter shall resign. If the decision is particular to one of the ministers, this minister shall resign. The House of Representatives shall not consider the request for a vote of no confidence, be it explicit or tacit, unless such request is submitted by at least fifteen or more deputies. Such request may only be discussed after eight days from the date of submission, and the vote thereon may only be taken two days after the completion of discussion.

88

Ministers may attend the sessions of both Chambers and shall be heard whenever they request to speak. They may not take part in the voting process unless they are members thereof. They may request the assistance of any of their ministry's employees or delegate the same to represent them. Each Chamber may request any minister to attend its sessions whenever necessary.

89

In the event of dismissal or resignation of the Prime Minister, all ministers shall be considered dismissed or resigned.

90

During their term in office, ministers may not assume any other position, practice any profession, purchase or rent any property of the State, or enter directly or indirectly into covenants and tenders undertaken by the public administration or by institutions that are subject to the State's management or control. They may not be members of the board of directors of any company nor may they take active part in a commercial or financial business.

91

Salaries of the Prime Minister and ministers shall be determined by a federal law.

92

Civil and criminal liability of ministers, and the indictment and prosecution procedures thereof for any crime committed in the exercise of their duties shall be determined by federal law.

93

The Council of the Nation shall consist of two chambers: the Senate and the House of Representatives.

94

The Senate shall consist of twenty-four members, eight for each of the three provinces of the Kingdom of Libya.

95

The king shall appoint half of the members, and the legislative councils of the provinces shall appoint the rest.

96

Senators shall be Libyan nationals who have completed their fortieth year as per the Gregorian calendar, and shall fulfil the other requirements prescribed in the federal election law. Members of the royal family may be appointed as senators, but may not be elected.

97

The King shall appoint the president of the Senate, and the Senate shall elect two vice-presidents. The results of the election shall be submitted to the king for approval. Appointment of the president and the election of the two vice-presidents shall be for a period of two years. The president may be re-appointed and the vice-presidents re-elected.

98

The term of membership in the Senate shall be eight years. Half of the appointed senators and half of the elected senators may be re-selected every four years. Outgoing members may be re-elected or re-appointed.

99

The Senate shall meet at the same time as the House of Representatives and shall end its sessions at the same time.

100

The House of Representatives shall consist of members elected in the three provinces in accordance with the provisions of the federal election law.

101

The number of deputies shall be determined on the basis of one deputy for every twenty thousand people or for every fraction of this number that exceeds one half, provided that the number of deputies is not less than five members in any of the three provinces.

102

A voter must:

1. Be a Libyan national

2. Have completed his twenty-first year (Gregorian calendar) in addition to the other conditions prescribed by the federal election law.

103

A deputy must:

1. Have completed his thirtieth year as per the Gregorian calendar
2. Be inscribed in one of the electoral lists in his home province
3. Not be a member of the royal family

In addition to the other conditions stipulated by the federal election law.

104

The term of the House of Representatives shall be four years, unless it is dissolved before the end of this period.

105

At the beginning of every ordinary session, the House of Representatives shall elect a Speaker and two deputy speakers, who may be re-elected.

106

If the House of Representatives is dissolved for a certain reason, the succeeding House of Representatives may not be dissolved for the same reason.

107

The order to dissolve the House of Representatives must include a request for voters to conduct new elections in all three provinces within three months at the latest. It must also set a date for the new Chamber to convene within the twenty days following the completion of the elections.

108

Member of the Council of the Nation represent the entire people. Their electors or the authority they report to may not subject their mandate to any restrictions or conditions.

109

Membership in the Senate may not be combined with membership in the House of Representatives, nor may membership in the Council of the Nation be combined with membership in the legislative councils of the provinces or with any public function. Other cases of incompatibility shall be stipulated by the federal election law.

110

Before assuming their duties, members of the Senate and the House of Representatives shall take publicly and in the meeting hall of their Chamber the following oath:

“I swear by Almighty God to be loyal to the country and to the King, to observe the Constitution and the laws of the country and to perform my duties with honesty and sincerity.”

111

Each Chamber shall settle the validity of the election of its members in accordance with its rules of procedure. Membership may only be deemed invalid by a decision of a two-thirds majority of the Chamber's members. Such power may be delegated to another authority by federal law.

112

The king shall summon the Council of the Nation on an annual basis to hold its ordinary sessions during the first week of the month of November. Otherwise, the Council of the Nation shall convene *de jure* on the tenth of the said month. Unless the House of Representatives is dissolved, the ordinary session shall last for a minimum period of five months. Closure of the session shall be announced by the King.

113

The period of session for both Chambers shall be the same. If one or both Chambers convene outside of the legal time, their session shall be illegal and the decisions resulting therefrom shall be null and void by law.

114

Sessions of both Chambers shall be public, but each Chamber may hold a closed session at the request of the government or of ten members in order to decide whether the discussion of the matter in hand shall be held in a public or closed session.

115

The Council of the Nation shall not, without the consent of the government, consider in its extraordinary sessions any matters other than those for which it was convened.

116

Sessions of either Chamber shall not be considered valid unless the majority of members are present at the opening of the session. Neither Chamber may take a decision unless, at the time of the decision, the majority of its members are present.

117

Decision in both Chambers shall be issued by a majority of the members present, save for cases requiring a special majority. In the event of a tie in the votes, the matter that is being discussed shall be deemed rejected.

118

Voting by both Chambers on matters submitted thereto shall take place in accordance with the method prescribed by their rules of procedure.

119

Neither Chamber shall discuss a draft law before it is reviewed by the competent committees in conformity with their rules of procedure.

120

Any draft law adopted by one of the Chambers shall be sent by the head of that Chamber to the head of the other.

121

Any draft law rejected by either Chamber may not be re-introduced at the same session.

122

Every member of the Council of the Nation is entitled to address questions and interpellations to the ministers as determined by the rules of procedure of each Chamber. Discussions of an interpellation shall only take place at least eight days from the date of presentation thereof, except in cases of urgency and with the consent of the party to whom the interpellation is addressed.

123

Each Chamber may, in accordance with its rules of procedure, conduct an investigation in certain matters that fall within its jurisdiction.

124

Subject to the provisions of their rules or procedure, members of the Council of the Nation may not be answerable with regard to any opinions they may express in either Chamber or in the committees thereof.

125

During session, no criminal procedure or arrest may be conducted against any member of the Council of the Nation without the authorization of the Chamber to which such member belongs, except for cases of *in flagrante delicto*.

126

Members of the Council of the Nation shall not be awarded any ranks or medals during their term in office, except for members who assume governmental positions that are not incompatible with membership in the Council of the Nation. Military ranks and medals are also exempted.

127

The federal election law shall determine the conditions for the termination of membership in the Council of the Nation. The termination decision shall be issued by a majority of all the members of the Chamber to which the terminated member belongs.



128

If a seat in the Council of the Nation becomes vacant, a member shall be selected for such seat by appointment or election in accordance with the provision of this Constitution within three months from the date of notification of the vacancy sent by the Council to the government. The term of office of a new senator shall only last to the end of the term of office of his predecessor. The term of office of a new member in the House of Representatives shall expire upon the expiration of the House's term.

129

Elections for the House of Representatives shall be conducted within the three months preceding the expiration of its term. If elections cannot be held on time, the term of the old House of Representatives shall be extended until the said elections are held, notwithstanding the provisions of Article 104.

130

Half of the Senate's members shall be replaced, whether by election or appointment, within the three months preceding the expiration of the term of outgoing members. If the replacement cannot be carried out on time, the term of outgoing members shall be extended until the election or appointment of new members, notwithstanding Article 98.

131

The remuneration of members of the Council of the Nation shall be determined by federal law, provided that any increase thereto shall not take effect until the expiration of the term of the House of Representatives which decided such increase.

132

Each Chamber shall institute its rules of procedure, in which it shall stipulate the process of performing its duties.

133

The head of both Chambers shall maintain order in his Chamber. No armed force may enter the Chamber or establish itself near its entrance, except at the request of the head of the Chamber.

134

Requests may only be submitted to the Council of the Nation in writing. The Council may refer the petitions that it receives to the ministers. Ministers shall present the needed clarifications about the content of such petitions whenever requested by the Council.

135

The King shall ratify the laws promulgated by the Council of the Nation and issue the same within thirty days of being notified thereof.

136

Within the period prescribed for the promulgation of a law, the king has the right to request reconsideration of such law by the Council of the Nation, in which case the Council shall reconsider the law.

If the Council sanctions the law again with the approval of a two-thirds majority of the members of both Chambers, the king shall ratify and issue the same within thirty days of notification of the latter decision.

If the majority is less than two thirds, the law shall not be considered within the same session. If the Council of the Nation passes that law in another session by a majority of all the members of both Chambers, the King shall ratify and promulgate the same within thirty days of notification of the decision.

137

Laws issued by the King shall take effect in the United Kingdom of Libya after thirty days from the date of publication thereof in the Official Gazette. Such period may be reduced or extended by virtue of a special text included in such laws. Laws must be published in the Official Gazette within fifteen days of their issuance.

138

The King, the Senate and the House of Representatives have the right to propose laws, except those concerning the budget or the imposition, modification or exemption of taxes or part thereof or their abolition, which shall be proposed by the King and the House of Representatives.

139

Whenever the two Chambers convene together in the form of a congress, the president of the Senate shall preside over the meeting. In his absence, the Speaker of the House of Representatives shall preside.

140

Congress sessions shall not be deemed valid unless the absolute majority of the members of both Chambers composing the Congress is present.

141

Federal law shall define the general judicial system of the State in accordance with the provisions of this Constitution.

142

Judges shall be independent and shall only be answerable to the law in the administration of justice.

143

The Supreme Court shall consist of a President and of judges appointed by the King.

144

Prior to taking office, the President and members of the Supreme Court shall take an oath before the King.

145

If the position of a judge becomes vacant, the King shall appoint a new judge after consulting the President of the Court.

146

The President and judges of the Court shall retire with pension upon completion of their sixty-fifth year as per the Gregorian calendar.

147

The judges and President of the Court may not be removed from office. Nonetheless, if one of them is proven unable to perform his duties for medical reasons or loses the confidence and esteem required for his position, he shall be dismissed by the King with the consent of the majority of the Court members, with the exception of the concerned judge.

148

The basic salary, additional compensation, and rules concerning leaves, pension, and benefits of the judges of the Supreme Court shall be prescribed by federal law. No modification shall be made thereto which may prejudice any judge after his appointment.

149

In the absence of the President of the Court or in the event that he is prevented from performing his duties, the King may delegate one of the Court members to assume the powers of the President.

150

In the absence of a member of the Court or in the event that he is prevented from performing his duties, the King may, after consulting the President, delegate a substitute therefor during his absence. Such delegate shall enjoy all the prerogatives of a Court judge during his delegation.

151

The Supreme Court alone shall have the power to settle disputes arising between the federal government and one or more provinces or between two or more provinces.

152

The King may refer major constitutional and legislative issues to the Supreme Court for consideration. The Court may examine the same and inform the King of its legal opinion thereon, subject to the provisions of this Constitution.

153

Judgments rendered by provincial civil or criminal courts may be appealed before the Supreme Court as prescribed by federal law if such judgments provide for the settlement of a dispute relating to this Constitution or to the interpretation thereof.

154

Subject to the provisions of Article 153, cases in which the judgments of provincial courts may be appealed or contested by cassation before the Supreme Court shall be prescribed by federal law.

155

Legal principles set forth by judgments of the Supreme Court shall be binding on all the courts of the United Kingdom of Libya.

156

All civil and judicial authorities in the United Kingdom of Libya shall provide the needed assistance to the Supreme Court.

157

Additional powers may be vested in the Supreme Court by federal law provided that such powers do not contravene the provisions of this Constitution.

158

With the consent of the King, the Supreme Court shall lay down the regulations concerning the organization of its duties and procedures and the fees and charges thereof.

159

The draft general budget shall be submitted to the Council of the Nation for examination and approval at least two months before the beginning of the fiscal year. The budget shall be approved item by item. The beginning of the fiscal year shall be determined by federal law.

160

The budget shall be first discussed and approved by the House of Representatives.

161

The session of the Council of the Nation shall not close before the budget has been approved.

162

In all the cases where the budget has not been approved before the beginning of the fiscal year, provisional monthly credits shall be opened by virtue of a royal decree on the basis of one-twelfth of the credits for the previous year. Revenues shall be collected and expenditures disbursed in accordance with the laws in force at the end of the previous fiscal year.

163

Any expenditure that is not included in the budget or that exceeds the budget estimates shall be authorized by the Council of the Nation. Any transfer from one budget item to another shall also require the authorization of the Council.

164

Between sessions and during the period of dissolution of the House of Representatives, new expenditures not included in the budget may be approved. Transfer from one item to another may be made in case of urgency, provided that such action is taken by royal decrees to be submitted to the Council of the Nation within one month at most after its next meeting.

165

In cases of necessity, an exceptional draft budget may be drawn up for more than one year, which includes exceptional revenue and expenditure, and it shall not enter into force until it is approved by the Council of the Nation.

166

The Audit Office shall audit the federal government's accounts and report to the Council of the Nation the results of such auditing. The powers, composition and audit rules of the Audit Office shall be determined by federal law.

167

No tax shall be imposed, modified or cancelled except by law. No tax exemption shall be granted in cases other than those prescribed by law. No money or fees shall be levied except within the limits of the law.

168

Pension, compensation, allowance or remuneration may only be granted against the Treasury within the limits of the law.

169

No public loan or commitment that may entail the disbursement of treasury funds for one or more years shall be concluded without the consent of the Council of the Nation.

170

The monetary system shall be determined by federal law.

171

If a dispute between the House of Representatives and the Senate regarding the approval of one of the budget items proves intractable, it shall be settled by a decision issued by the absolute majority of both Chambers convened together as a congress.

172

All taxes and fees resulting from matters that fall within the jurisdiction of the federal government on both the legislative and executive levels shall accrue to the federal government in accordance with the provisions of Article 36 of this Constitution.

173

All taxes and fees resulting from matters that fall within the jurisdiction of a province in accordance with Article 39 and under its executive authority in accordance with Article 38 shall be accrue to such province.

174

The federal government shall allocate yearly amounts of its revenue to the provinces as much as is necessary for them to perform their duties, provided that its financial capabilities do not diminish below their pre-independence levels. Federal law shall determine the procedure and extent of such allocation so as to ensure to provinces that the funds allocated by the federal government shall increase proportionately with the growth of federal resources, and to ensure steady economic growth.

175

The imposition of federal taxes stipulated by Article 36, No. 28 require consultation with the provinces in this regard, provided that this is done prior to submitting the draft law on such taxes to the Council of the Nation.

176

All powers that are not vested in the federal government shall be assumed in accordance with the provisions of this Constitution.

177

Each province shall lay down its own fundamental law provided that its provisions do not contravene the provisions of this Constitution. Such law shall be instituted and issued within a maximum period of one year from the date of issuance of the Constitution.

178

Provinces commit to observing the provisions of this Constitution and enforcing federal laws as prescribed by the Constitution.

179

Each province shall have a ruler called a “governor”.

180

The governor shall be appointed and removed from office by the King.

181

The governor shall represent the King in the province and oversee the enforcement of this Constitution and the federal laws therein.

182

Each province shall have an executive council.

183

Each province shall have a legislative council. At least three quarters of the members of such council shall be elected.

184

The fundamental law of each province shall determine the competencies of the executive and legislative councils.

185

Judicial authority shall be assumed by local provincial courts in conformity with the provisions of the Constitution.

186

Arabic shall be the official language of the State.

187

Cases in which a foreign language may be used in official transactions shall be determined by federal law.

188

The United Kingdom of Libya shall have two capitals: Tripoli and Benghazi.

189

The extradition of political refugees shall be prohibited. International agreements and federal laws shall determine the rules for the extradition of ordinary criminals.

190

Foreigners may only be deported in accordance with the provisions of the federal law.

191

The legal status of foreigners shall be determined by federal law in accordance with principles of international law.

192

The State shall guarantee to non-Muslims respect of their personal status system.

193

General amnesty shall only be granted by federal law.

194

The establishment and organization of land, air and sea forces shall be prescribed by federal law.

195

No provision of this Constitution may be annulled under any circumstances except where such annulment is temporary in time of war or during the enforcement of martial law as prescribed by law. In all cases, a session of the Council of the Nation may not be cancelled when the conditions for it to convene as prescribed by this Constitution are met.

196

The King and both Chambers may suggest the revision of this Constitution through the amendment or deletion of one or more provisions thereof or addition of other provisions.

197

No proposal may be made to amend the provisions concerning the monarchy, succession to the throne, the representative system, and the principles of freedom and equality guaranteed by this Constitution.

198

For the purpose of amending this Constitution, each Chamber shall issue by an absolute majority of all its members a resolution indicating the necessity and subject of such amendment. After discussing the matters to be amended, the two Chambers shall issue their decision in this regard. The deliberation and voting in both Chambers shall not be valid unless two-thirds of members are present. For the decisions to be valid, they must be issued by a two-thirds majority of the members present in each Chamber and must be ratified by the King.

199

Concerning the amendment of provisions related to the federal form of government, the approval of all legislative provinces of the proposed amendment must be added to the provisions of the preceding article. Such approval shall be made by a resolution issued by the legislative council of each province before submitting the amendment to the King for ratification.

200

Immigration to Libya shall be regulated by federal law. Immigration into a province shall only be permitted upon approval of such province.

201

This Constitution shall enter into force as of the date of declaration of independence, which shall be done by 1 January 1952 at the latest in accordance with the resolution of the General Assembly of the United Nations dated 21 November 1949. Nonetheless, the provisions of Article 8 of this Constitution and the provisions of this chapter shall take effect as of the date of issuance of this Constitution.



202

The interim federal government shall exercise all the powers related to matters handed over by the two States in charge of administration and by the current district governments, provided that the provisions thereof do not contravene the basic principles stipulated in the Constitution.

203

Upon the declaration of independence, the King shall appoint the duly constituted government.

204

The interim federal government shall lay down the first election law for the Council of the Nation, provided that it does not contravene the provisions of this Constitution. The law shall be submitted to the National Assembly for approval and issuance. The law must be issued within a maximum period of thirty days from the date of issuance of the Constitution.

205

The first elections of the House of Representatives shall be conducted within a maximum period of three and a half months from the date of issuance of the election law.

206

During the first elections of the House of Representatives, and until a census of the Libyan population is conducted, the provinces of Cyrenaica, Tripoli and Fezzan shall have fifteen, thirty-five and five deputies respectively.

207

The King shall appoint all the members of the first Senate for a period of four years as of the date of the first session of the Council of the Nation, notwithstanding the provisions of Articles 95 and 98 of this Constitution.

208

Provisions of Articles 95 and 98 of this Constitution shall take effect at the expiration of the term of the first Senate. At the end of the first four years, members to be removed from office in the Senate, which is formed in accordance with the provisions of Articles 95 and 98, shall be selected by a draw.

209

The first King of the United Kingdom of Libya shall assume his constitutional authority upon the declaration of independence, provided that he takes the stipulated oath before the Council of the Nation in a joint meeting at the first session thereof, notwithstanding Article 47 of the Constitution.

210

All secondary laws, legislation, orders and declarations that are in force in any part of Libya upon the entry into force of this Constitution shall remain effective and applicable insofar as they do not contravene the principles of freedom and equality it guarantees, until they are cancelled, amended or replaced by other legislation enacted in accordance with the provisions of this Constitution.

211

The first Council of the Nation shall convene within a maximum period of twenty days from the date of announcement of the final election results.

212

Article 36, Paragraph 27 and Article 174 of this Constitution shall not take effect before 1 April 1952.

2013

The National Assembly shall remain in operation until the day that independence is declared.