

PART IV

Relations Between the Executive and Legislative Powers

➤ *Article 25*

Bills may be tabled either by the President of the Republic or by members of parliament.

➤ *Article 26*

(1) Bills shall be passed by Parliament.

(2) The following shall be reserved to the Legislative Power:

(a) The fundamental rights, guarantees and obligations of the citizen:

1. safeguarding individual freedom and security;
2. the rules governing public freedoms;
3. labour legislation, trade union legislation, rules governing social security and insurance;
4. the duties and obligations of the citizen in respect of national defence requirement&.

(b) The status of persons and property ownership system:

1. nationality, status of persons, matrimonial system, succession and gifts;
2. rules governing civil and commercial obligations;
3. movable and immovable property ownership system.

(c) The political, administrative and judicial organization:

1. rules governing election of the President of the Republic and elections into the National Assembly, the Senate, Regional and Local Bodies and referendum operations;
2. rules governing associations and political parties;
3. the organization, functioning, powers and resources of regional and local authorities;
4. general rules governing the organization of national defence;
5. judicial organization and the creation of various types of courts;
6. the definition of felonies and misdemeanours and the institution of penalties of all kinds, criminal procedure, civil procedure, measures of execution, amnesty.

(d) The following financial and patrimonial matters:

1. rules governing the issue of currency;
2. the budget;
3. the creation of duties and the determination of their basis of assessment, rates and methods of collection;
4. land tenure, State lands and mining;
5. natural resources.

(e) Programming the objectives of economic and social action.

(f) The system of education.

➤ *Article 27*

Matters not reserved to the legislative power shall come under the jurisdiction of the authority empowered to issue rules and regulations.

➤ *Article 28*

(1) However, with regard to the subjects listed in Article 26 (2) above, Parliament may empower the President of the Republic to legislate by way of ordinance for a limited period and for given purposes.

(2) Such ordinances shall enter into force on the date of their publication. They shall be tabled before the bureaux of the National Assembly and the Senate for purposes of ratification within the time-limit laid down by the enabling law. They shall be of a statutory nature as long as they have not been ratified.

(3) They shall remain in force as long as Parliament has not refused to ratify them.

➤ *Article 29*

(1) Government bills and private members' bills shall be tabled at the same time before the bureaux of the National Assembly and the Senate. They shall be studied by the appropriate committees prior to their being debated in plenary session.

(2) The bill debated in plenary session shall be that tabled by the President of the Republic. The private members bill debated in plenary session shall be the next tabled by its author or authors.

(3) Such bills may be amended in the course of the debate.

➤ *Article 30*

(1) A bill passed by the National Assembly shall be immediately forwarded to the President of the Senate by the President of the National Assembly.

(2) The President of the Senate shall, upon receiving the bill forwarded by the President of National Assembly, submit it to the Senate for consideration.

(3) Within 10 (ten) days, with effect from the date of receipt of the bill or 5(five) days for a bill declared urgent by the Government, the Senate may:

(a) Pass the bill. In which case, the President of the Senate shall return the adopted bill to the President of the National Assembly who shall forward same within 48 (forty-eight) hours to the President of the Republic for enactment.

(b) Amend the bill.

Such amendment must be approved by a simple majority of the Senators.

In which case, the amended bill shall be returned to the National Assembly by the President of the Senate for reconsideration. The amendment proposed by the Senate shall be passed or rejected by a simple majority of the members of the National Assembly. The final bill adopted shall be forwarded by the President of the National Assembly to the President of the Republic for enactment.

(c) Reject all or part of the bill. Such rejection must be approved by an absolute majority of the senators. In which case, the rejected bill with reasons therefor shall be returned to the National Assembly by the President of the Senate for reconsideration.

1. The National Assembly shall, after deliberations, pass the bill by absolute majority of its members. The final bill adopted by the National Assembly shall be forwarded to the President of the Republic for enactment.

2. Where an absolute majority cannot be reached, the President of the Republic may

convene a meeting of a joint commission comprising equal representation of both houses to propose a common formulation of the provisions rejected by the Senate.

The text prepared by the joint commission shall be submitted to both Houses by the

President of the Republic for approval. No amendment shall be admissible, except with the approval of the President of the Republic. Where the joint commission falls to agree on a common text, or where such text is not adopted by both Houses, the President of the Republic may:

- either request the National Assembly to take a final decision thereon; or
- declare the government bill or private members' bill null and void.

➤ *Article 31*

(1) The President of the Republic shall enact laws passed by Parliament within 15 (fifteen) days of their being forwarded to him unless he requests a second reading or refers the matter to the Constitutional Council.

(2) Upon the expiry of this deadline, and after establishing the failure of the President of the Republic to act, the President of the National Assembly may himself enact the law.

(3) Laws shall be published in the Official Gazette of the Republic in English and French.

➤ *Article 32*

The President of Republic may, at his request, address the National Assembly, the Senate or the two Houses meeting in congress. He may also send messages to them; but no such address or message may be debated in his presence.

➤ *Article 33*

The Prime Minister and the other members of Government shall have access to Parliament and may participate in its deliberations.

➤ *Article 34*

(1) At the session during which the finance bill is considered, the Prime Minister shall present to the National Assembly the Government's economic, financial, social and cultural programme.

(2) The Prime Minister may, after the deliberations of the Council of Ministers, commit the responsibility of the Government before the National Assembly on a programme or, as the case may be, on a general policy statement. Voting shall take place not less than 48 (forty-eight) hours after the vote of no confidence has been requested. A vote of no confidence shall be passed by an absolute majority of the members of the National Assembly. Only votes against a vote of confidence shall be counted.

(3) The National Assembly may question the responsibility of the Government through a motion of censure. Such motion may be admissible only when it is signed by at least one-third of the members of the National Assembly. Voting shall take place not less than 48 (forty-eight) hours after the motion has been tabled. A motion of censure shall be passed by a two-third majority of the members of the National Assembly. Only votes in favour of a motion of censure shall be counted. Where a motion of censure is rejected, its signatories may not propose a new motion before a period of one year except as provided for in paragraph (4) below.

(4) The Prime Minister may, after the deliberations of the Council of Ministers, commit the responsibility of the Government before the National Assembly on the adoption of a bill. In such case, the bill may be considered adopted, except where a motion of censure tabled within the next 24 (twenty-four) hours is passed under the conditions provided for in the preceding paragraph.

(5) Where the National Assembly adopts a motion of censure or passes a vote of no

confidence, the Prime Minister shall tender the resignation of the Government to the President of the Republic.

(6) The President of the Republic may re-appoint the Prime Minister and ask him to form a new Government.

➤ *Article 35*

(1) The Parliament shall control Government action through oral or written questions and by setting up committees of inquiry with specific terms of reference.

(2) The Government shall, subject to the imperatives of national defence, the security of the State or the secrecy of criminal investigation, furnish any explanations and information to Parliament.

(3) During each ordinary session, a special sitting shall be set aside each week for question time.

➤ *Article 36*

(1) The President of the Republic may, after consulting with the President of the Constitutional Council, the President of the National Assembly and the President of the Senate, submit to a referendum any reform bill which, although normally reserved to the Legislative Power, could have profound repercussions on the future of the Nation and national institutions. This shall apply in particular to:

- (a) bills, to organize public authorities or to amend the Constitution;
- (b) bills to ratify international agreements or treaties having particularly important consequences;
- (c) certain reform bills relating to the law on persons and property.

(2) Such bills shall be adopted by a majority of votes cast.

(3) The referendum procedure shall be laid down by law.