



LAW no. 38 of 8 September 1967 (published in the Register of the Government Building on 27 September 1967).

## **Incompatibilities relating to public employment.**

**We the Captains Regent**

**of the Most Serene Republic of San Marino**

*Hereby promulgate and order the publication of the following Law approved by the Great and General Council during its sitting of 8 September 1967:*

### **Art. 1**

State employees, whatever their employment relationship, shall be prohibited:

- a) from entering into a business relationship with State Administrations either directly or indirectly through their spouses, blood relatives and relatives by affinity, through persons associated with them in professional, commercial, craft and industrial activities, including occasional ones;
- b) from representing the rights and interests of third parties against the Public Administration and from defending them before any State body in any form whatsoever, including indirectly, such as by means of professional or occasional collaborators, spouses or blood relatives and relatives by affinity, even if these rights and interests are indirectly in conflict with those of the Public Administration;
- c) from providing consultancy or subordinate services, however remunerated, in favour of anyone who, even occasionally and temporarily, enters into a business relationship with State Administrations;
- d) from providing any services and consultancy, however remunerated, in favour of and in the employment of private persons, in activities and on matters relating to or falling within the specific competence of the public office held by the employee.

### **Art. 2**

State employees, who are employed on a permanent basis and receive an ordinary salary shall also be prohibited:

- a) from dealing with, processing and submitting, in the interest and on behalf of private persons, in any form, manner or title whatsoever, either directly or through the collaboration or signature of others, public and private acts, requests or complaints, from attaching to them any documents and texts pertaining to studies or technical, scientific or doctrinal applications, addressed to State offices and bodies, with a view to obtaining any authorisation, recognition, change, transfer or extinction of rights and interests, approval, acknowledgement, decision, judgement and ruling of any kind;

b) from performing any remunerated subordinate administrative and accounting services on behalf of third parties; from accepting any task, including consultancy tasks, whether or not remunerated, on behalf of natural and legal persons, in industrial, craft, commercial and professional matters and activities if the employee is part of the bodies and offices of the Public Administration, of State bodies or entities, entrusted with supervisory and control functions for tax, health and hygiene purposes, police functions and functions consisting of any monitoring of compliance with applicable laws and regulations.

The prohibitions set out in this Article shall also apply to anyone employed on a temporary basis with an ordinary employment relationship for a period of time, even if not continuous, exceeding one year.

### **Art. 3**

State employees shall be prohibited from carrying out, during working hours, any activity on their own account or on behalf of others, whether on a permanent, temporary or occasional basis, outside their official duties, and shall also be prohibited from deciding or participating in the decision, by virtue of their office, on any matter that concerns them personally or their spouse, blood relatives and relatives by affinity up to the third degree.

Doctors and health professionals who are bound by an employment relationship with the State or with State bodies and entities shall be prohibited from carrying out remunerated activities in favour of private persons outside outpatient clinics established for this purpose, and beyond the professional service conditions permitted by the regulations in force.

Headmasters and School Directors shall be prohibited from giving private lessons.

Moreover, teachers of any school or level shall be prohibited from giving private lessons to pupils of their own class or of the same type of school, and to pupils who have to take examinations before Boards of which the teachers are members by regulation.

Apart from the foregoing prohibitions, teachers employed by the State shall also be prohibited from giving private lessons to pupils, also from outside San Marino schools, without the prior written approval of the Headmaster in accordance with the provisions to be issued annually by the Minister of Education.

### **Art. 4**

The provisions of Article 49 of the Law on Public Employment no. 13 of 22 May 1962 shall continue to apply.

The provisions of this Law shall not apply to anyone performing artistic, literary, study and scientific research services.

### **Art. 5**

Violation of the provisions contained in the preceding Articles and of the provisions to be adopted pursuant to Article 4 shall entail, as the case may be, with the exception of the sanctions laid down for offences against the proper administration of the Republic, suspension or, in the event of a repeat offence, dismissal in accordance with the procedures laid down in the existing Law on Public Employment.

Anyone who collaborates with a State employee in carrying out prohibited activities and anyone who requests or obtains from a State employee any service prohibited by the preceding Articles shall be punished with a fine ranging from 50,000 to 250,000 Lira, unless the fact constitutes a more serious offence.

**Art. 6**

This Law shall enter into force on 1 July 1968.

**Done at Our Residence, on 22 September 1967/1667 since the  
Foundation of the Republic.**

THE CAPTAINS REGENT

Vittorio Rossini - Alberto Lonfernini

THE MINISTER OF INTERNAL AFFAIRS

G. L. Berti