



LAW no. 132 of 13 November 1987 (published on 26 November 1987)

Regulations of the Uniformed Unit of the Fortress Guard

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 13 November 1987.

Art. 1

The Uniformed Unit of the Fortress Guard is part of the Military Corps of the Republic of San Marino. The provisions of the Staff and Military Discipline Regulations shall apply to it.

The members of this Unit shall be military staff in all respects and may also perform the functions of Judicial Police.

Art. 2

The Fortress Guard shall be established with a view to ensuring compliance with the Laws, Decrees and Regulations of the Republic of San Marino, as well as to supervising State borders, the Government Building, the seats of the various Ministries and wherever this is requested by the Public Authorities.

For exceptional needs of security and public order, the Uniformed Unit of the Fortress Guard shall serve together with the Gendarmerie and shall be directly responsible to the Command of the Gendarmerie.

Art.3

The Uniformed Unit of the Fortress Guard shall be responsible to:

- 1) Their Excellencies the Captains Regent for public order and security;
- 2) The Minister of Foreign Affairs for recruitment, administration, equipment, armament and, in general, for anything concerning the proper functioning of the service;
- 3) The Military Congress for anything concerning military discipline.

Art. 4

The Uniformed Unit of the Fortress Guard shall be composed of (in hierarchical order):

An Officer;

Two Sergeants-Major;

Two Sergeants;

Major Corporals;

Corporals;

Guards.

Art. 5

The following specific requirements shall be met in order to be recruited in the Uniformed Unit of the Fortress Guard:

Being at least eighteen; being at least 1.75 m;

Having a minimum visual acuity of at least 8/10 for both eyes;

Having no diseases or physical and mental imperfections that prevent the performance of unconditional service.

Art. 6

Cadet Guards shall be recruited in the Uniformed Unit of the Fortress Guard following a public competition, in which anyone meeting the requirements indicated in the Recruitment Announcement issued by the Great and General Council may participate.

Successful candidates shall be required to attend a theoretical and practical course.

After the successful completion of the one-year probationary period, the Commander of the Uniformed Unit of the Fortress Guard shall inform the Congress of State thereof for the final recruitment as Guard through the acknowledgement of the Great and General Council.

Cadet Guards not eligible for permanent recruitment shall be granted by the Congress of State, following the favourable opinion of the Commander of the Unit, an additional exclusively practical probationary period not exceeding one year.

At the end of this additional probationary period, Cadet Guards deemed unsuitable shall be discharged ex officio with reasoned notification.

In case of discharge after the probationary period, Cadet Guards shall be entitled to payment of one month's salary for each year of service, which may be divided into twelfths for the period of service rendered.

Art. 7

Officers, for whom a degree in law or related specialisations are required, shall be recruited following a public competition or by nominal call by the Great and General Council, upon proposal of the Congress of State, after obtaining the favourable opinion of the Military Congress. After the successful completion of the one-year probationary period, Officers shall be recruited on a permanent basis.

Art. 8

Upon recruitment on a permanent basis, Guards shall take oath before the Higher Commander of the Militia in a form and manner established by the Military Regulations.

Refusal to take the oath shall entail immediate removal from the Unit.

Art. 9

Guards shall:

During their service, behave correctly and have an impeccable conduct, which shall always be in harmony with the decorum of the uniform and the honour of the Guard;

Serve zealously and diligently according to the provisions of these Regulations;

Assist and support each other, in case of absence or impediment, for a prompt and regular performance of the service;

Serve in favour of the State, even outside ordinary duties; avoid saying inappropriate words and always act with calm and thoughtfulness; permanently reside in San Marino.

Art. 10

Guards on duty shall wear the uniform and accessories prescribed by the Command of the Unit.

Guards in uniform shall not stay in public establishments.

Any modification or alteration of the uniform shall be considered a disciplinary offence.

Art. 11

Service shifts shall be established by the Command of the Unit and shall be noted in the appropriate service order.

The Guard shall show up at the Command at the beginning and at the end of the service.

Art. 12

The Command of the Unit shall compile and keep the dossier of each Guard, in which the personal data, changes in service, advancements, recognitions and disciplinary punishments shall be noted. A copy of the dossier shall be sent to the Military Congress for anything falling within its competence.

Art. 13

When performing the honour guard service, Guards shall give the military salute in the manner and form established by the service provisions.

Art. 14

Guards in uniform, even out of service, shall give the salute to anyone interacting with them for any reason.

Guards shall stand at attention in the presence of any higher ranking military staff, both on and off duty.

Art. 15

Rank advancement of the Guards and Non-commissioned Officers shall take place by merit and to fill vacancies in the higher rank, and therefore:

- a) Guards shall be promoted to the rank of Corporal after 10 years of commendable service;
- b) Guards, after 5 years of commendable service, and Corporals may be promoted to the rank of Major Corporal, following internal competition;
- c) Major Corporals having demonstrated, in the performance of their duties, professional preparation and skill, industriousness and diligence, may be promoted to the rank of Sergeant after 6 years of service following an internal competition;
- d) After 6 years of commendable service, Sergeants may be promoted to the rank of Sergeant-Major following an internal competition. Rank advancement shall be proposed by the Command of the Unit and decided by the Congress of State, following the favourable opinion of the Higher Command of the Militia.

The Congress of State shall unquestionably decide on any appeals made by Non-commissioned Officers excluded from the advancement.

Rank advancement of Officers who have at least five years of seniority in the lower rank shall take place by merit and to fill vacancies in the higher rank.

Rank advancement shall be decided by the Congress of State upon proposal of the Higher Command of the Militia.

Art. 16

Ordinary on-duty hours shall be 36 per week, split into one or more daily shifts.

Guards shall be required to provide extraordinary service, when necessary, for a maximum of 120 hours per year.

Art. 17

Guards shall benefit from two days of rest per week which, if not used for service needs, shall be used within the following week.

Art. 18

Guards shall be entitled to the following maximum number of leaves:

- a) 1 day per month during the first year of service;
- b) 15 days during the second year of service;
- c) 20 days during the third year of service;
- d) 26 days from the fourth year of service onwards.

The leaves may be used within one or more periods according to the service needs. Agents shall also be entitled to the following extraordinary leaves:

- a) 15 days in case of marriage;
- b) 5 days for severe family bereavement;
- c) 2 days a year for special circumstances;
- d) 20 days a year to take exams or for study purposes related to regular courses;
- e) Sports leaves, according to the requirements of the regulations governing the activity of San Marino National Olympic Committee.

The Commander of the Uniformed Unit of the Fortress Guard shall authorise leaves and extraordinary leaves and may suspend the enjoyment thereof for service needs.

Ordinary leaves shall not be waived.

Art. 19

Guards shall be temporarily exempted from the service and placed on leave, upon request or ex officio, for one of the following reasons:

- a) Occupational disease;
- b) Non-occupational disease;
- c) Private reasons.

The above leaves shall normally cease when the related cause ceases.

The leave referred to in letter a) above shall be granted for a maximum of 3 years, with payment of the entire remuneration.

Two or more periods of leave shall be added together for the purposes of establishing the maximum duration limit, provided that a period of service exceeding 3 months does not run between them.

In any case, the total duration of the leave cannot exceed 3 years in a five-year period.

The leave referred to in letter b) above shall be granted for a period of 6 months, with payment of the entire remuneration.

The leave may be extended up to a maximum of one year, with payment of 86% of the entire remuneration.

Once the maximum period of leave has elapsed:

1) Guards not able to resume unconditional service shall be placed on retirement and shall be entitled to the retirement pension;

2) Guards not able to fully perform the service shall be transferred to another corresponding role, while preserving to all effects the seniority and remuneration level accrued. The pension benefits provided for in these Regulations shall remain in force.

The leave referred to in letter c) above shall be granted for a maximum of one year, without payment of the remuneration.

Art. 20

Guards shall be insured for occupational risks and accidents, which can cause death or permanent disability.

In case of death, the insurance amount shall be due to the legitimate heirs or legatees.

Art. 21

The levels of remuneration of the Guards in accordance with the provisions of the Annex to Law no. 86 of 25 November 1980 and subsequent amendments shall be the following:

Officer level 8;

Sergeant-Major level 7;

Sergeant level 6;

Major Corporal level 6;

Guard level 5;

Cadet Guard level 4 (for the first year of service).

The remuneration shall also be subject to any increases and variations as decided in favour of State employees.

Guards shall be entitled to:

Allowance for special tasks;

Remuneration for overtime work, which shall not exceed a maximum of 120 hours per year;

Remuneration for ordinary service during night and holiday hours;

Family allowances, living allowance, thirteenth month's pay, severance pay, in accordance with the laws in force.

Art. 22

The transfer, seizure or foreclosure of the remuneration shall only take place in the cases and within the limits established by the Law of 27 May 1899 and shall not in any case exceed one fifth of the remuneration.

Art. 23

Guards may, at any time, resign in writing to the Command of the Unit.

Any resignation shall be notified to the Congress of State, which shall take note thereof and may order the resigning Agent to remain in service for a period of time ranging from a minimum of one month to a maximum of 6 months.

The Congress of State may suspend the payment of severance pay when criminal or disciplinary proceedings are ongoing.

Art. 24

Guards shall be placed on retirement, whatever the duration of the service rendered, when they reach the following age:

- a) Officers, 60 years of age;
- b) Non-commissioned Officers and Guards, 53 years of age.

Non-commissioned Officers and Guards may remain in service despite reaching the age limit, at their request, until they reach 60 years of age, provided that they meet the requirements of these Regulations.

Without prejudice to the general provisions of Law no. 15 of 11 February 1983, Guards shall be subject to the general compulsory insurance provided for by the above mentioned Law.

When Guards retire for having reached statutory retirement age or for permanent disability not allowing them to remain in service, and provided that they have not accrued full pension rights, they may redeem up to a maximum of five years for the purpose of receiving a retirement pension, after payment of statutory contributions based on the last remuneration received.

To this end, the Social Security Institute shall be authorised to credit the relevant contributions in accordance with Art. 9 of Law no. 15 of 1983.

From the moment of retirement until reaching 65 years of age, the costs deriving from the payment of the pension, in application of these provisions, shall be totally borne by the State.

Art. 25

Guards who have particularly distinguished themselves in the performance of their duties may obtain the following recognitions:

Commendation of the Commander of the Uniformed Unit of the Fortress Guard;

Commendation of the Higher Commander of the Militia;

Solemn commendation of Their Excellencies the Captains Regent.

Art. 26

Without prejudice to the competence of the Congress of State with regard to administrative sanctions, disciplinary punishments shall be applied in the forms and manner prescribed by the Military Disciplinary Regulations.

Art. 27

The Uniformed Unit of the Fortress Guard shall elect three delegates who constitute its basic representation body.

Art. 28

The following shall be repealed:

Law no. 11 of 17 March 1972;

Law no. 58 of 8 July 1974;

Law no. 38 of 28 October 1975;

Law no. 24 of 4 May 1977;

Law no. 22 of 1 March 1983;

Any other rule and provision in contrast with the provisions of these Regulations.

These Regulations shall enter into force on the fifteenth day following that of its legal publication.

Done at Our Residence, on 18 November 1987/1687 since the Foundation of the Republic.

THE CAPTAINS REGENT

Gian Franco Terenzi - Rossano Zafferani

THE MINISTER OF INTERNAL AFFAIRS

Alvaro Selva