



# REPUBLIC OF SAN MARINO

CONSTITUTIONAL LAW no. 185 of 16 December 2005

## CONSTITUTIONAL LAW ON THE CAPTAINS REGENT

### **We the Captains Regent of the Most Serene Republic of San Marino**

*Hereby promulgate and order the publication of the following Constitutional Law,  
approved by the Great and General Council during its sitting of 16 December 2005.*

#### **Art. 1** *(Head of State)*

1. The Captains Regent, in accordance with Article 3, paragraph 1, of the Declaration on the Citizens' Rights and Fundamental Principles of San Marino Constitutional Order, shall exercise the function of Head of State according to the principle of collegiality.
2. The Captains Regent shall represent the State. They shall be the supreme guarantors of the constitutional order of the Republic.

#### **Art. 2** *(Constitutional functions)*

1. The Captains Regent, as the supreme guarantors of the constitutional order, shall oversee the functioning of public powers and State bodies, and the conformity of their action with the principles enshrined in the Declaration on the Citizens' Rights and Fundamental Principles of San Marino Constitutional Order and with the rules in force.
2. They shall send messages to the institutional bodies of the Republic to ensure formal and substantial compliance with the constitutional order and proper balance between such bodies.
3. They may bring conflicts of powers with other constitutional bodies before Guarantors' Panel on the Constitutionality of Rules.

**Art. 3**  
*(Functions)*

1. In addition to those established by Law no. 59 of 8 July 1974 and subsequent amendments and by other laws of the Republic, the Captains Regent shall perform the functions referred to in the following paragraph according to the principle of collegiality.
2. The Captains Regent, pursuant to Article 3, paragraph 3, of the Declaration on Citizens' Rights, shall convene and preside over the Great and General Council, which they represent in its entirety, also convening and presiding over its Bureau, all without the right to vote. In case of impediment of one of the Captains Regent, the Great and General Council and the Bureau of the Great and General Council may be convened and presided over by the other Captain Regent individually.
3. The Captains Regent shall also perform the following functions:
  1. they shall terminate the Great and General Council in the cases established by law;
  2. they shall call the elections for the Grand and General Council;
  3. they shall coordinate the works of the Congress of State;
  4. They shall receive popular petitions (Istanze d'Arengo), referendums and popular legislative initiatives and ensure that the relevant procedures are carried out correctly;
  5. they shall set the date of referendums and elections of the Heads of the Township Councils and the related Councils;
  6. they shall accredit San Marino diplomatic representatives and receive the credential letters of the foreign diplomatic representatives;
  7. they shall convene and preside over the Judicial Council in plenary and in ordinary session;
  8. they shall convene and preside over the Grand Mastership of Saint Agatha;
  9. they shall grant honours in accordance with the provisions in force;
  - 10 they shall preside over the conference of the Heads of the Township Councils;
  11. they shall carry out consultations and promote any useful initiative, including the granting of exploratory mandates and appointments for government formation. The qualified law shall discipline the relevant procedures.

**Art. 4**  
*(Promulgation of laws)*

1. The Captains Regent shall promulgate and order the publication of the laws passed by the Great and General Council. Before promulgating a law, if the Captains Regent believe that there is a formal or substantial lack of conformity with the principles enshrined in the Declaration on the Citizens' Rights, they may ask to the Great and General Council, by means of a reasoned communication, to adopt a different decision. If the Council approves the bill for a second time, the bill shall be promulgated.
2. Qualified laws shall contain the provisions for the relevant promulgation procedure.

**Art. 5**  
*(Enactment and promulgation of decrees and regulations)*

1. The Captains Regent enact and order the publication of Decrees falling under their competence, which shall be signed also by the Minister of Internal Affairs.
2. They promulgate and order the publication of decrees adopted by the Congress of State in accordance with Article 2, paragraph 2, letter b) of Constitutional Law n. 183/2005 (Constitutional Law on the Congress of State), which shall be signed by the Minister of Internal Affairs. Before promulgating a decree, the Captains Regent can return the decree to the Congress of State by means of a reasoned communication.

If the Congress of State confirms its decision, the decree shall be enacted.

3. They promulgate and order the publication of decrees ratifying international treaties and agreements after deliberation by the Great and General Council, as well as the decrees adopted by the Congress of State in accordance with Article 3 bis, paragraph 5, of the Declaration on the Citizens' Rights, which shall be signed also by the Minister of Internal Affairs.

4. Regency Decrees shall not be admitted unless expressly provided for by law provisions.

5. They promulgate and order the publication of the regulations referred to in Article 2, paragraph 2, letter h) of Constitutional Law n. 183/2005 (Constitutional Law on the Congress of State).

#### **Art. 6**

*(Relations with the citizen)*

1. Citizens may submit to the Captains Regent complaints concerning the activities carried out by State bodies and Public Administration offices and entities, on which the Captains Regent may order verifications.

#### **Art. 7**

*(Guarantees and liability)*

1. The Captains Regent shall not be punishable in any form or for any reason during their mandate.

2. They shall also be held accountable for acts performed in the exercise of their functions pursuant to Title VI of Qualified Law no. 55 of 25 April 2003.

#### **Art. 8**

*(Qualified majorities of the Great and General Council)*

1. Under art. 3, second paragraph, of the present law, in case of qualified majorities, the quorum shall be calculated on 58 Council's members entitled to vote.

#### **Art. 9**

*(Repeal)*

1. Any provision in contrast with this Law shall be repealed.

#### **Art. 10**

*(Entry into force)*

1. This Law shall enter into force on the fifteenth day following that of its legal publication.

2. In the event that this Law is subject to a confirmative referendum pursuant to Article 3 bis, paragraph 1 of the Declaration on the Citizens' Rights, it shall enter into force on the fifteenth day following the proclamation of the positive result of the referendum.

3. In any case, this law shall apply from the 26th legislature.

*Done at Our Residence, on 29 December 2005/1705 since the Foundation of the Republic.*

THE CAPTAINS REGENT  
*Claudio Muccioli – Antonello Bacciocchi*

For the MINISTER OF  
INTERNAL AFFAIRS  
*Minister Pier Marino  
Mularoni*