



REPUBLIC OF SAN MARINO

QUALIFIED LAW no. 186 of 16 December 2005

QUALIFIED 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 Qualified Law, approved by the Great and General Council during its sitting of 16 December 2005.

Art. 1 *(Election)*

1. The Captains Regent shall be elected by secret ballot by the Great and General Council by majority of the members voting. The sitting of the Great and General Council in which the election is held shall be valid with any number of members.
2. Each Captain Regent, before taking office, shall take an oath in accordance with the law.

Art. 2 *(Requirements)*

1. The Captains Regent shall be elected by the Great and General Council from among citizens by origin above twenty-five years of age.
2. Former Captains Regent may not be re-elected until three years after the end of the previous mandate have elapsed.

Art. 3 *(Election procedure - referral)*

1. The Captains Regent shall be elected according to the procedures referred to in Law no. 15 of 24 March 1945.

Art. 4
(Incompatibilities)

1. The role of Captain Regent shall be incompatible with any other position and with the exercise of any art or profession.

Art. 5
(Duration of office)

1. The Captains Regent shall take office on 1 April and 1 October of each year and shall remain in office for six months.

2. In the event of death of a Captain Regent, he/she shall be replaced immediately in accordance with the procedures referred to in Article 3 above in a specific sitting of the Great and General Council. The Captain Regent appointed to replace the deceased shall remain in office until the end of the current six-month period.

Art. 6
(Promulgation)

1. The Captains Regent shall promulgate the law within fifteen days from its approval, unless the Great and General Council has decided for a shorter period.

2. Promulgation shall take place by means of a Regency-Decree. The law shall be signed by the Captains Regent and by the Minister of Internal Affairs.

3. Promulgation of ordinary laws shall read as follows:

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

(date and number of the law - title and text of the law)

Done at our Residence, on (day-month-year) from the Foundation of the Republic.

4. Constitutional amending laws, constitutional laws and qualified laws shall also indicate the result of the final voting.

5. Constitutional laws subject to referendum for their confirmation under art. 3 bis of the Declaration on the Citizens' Rights shall be made immediately public by an ad-hoc Regency Decree. If the result of the Referendum is positive, the Captains Regent, within the following fifteen days, shall promulgate the constitutional law, indicating the result of the referendum.

6. Laws shall bear the date of promulgation, indication of law type, and a progressive number. Progressive numbering starts every new year and it differs from type to type.

Art. 7
(Referral to the Great and General Council)

1. Within the time limit set in the first paragraph of the preceding Article, the Captains Regent may ask to the Great and General Council, by means of a reasoned communication, to adopt a different decision.

2. The communication shall be drawn up in writing and contain the grounds of rejection. The grounds must concern the formal or substantive legitimacy of the law, with reference to the provisions and fundamental principles of the constitutional order contained in the Declaration on the Citizens' Rights or referred to in the Declaration.

3. The communication shall be immediately transmitted to the Bureau of the Great and General Council, which shall include an ad-hoc item for the review of the law in the first sitting possible of the Council. If the Council approves the bill for a second time, the bill shall be promulgated.

4. The review of the law and subsequent decisions shall concern exclusively the aspects which have determined the rejection and the approval of the entire law.

Art. 8

(Promulgation of delegated decrees)

1. Delegated decrees adopted by the Congress of State pursuant to Article 3 bis, paragraph 5, of the Declaration on Citizens' Rights shall be enacted by the Captains Regent with the title "delegated decrees" and shall indicate, in the preamble, the delegated law, the Congress of State decision and any other procedural requirements prescribed by the delegated law.

2. The promulgation of delegated decree shall take place within the time limit set by the delegated law.

3. The delegated decree shall be submitted by the Captains Regent to the Great and General Council for ratification within three months.

Art. 9

(Promulgation of emergency decrees)

1. Decrees adopted by the Congress of State pursuant to Article 2, paragraph 2, letter b) of Constitutional Law n. 183/2005 (Constitutional Law on the Congress of State) shall be promulgated by the Captains Regent with the title "decree-law" and shall indicate, in the preamble, the extraordinary circumstances determining the need and urgency of their adoption, as well as the relevant decision by the Congress of State.

2. Before publishing it, the Captains Regent, by means of a reasoned communication, can return the decree to the Congress of State. If the Congress of State confirms its decision, the decree shall be enacted.

3. The communication shall be drawn up in writing and contain the grounds of rejection.

4. The communication shall be immediately transmitted to the Congress of State. If the Congress of State confirms its decision, the decree shall be enacted.

5. The Captains Regent shall submit Decrees to the Great and General for ratification within three months from their promulgation, under pain of nullity. If the decree is ratified with amendments, the Captains Regent shall promulgate the amended decree indicating, in the preamble, the references of the original decree and the decision of the Council with which amendments have been introduced. If the decree is ratified in its original wording, the Council's ratification shall consist in an ad-hoc decision to be included in the Official Bulletin.

Art. 10

(Formula for the promulgation of Decrees and Regulations)

1. The promulgation of the legislative acts referred to in the preceding Articles 8 and 9 shall bear the signature of the Captains Regent and of the Minister of Internal Affairs.

2. The promulgation will read as follows:

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

*Having regard to law.....(in case of delegated decrees);
Having regard to Congress of State Decision adopted during its sitting of...
... hereby promulgate and order the publication of the following decree:
(text of the decree)
Done at our Residence, on (day-month-year) from the Foundation of the Republic.*

Art. 11

(Enactment of decrees)

1. Decrees referred to in Article 5, paragraph 1 of Constitutional Law no. 185/2005 (Constitutional Law on the Captains Regent) shall be enacted by the Captains Regent with the title "Regency Decree" and shall indicate in the preamble the reference law.
2. Decrees ratifying international treaties and agreements shall be issued by the Captains Regent and shall indicate in the preamble the decision of the Great and General Council.

Art. 12

(Identification of decrees)

1. Decrees referred to in the preceding Articles 8, 9 and 11 shall bear the date of enactment or promulgation and the progressive number of the year in question for ordinary laws.

Art. 13

(Regulations)

1. Regulations referred to in Article 2, paragraph 2, point h) of Constitutional Law no. 183/2005 (Constitutional Law on the Congress of State) shall be promulgated by the Captains Regent under the name of "Regulation" and shall indicate the relevant decision of the Congress of State. They shall be signed by the Captains Regent and by the Minister of Internal Affairs.
2. Regulations shall bear the date of enactment and the progressive number of the year in question.

Art. 14

(Government formation procedures)

1. At the beginning of the legislature, immediately after the inaugural sitting of the Great and General Council or, during the legislature, after the acknowledgement by the Council of the resignation of the Congress of State, the Captains Regent shall convene each political force that presented lists at the last elections and that is represented in the Council, for consultations and the subsequent granting of the mandate to form the new Government.
2. The mandate shall indicate the deadline by which the designated political force shall inform the Captains Regent of the outcome of the mandate. If the outcome of the mandate is positive, the Captains Regent shall give the previously designated political force the official mandate for the formation of the new Government and give it a deadline by which it shall inform them.
3. If the outcome of the first mandate is negative, the Captains Regent shall proceed with further consultations of the political forces and with the granting of other mandates to other political forces.

4. If, upon completion of the official mandate, the designated political force reports that it has reached an agreement on the formation of the new Government, the Captains Regent shall give the designated political force a deadline for submitting its government programme and the names of candidates for the appointment as members of the Congress of State.

5. After the presentation of the government programme referred to in the preceding paragraph, the Captains Regent shall convene the Bureau of the Great and General Council to summon the Great and General Council, in order to discuss and approve the Government agreement and the appointment of the Congress of State.

Art. 15

(Secretariat of the Captains Regent)

1. An ordinary law shall establish the Secretariat of the Captains Regent, which shall be entrusted with institutional, legal, administrative, diplomatic and procedural support functions.

Art. 16

(Repeal)

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

Art. 17

(Entry into force)

1. This Law shall enter into force together with Constitutional Law no. 185/2005 (Law on the Captains Regent) and in any case it 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*