



REPUBLIC OF SAN MARINO

## **GUARANTORS' PANEL ON THE CONSTITUTIONALITY OF RULES**

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THE PRESIDENT OF THE GUARANTORS'  
PANEL ON THE CONSTITUTIONALITY OF  
RULES

Having regard to the approval of 24 March 2004 of the “General Regulation on the organisation and exercise of the functions of the Guarantors' Panel on the Constitutionality of Rules”;

Having regard to Article 38, paragraph 1 of Qualified Law no. 55/2003 and availing himself of the power conferred on him by Article 56 of the said Regulation;

Orders

the publication on the Official Bulletin of the aforementioned Regulation as follows:

### **"REGULATION NO. 1 OF 24 MARCH 2004**

#### **GENERAL REGULATION ON THE ORGANISATION AND EXERCISE OF THE FUNCTIONS OF THE GUARANTORS' PANEL ON THE CONSTITUTIONALITY OF RULES**

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## **TITLE I - GENERAL PROVISIONS**

### **Art. 1 - Quorum for the validity of the Panel's decisions**

1. Meetings of the Guarantors' Panel shall not be valid unless three members are present, and decisions shall not be valid unless approved by the majority of those present.

### **Art. 2 - Rotation criteria for alternate members**

1. Whenever it is necessary to replace one or more full members, the President of the Panel shall appoint, on a rotating basis, first the most senior alternate member, and then gradually the less senior ones, until starting again; the same criterion shall apply when it is necessary to replace an alternate member who has already replaced another alternate member.

### **Art. 3 - Seniority of members**

1. The seniority of each member shall be calculated from the date of his/her oath, separately for full members and alternate members, unless otherwise expressly specified in this Regulation; where the date of the oath is the same, age shall be taken into account.

### **Art. 4 - Reasons for abstention and objection by members of the Panel**

1. The reasons for abstention and objection by members of the Panel shall be exclusively those provided for in Article 10 of Qualified Law no. 145/2003, which replaced Article 17 of Law no. 83/1992 referred to in Article 6 of Qualified Law no. 55/2003, and subsequent amendments.

2. The decision shall be adopted by the Guarantors' Panel in the manner and within the time limits envisaged in Chapter II of Title VII of Qualified Law n.55/2003, and subsequent amendments.

3. Until the judgement of the Panel has been issued in accordance with paragraph 2 of this Article, all terms related to the tasks of the Panel in connection with proceedings to which the issues of abstention or objection raised relate shall remain suspended.

### **Art. 5 - Prohibition to abstain from voting and in the vote on judicial matters**

1. In meetings relating to judicial matters, the members of the Panel may neither abstain from voting nor abstain in the vote, but must vote either for or against the proposed decision put to the vote by the chairperson of the meeting.

### **Art. 6 - Postponement of the case to a new date and cases of constitution of a new panel**

1. If, during the handling of a case, the number of members of the panel is reduced to less than three due to absence, the case shall be postponed by the President of the panel to a new date, without prejudice to the application of the provision referred to in the second paragraph of this Article.

2. If, due to resignation or other cause of termination of office of one of the members, the panel in charge of handling and deciding on a case is reduced to less than three members, the President shall constitute a new panel and set the date for the first hearing.

**Art. 7 - *Publicity and minutes of the hearings***

1. Pursuant to Article 7 of Qualified Law n.55/2003, the hearings of the Guarantors' Panel referred to in Titles III, IV, V and VI of the same law shall be public; in the other cases, they shall be public unless otherwise decided by the President by means of a reasoned decree for reasons of national security, public order or public morality.
2. The Registrar shall draw up the minutes of the hearings under the direction of the President; the minutes shall be signed by the President and the Registrar.

**Art. 8 - *Investigation and report for the Panel***

1. At each first hearing of judicial nature, before the discussion, the Panel shall hear the report of the judge appointed by the President for the investigation and the report.
2. The President of the Panel shall appoint a full member, which may include himself/herself, as rapporteur within the terms provided for in this Regulation for each type of judgement. If, however, all the full members are prevented from attending or absent, the acting President shall appoint an alternate member, which may include himself/herself, in accordance with the rotation criterion referred to in Articles 2 and 3.
3. If the rapporteur is unable to attend the hearing due to incompatibility or announces his/her absence in advance or is in any case absent, the President may replace him/her or ask another member of the Panel if he/she considers himself/herself capable of replacing the rapporteur; otherwise, the hearing shall be postponed to another date or the case adjourned, as appropriate.

**Art. 9 - *Closed session***

1. Voting shall take place in a closed session. The only external participant shall be the Registrar, if so requested by the President and upon consent of the Panel. In such cases, the Registrar shall be bound to secrecy regarding what he/she has heard and seen.
2. In voting, the youngest member shall be the first to vote, except for the President of the meeting, who shall vote last.
3. It shall be prohibited for anyone to reveal the votes cast by individual voters.

**Art. 10 - *Name and form of the Panel's decisions***

1. The Panel, for judicial matters, shall decide by judgement in all cases in which it is prescribed by law, or shall in any case provide a final ruling or order in other cases. Judgements and orders shall bear the date of their deliberation and the progressive number of the year in question, and shall be published in a special official archive which shall also indicate the date and number of the Official Bulletin in which they were published. The specific provisions of Article 44 of this Regulation shall apply.
2. With regard to non-judicial matters, the Panel shall approve regulations, which bear the name Regulation, the date and the progressive number of the year in question, and shall decide on other matters by acts bearing the name Decision, the date and the progressive number of the year in question.
3. The President shall take decisions by decree; decrees shall bear the date of enactment and the progressive number of the year in question.

**Art. 11 - *Publication of judgements and orders, and publicity of decrees***

1. Judgements and orders issued in the context of decisions on the legitimacy of rules, admissibility of referendums, conflicts between State bodies and institutional responsibility of the Captains Regent shall be published in accordance with Article 30 of Law no. 21 of 11 March 1981, and subsequent amendments and integrations, and shall be included in the Official Bulletin.

2. The President's decrees shall be published in accordance with paragraph 1 of this Article when they are of collective interest.
3. Every decision of the Guarantor's Panel shall be filed with the Registry; anyone may examine it and obtain a copy.

**Art. 12** - *Representation and defence before the Panel*

1. For any appeal and for participation in the proceedings before the Guarantors' Panel, the parties, excluding the Prosecuting magistrate (Procuratore del Fisco) shall be represented and assisted by lawyers, pursuant to paragraphs 1 and 2 of Article 9 of Qualified Law no. 55/2003.
2. The State and its bodies shall be assisted by the State Lawyers' Office, pursuant to paragraph 4 of Article 9 of Qualified Law no. 55/2003.

**Art. 13** - *Consolidation of proceedings*

1. The President, either ex officio or upon request of the parties, may order that two or more cases be discussed jointly at the same hearing, where appropriate.
2. After the discussion, the Panel shall decide whether and which cases should be consolidated into a single ruling.
3. The President may also order that two or more cases, discussed at separate hearings, where appropriate, be decided in the same closed session and, if necessary, be consolidated into a single ruling.

**Art. 14** - *Suspension, interruption and extinction of proceedings*

1. The rules on the suspension, interruption and extinction of proceedings shall not apply to proceedings before the Guarantors' Panel.

**Art. 15** - *Notifications, Communications and Filing with the Registry*

1. Where the rules provide for notifications, these shall be handled by the Registrar in accordance with the provisions in force on notifications; however, it shall be permitted to notify a document by fax, provided that the fax faithfully reproduces the entire original document, including the handwritten signature and the date, that the party's lawyer has indicated in the entry of appearance the fax number at his/her domicile, and that the transmission mechanism prints at the sender's premises a receipt of successful transmission, which shall be kept with the records. In this case, the original document shall be filed with the Registry as soon as possible, without prejudice to the right of the party concerned or his/her representative to check at any time that the original corresponds fully and completely with the document sent by fax. In the case of a document notified by fax in accordance with the provisions of this Article, the terms shall start to run from the time of notification, unless it is proved by comparison that the fax does not correspond to the original.
2. When the rules provide for communications or when communications are necessary or appropriate, they shall be made by delivering the written communication to the legal domicile of the interested party, signed in original by the competent person in the cases provided for by the rules, or otherwise by the Registrar by order of the President or in the cases provided for by the rules. Communications may also be made by fax or email; in this case, immediately afterwards, the Registrar shall file with the Registry the original of the written document already communicated, which the interested parties may examine and of which they may take copies. The Registrar shall record the date and time of the communication and the name of the person or department which received it in a specific register; if the terms start to run from the date of communication, they shall start to run from the date of communication pursuant to the provisions of this Article.

3. The measures of the Guarantors' Panel and its members may be filed with the Registry by fax; in this case, the original shall also be forwarded to the Registry; the Registrar shall carry out the relevant formalities, including notifications, on the basis of the documents received, also by fax, from the members of the Panel.

**Art. 16** - *Correction of omissions or material errors in judgements, orders and decrees*

1. The President, after consulting the Panel, shall correct any omissions or material errors in the judgements or orders by decree, also ex officio.

2. The correction decree shall be noted on the original of the corrected judgement or order, notified to the parties joining the proceedings and published in the Official Bulletin.

3. The President of the Panel shall correct any omissions or material errors in his/her decrees by decree, notifying the parties concerned; the correction decree shall be noted on the original of the corrected decree and shall be published in the Official Bulletin if the corrected decree was published therein.

**TITLE II** - *ORGANISATION OF THE GUARANTORS' PANEL*

**Art. 17** - *Election of the President*

1. The Guarantors' Panel shall elect, by a majority vote of its full and alternate members, a President chosen from among the full members, on a rotating basis for a period of two years; in the event of a tie, the most senior member and, secondarily, the oldest member shall be appointed.

2. Within fifteen days before the expiry of the term of office or after the President has ceased to be a member of the Panel for any reason, the most senior member shall convene the Panel to elect a new President.

3. If only alternate members are in office, the election shall be provisional, and the President thus elected shall automatically be removed from office as soon as a full member has taken the oath; in this case, the provisions of paragraph 2 of this Article shall apply within fifteen days.

**Art. 18** - *Appointment of the alternate President and presidency of meetings in case of absence of both the President and the alternate President*

1. The President, as soon as he/she is elected, shall immediately designate the full member who shall replace him in the event of an impediment or absence.

2. If the member referred to in paragraph 1 of this Article is also unable to attend or absent, the third full member or, secondarily, the most senior of the alternate members shall act as president.

**Art. 19** - *Powers of the President*

1. The President shall convene the Panel, set the agenda, direct its works, issue the decrees for which he/she/she is responsible, and perform all the other functions provided for by law and by this Regulation, or that are necessary for the better organisation of the Panel and the regular performance of its functions.

**Art. 20 - Resignation of members of the Panel**

1. Resignation must be submitted to the President and the Captains Regent and shall be immediately effective.
2. If the resignation letter is sent only to the President, he/she shall immediately inform the Captains Regent.
3. If the resignation letter is sent only to the Captains Regent, they shall inform the President of the Panel.

**Art. 21 - Revocation, removal, suspension of the members of the Panel**

1. If any of the grounds for revocation envisaged by Constitutional Law no. 67/2003 occur, the President of the Panel, either ex officio or upon notification by anyone, shall convene all the full and alternate members of the Panel no earlier than ten days and appoint a rapporteur.
2. The member of the Panel whose revocation is in question may submit statements and documents.
3. The member whose revocation is in question may also take part in the discussion; once the discussion is over, the Panel, not including the member whose revocation is in question, shall declare, by reasoned act and with the favourable vote of the absolute majority of the members in office, whether the grounds for revocation exist.
4. The decision shall be immediately communicated by the President to the Great and General Council.
5. For the purpose of implementing Articles 2 and 3 of Constitutional Law no. 67/2003, one or more members of the Panel, if they consider that there are valid reasons for removing or temporarily suspending another member of the Panel, shall ask the President, by means of a reasoned act, to convene a special meeting; the President shall convene the full and alternate members no earlier than ten days and appoint a rapporteur; the provisions of paragraphs 2 and 3 of this Article shall apply.

**Art. 22 - Full and alternate members for judicial matters**

1. At hearings, the Panel shall be composed of the three full members or the full members present and the alternate member or members appointed by the President to replace the absent full members.
2. At the beginning of the hearing, the President shall announce the composition of the Panel for that hearing.
3. The President, if possible, shall also convene a fourth alternate member for the hearing.
4. The members who constituted the panel at the last hearing shall also participate in the closed session, unless one of the three is absent and the fourth member present at the last hearing before the closed session is present in his/her place, and except in the case provided for in paragraph 5 of this Article.
5. In a Regency Syndicate, only those members who were present at all hearings shall participate in the closed session.

**Art. 23 - Composition of the Guarantors' Panel for non-judicial matters**

1. The President of the Panel, for discussions and decisions on non-judicial matters provided for by the law, the Panel's regulations, or deemed appropriate by the President for the best organisation and functioning of the Panel, shall convene all the members of the Panel, both full and alternate. The majority of votes in favour shall decide.
2. In the event of a tie, the vote of the president of the meeting shall prevail.

**Art. 24 - Convocation of the Panel**

1. The President shall convene the Panel within the terms established by law and by this regulation, if provided for; the notice of the meeting shall state the date, time and place of the meeting, the matters to be discussed, the names of the members of the Panel who have been convened, whether or not all the members are entitled to attend the meeting, and any other necessary or useful element.
2. In cases of urgency, the meeting may be called in the following hours and shall be valid if three members are present, provided that the notices referred to in the previous paragraph have been sent to all the members of the Panel.

**Art. 25 - Investigation for non-judicial matters**

1. If a non-judicial matter needs to be investigated, the President shall instruct one or more members of the Panel to carry out a preliminary study of the matter and to report back to the Panel.

**TITLE III - JUDICIAL FUNCTIONS**

**Chapter I - review of rules through direct action**

**Art. 26 - Inadmissibility of appeal**

1. The Panel, upon proposal of the President, if one or more of the grounds for inadmissibility provided for in Article 12 of Qualified Law no. 55/2003 are met, shall declare the inadmissibility by reasoned order, and the appellants shall be immediately informed.

**Art. 27 - Publication of the appeal**

1. The President of the Panel, having received the appeal referred to in Article 12 of Qualified Law no. 55/2003 and having ascertained its admissibility, shall order its publication through public posting and in the Official Bulletin.

**Art. 28 - Defendants**

1. If an appeal has been lodged in accordance with Article 12 of Qualified Law no. 55/2003, the state body that issued the contested act may appear as a defendant by lodging its defence within ten days of the deadline of forty-five days provided for in paragraph 2 of Article 12 of Qualified Law no. 55/2003.

**Art. 29 - Appearance before the court of appellants and  
defendants**

1. The appellants shall appear before the court by filing their appeal with the Registry, attaching at the end the special proxy granted to the lawyers referred to in Article 12.
2. The defendants shall appear before the court by filing their arguments with the Registry, together with the special proxy to the lawyers referred to in Article 12 and proof that the applicants have been notified.



**Art. 30** - *Setting of the date of the public hearing*

1. After the expiry of the forty-five days prescribed in paragraph 2 of Article 12 of Qualified Law no. 55/2003 for the lodging of appeals and the following ten days for the lodging of any defence, the President shall immediately set the date for the public hearing; the setting of the hearing shall be notified to the parties joining the proceedings at least twenty days before the date set.

**Art. 31** - *Filing of multiple appeals against the same regulatory act*

1. If more than one appeal is filed against the same regulatory act and the issues raised by them are the same, the President shall order them to be discussed at the same hearing to be decided by a single judgement; if, on the other hand, the issues raised are different, the President, also taking into account the defence, shall assess whether it is appropriate to combine the appeals or keep the proceedings separate, without prejudice to the power of the Panel to decide otherwise in the closed session.

**Art. 32** - *Extinction of a case due to waiver by the applicants*

1. up to the final decision, each applicant may file with the Registry a claims waiver; in that case, the Registry shall notify the other parties of the waiver. If all the other parties file their consent within fifteen days of notification, the case shall be declared extinct by order of the Panel, if convened, or by the President of the Panel by decree.

**Art. 33** - *Referral to provisions on the review of rules through incidental action*

1. In all other respects, together with the general provisions of this Regulation applicable to the matter to be discussed, the second paragraph of Article 36 and Articles 37, 39, 40, 41, 42, 43 and 44 on review through incidental action shall also apply to review through direct action, insofar as they are compatible.

**Chapter II** - *Review of rules through incidental action*

**Art. 34** - *Transmission of the order of the referring judge*

1. The order by which the judge before whom the case is brought initiates ex officio the review of constitutional legitimacy, or admits the request of the parties or of the Prosecuting magistrate (Procuratore del Fisco) for the same purpose, shall be transmitted to the Guarantors' Panel together with the case file and the proof of notifications, as referred to in Article 13, paragraph 6 of Qualified Law no. 55/2003, in both cases.

**Art. 35** - *Inadmissibility of the order*

1. The Guarantors' Panel, upon request of the President, shall verify the compliance of the order with the provisions of Article 13 of Qualified Law no. 55/2003 and if it finds any defects which determine the inadmissibility of the order, it shall send back to the referring judge all the documents received by means of a reasoned decree, pointing out the irregularities found.

**Art. 36** - *Publication and registration of the order*

1. The President of the Panel, having received the acts, and having ascertained the admissibility of the matter according to Article 13 of Qualified Law no. 55/2003, shall order, by decree, the transmission of the order of the referring judge to the Captains Regent and its publication through public posting and in the Official Bulletin; the Registry shall notify the parties of the decree for their information.
2. The President of the Panel shall also require the order to be numbered and noted by the Registrar in the general register of orders and appeals received by the Panel, with the date of receipt and the date of publication through public posting and in the Official Bulletin in a specific column.

**Art. 37** - *Examination of the documents filed and submission of pleadings and arguments by the parties, the Prosecuting magistrate, and the State*

1. Within twenty days of the publication referred to in Article 36, the parties, the Prosecuting magistrate and the State may examine the documents filed and submit pleadings and arguments, in seven copies on unstamped paper.
2. Filing of pleadings and arguments shall be equivalent to appearance before the court.

**Art. 38** - *Setting of the date of the discussion hearing and convening of the judging panel*

1. Not earlier than 20 days and not later than 30 days after the publication referred to in Article 36, the President of the Panel, taking into account the state of pending cases, shall set by decree the date of the discussion hearing, notifying it at least ten days before the date set to the parties, to the Prosecuting magistrate, to the State, if they have appeared before the court, and shall convene the judging panel.

**Art. 39** - *Decision in closed session without a hearing due to the parties' failure to appear*

1. If none of the parties has appeared, the President shall refer the case directly to the closed session, in compliance with the terms referred to in Article 38.

**Art. 40** - *Appointment of the judge for the investigation and report*

1. On the same day as the decree referred to in Article 38, the President of the Panel shall appoint one of the three full members to carry out the investigation and report, to whom the Registrar shall immediately send the case file.

**Art. 41** - *Additional filing of pleadings before the hearing*

1. Additional explanatory pleadings may be filed with the Registry of the Panel, in the number of seven paper copies plus one on magnetic media, up to the eighth clear day before the hearing provided for in Article 38.

**Art. 42** - *Transmission of acts to members of the Panel*

1. The Registrar shall send to each member of the Panel, at least 10 days before the hearing, or immediately in the case provided for in Article 41, a file with copies of the application initiating the proceedings and of all subsequent acts of the proceedings.

**Art. 43 - *The public hearing***

1. At the hearing, the rapporteur shall briefly describe the facts that led to the proceedings before the Panel and explain the legal issues arising.
2. After the report, the parties' lawyers shall briefly state the grounds for their conclusions.
3. The President shall direct the discussion and may determine the most important points to be discussed.
4. The President shall also guarantee the supervision of the hearings through the police forces.

**Art. 44 - *Decision of the Panel***

1. At the end of the public hearing, or any public hearings that may be necessary, the President shall convene the Panel in closed session for a collective assessment of the results of the hearing.
2. At the end of the discussion the Panel shall vote on a draft decision and appoint one of its members, who may differ from the rapporteur, to draft the text of the judgement.
3. The President shall convene the Panel no earlier than fifteen days and no later than thirty days after the meeting referred to in the previous paragraphs for the final decision and approval of the entire text of the judgement; for this purpose the drafter, through the Registrar, shall distribute the text he/she has drafted to the other members at least five days before the meeting.
4. In any case, the final decision of the judging panel shall be given within two months of the last hearing, unless, due to impediment, death or other cause of termination of office of one of the members of the judging panel, it is not possible to replace him in accordance with this regulation and it is necessary to appoint a new panel; in any case, if more than two months have elapsed since the last hearing, the obligation of the Guarantors' Panel to decide on the case shall remain.
5. The judgement shall bear the date of the decision referred to in the preceding paragraph, it shall be signed by all the members of the judging panel, it shall be filed with the Registry the following day and immediately notified to the parties by the Registry. It shall be communicated to the Captains Regent in certified copy.
6. Within five days from its filing, the judgement shall be transmitted to the judicial authority before which the proceedings are pending, together with all relevant acts.
7. The judgement, whether upholding or rejecting the appeal, shall be published through public posting and in the Official Bulletin; the provisions declared unconstitutional may no longer be applied by anyone after six months from publication have elapsed without the Great and General Council having passed any legislative measure in application of Article 16 of the Declaration on the Citizens' Rights and Fundamental Principles of San Marino Constitutional Order.
8. The provisions of this Article shall also apply to the case provided for in Article 39.

**Art. 45 - *Independence of the proceedings before the Panel from the main proceedings***

1. The rules on the suspension, interruption and extinction of proceedings shall not apply to proceedings before the Guarantors' Panel even in the case in which, for whatever reason, the proceedings pending before the judicial authority which instituted the proceedings on constitutional legitimacy have been declared extinct.

**Chapter Three - *Judgements on the admissibility of referendums, constitutional conflicts, and institutional responsibility of the Captains Regent***

**Art. 46 - Judgements on the admissibility of referendums**

1. In judgements on the admissibility of referendums, the provisions of Law no. 101 of 28 November 1994 concerning the functions of the dissolved Panel of Judges and the provisions of this Regulation concerning the judgement of the legitimacy of rules through incidental action shall apply insofar as they are compatible, without prejudice to Article 15 of Qualified Law no. 55/2003.

**Art. 47 - Conflicts among constitutional bodies**

1. In conflicts among constitutional bodies the Panel shall apply the provisions of Article 16 of Qualified Law no. 55/2003.

2. The claims waiver, if accepted by all the parties, shall declare the proceedings extinct by way of a judgement.

3. The bodies concerned may appear in person and be defended and represented by the State Lawyers' Office or by independent professionals.

4. In all other respects, the provisions of this Regulation relating to the review of the legitimacy of rules through incidental action shall apply insofar as they are compatible.

**Art. 48 - Regency Syndicate**

1. In a Regency Syndicate, the Guarantors' Panel shall apply the provisions of Qualified Law no. 55/2003.

2. The person subject to syndicate shall have the right to intervene personally in the hearings, but shall in any case be defended and represented by a lawyer in accordance with Article 9 of Qualified Law no. 55/2003.

3. In all other respects, the provisions of this Regulation relating to the review of the legitimacy of rules through incidental action shall apply insofar as they are compatible.

**Chapter Four - Judgements on magistrates falling within the competence of the Guarantors' Panel**

**Art. 49 - Judgements on the abstention of Judges for Extraordinary Remedies and Judges for Civil Liability Actions of Magistrates**

1. Pursuant to Article 5 of Constitutional Law no. 144 of 30 October 2003, the Guarantors' Panel shall decide on abstentions and objections of Judges for Extraordinary Remedies and Judges for Civil Liability Action of Magistrates.

2. If one of the judges referred to in paragraph 1 faces one of the situations specified in Article 10 of Qualified Law no. 145 of 30 October 2003 (Provisions on the judicial system) and for which mandatory abstention is envisaged, the judge shall inform and require the Guarantors' Panel to be relieved from handling and deciding the case for which incompatibility exists.

3. Once notified to the parties, the application shall be transmitted to the Registry of the Guarantors' Panel together with the acts of the proceedings. Evidence shall be indicated and provided in the application.

4. The Panel's President shall immediately assign the appeal to a member of the Panel, who shall decide within 30 days.

5. The judgement shall be filed with the Registry, which shall notify it to the parties and to the magistrate and transmit it to the Court's Registry, together with the case file.

**Art. 50 - Judgements on the objections of Judges for Extraordinary Remedies and Judges for Civil Liability Actions of Magistrates**

1. The Judges and the Prosecuting magistrate may be objected to by the parties in the cases specified in Article 10 of Qualified Law no. 145 of 30 October 2003 (Provisions on the Judicial System).

2. The application for objection shall be filed in the proceedings and shall state in detail the grounds for the objection provided for by law and the supporting evidence.

3. The Judge, upon receipt of the application, shall inform the Head Magistrate thereof and transmit it immediately to the Guarantors' Panel, together with the case file.

4. The President of the Panel shall immediately assign the appeal to a member of the Panel who, within the following three days, shall assign to the parties and to the judge objected to a ten-day time limit for the filing of pleadings, arguments and documentary evidence. Both pleadings and evidence shall be available to the parties and the judge, who shall be entitled to take copies thereof. If witness evidence is required, the designated member of the Panel shall fix an ad-hoc hearing, where this shall be taken according to the principle of adversarial proceedings. Upon expiry of the time limit above and once evidence is collected, the concluding pleadings shall be filed within the following ten days. After this deadline, the case shall be ready for the decision of the designated member of the Panel, which shall be deposited within ten days.

5. The judgement shall be filed with the Registry, which shall notify it to the parties and to the magistrate objected to, and transmit it to the Court's Registry, together with the case file.

6. If, after the deposit of an application for objection, urgent and unpostponable procedural acts are necessary, or when the parties may suffer from an unjust and irreparable damage pending the objection proceedings, the designated member of the Panel, upon request by a party, may order the transmission of copies of the proceedings documents to the Head Magistrate, who shall appoint, under the rules on the distribution of judicial work and respecting the principle of professional competence, the magistrate responsible for taking such measures in replacement of the judge objected to.

7. If, following the deposit of the application for objection, the magistrate declares his/her intention to abstain, the provisions on abstention shall apply and the objection proceedings shall be terminated.

**Art. 51 - Review action of magistrates**

1. The review action of magistrates provided for in the first paragraph of Article 7 and Article 8 of Constitutional Law no. 144 of 30 October 2003 (Judicial bodies. Establishment, definition and responsibilities) shall be exercised in accordance with the provisions and procedures provided for in these constitutional rules.

**TITLE IV - TRANSITIONAL AND FINAL PROVISIONS**

**Art. 52 - Transitional judicial functions according to Title VII of Qualified Law no. 55/2003**

1. Until the Highest Judges of Appeal and the Judges for Extraordinary Remedies have taken oaths, the Panel shall exercise the functions referred to in Article 9 of the Declaration on the Citizens' Rights and Fundamental Principles of San Marino Constitutional Order, according to the provisions of Title VII of Qualified Law no. 55/2003.

2. The President of the Panel shall assign the handling of issues relating to the transitional judicial functions on a priority basis to the alternate members, according to specialisation criteria, unless he/she deems it appropriate to assign it to a full member.

**Art. 53 - Integrations to the general Regulation**

1. Whenever the Panel, in the performance of its functions and in the organisation of its activities, has to decide on matters that are not provided for in the law or in this Regulation, it may approve a new provision supplementing it, in accordance with the provisions of Qualified Law no. 55/2003, and apply it to the case immediately afterwards, unless this provision entails obligations or duties or charges towards persons outside the Panel. In this case, the new provision shall enter into force only after legal publication, either on the day indicated by the provision or otherwise fifteen days later.

**Art. 54 - Amendments and replacement of the general Regulation**

1. Amendments to this Regulation, whether by explicit textual amendments or by formally separate acts, shall be approved by the Panel in accordance with the rules provided for in Qualified Law no. 55/2003 for the approval of the Regulation.

2. Whenever, due to the accumulation of successive supplementary and corrective provisions of this Regulation over time, it is deemed appropriate to carry out an overall rewording, the President of the Panel shall entrust a member with the task of drafting the new text which, once approved by the Panel, shall definitively replace the previous one.

**Art. 55 - Internal Regulations**

1. Whenever deemed appropriate, the Panel shall approve internal regulations on specific subjects, following the same rules and procedures as the general regulation.

2. The title of these regulations shall clearly and precisely indicate their purpose.

3. Internal regulations shall also be legally published.

**Art. 56 - Publication and entry into force**

1. This Regulation shall be published in the Official Bulletin, pursuant to Article 38, paragraph 1, of Qualified Law no. 55/2003 by decree of the President of the Guarantors' Panel, and shall enter into force on the fifteenth day following its publication.

*Approved in San Marino, on 24 March 2004*

San Marino, 7 April 2004

PRESIDENT OF THE GUARANTORS' PANEL  
Prof. Giorgio Lombardi