



# REPUBLIC OF SAN MARINO

The Italian text shall be legally binding

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

*Having regard to Article 4 of Constitutional Law no. 185/2005 and to Article 6 of Qualified Law no. 186/2005;*

*Promulgate and make public the following Ordinary Law approved by the Great and General Council in its sitting of 15 September 2011:*

## **LAW NO. 138 OF 16 SEPTEMBER 2011**

### **RULES OF PROCEDURE FOR THE REVIEW ACTION CONCERNING MAGISTRATES**

#### Art. 1

This Law shall govern the procedures to be followed for the Review Action relative to Magistrates established by Article 8 of Constitutional Law no. 144 of 30 October 2003, as modified by Article 4 of Constitutional Law no. 2 of 16 September 2011.

#### Art. 2

The decision to start a review proceeding shall be transmitted by the President of the deciding body to the President of the Guarantors' Panel on the Constitutionality of Rules, who shall immediately entrust a member of the Panel with the functions of Magistrate of assessment proceedings.

The Magistrate of assessment proceedings, who receives the act introducing the review judgment, shall inform the interested Magistrate thereof and, once obtained any useful information and heard all parties involved, shall decide on the admissibility and reliability of the application within one month following the transmission of the above-mentioned act. The Magistrate subject to the review action shall be entitled to be heard in person or through a special prosecutor and to exercise his/her right of defence in the forms established by the law.

If the action is declared inadmissible, the proceeding shall be filed.

If the application is declared admissible, the Magistrate of assessment proceedings shall order the continuation of the proceeding, by transmitting the acts to the President of the Guarantors' Panel on the Constitutionality of Rules. The latter shall entrust another member of the Panel with the functions of deciding Magistrate, who shall give the parties two time-limits, one for furnishing evidence and the successive one for furnishing counterevidence, each of thirty days, to submit the

evidence to the Registry of the Guarantors' Panel, as well as a time-limit of fifteen days to deposit the relevant final statements. Subsequently, the deciding Magistrate shall issue a judgement within thirty days.

Art. 3

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

*Done at Our Residence, on 16 September 2011/1711 since the Foundation of the Republic.*

THE CAPTAINS REGENT  
*Maria Luisa Berti – Filippo Tamagnini*

THE SECRETARY OF STATE  
FOR INTERNAL AFFAIRS  
*Valeria Ciavatta*