

# Libya's Constitution

*Promulgated by the "National Constituent Assembly" on*

**7<sup>th</sup> October 1951**

*Abolished by a Military Coup d'etat on*

**1<sup>st</sup> September 1969**

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## PREAMBLE

*In the name of God the beneficent, the merciful.*

We, the representatives of the people of Libya from Cyrenaica, Tripolitania and Fezzan, meeting by the will of God in the cities of Tripoli and Benghazi in a National Constituent Assembly. Having agreed and determined to form a union<sup>(1)</sup> between us under the Crown of King Mohammad Idris El- Senussi, to whom the nation has offered the Crown and who was declared constitutional King of Libya by this the National Constituent Assembly. And having decided and determined to establish a democratic independent sovereign State which will guarantee the national unity, safeguard domestic tranquility, provide the means for common defence, secure the establishment of justice, guarantee the principles of liberty, equality and fraternity and promote economic and social progress and the general welfare. And trusting in God, Master of the Universe, do hereby prepare and resolve this Constitution for the Kingdom of Libya<sup>(2)</sup>.

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(1) **Federal Regime repealed by Law No. 1 of 1963.**

(2) **Name of the State amended to read "The Kingdom of Libya" by Law No. 1 of 1963.**

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## **Chapter 1**

# **Form of the State and System of Government**

### **ARTICLE (1)**

**Libya is a free independent sovereign State. Neither its sovereignty nor any part of its territories may be relinquished.**

### **ARTICLE (2)**

**Libya is a State having a hereditary monarchy, and its system of Government is representative. Its name is "THE KINGDOM OF LIBYA".**

### **ARTICLE (3)**

**The Kingdom of Libya is a part of the Arab Home Land and a portion of the African Continent.**

#### **ARTICLE (4)**

**The boundaries of the Kingdom of Libya are:-**

**On the North: the Mediterranean Sea.**

**On the East: the United Arab Republic and the Republic of Sudan.**

**On the South: the Republic of Sudan, Chad, Niger and Algeria.**

**On the West: the Republics of Tunisia and Algeria.**

#### **ARTICLE (5)**

**Islam is the religion of the State.**

#### **ARTICLE (6)**

**The emblem of the State and its national anthem shall be prescribed by a law.**

#### **ARTICLE (7)**

**The national flag shall have the following shape and dimensions:-**

**Its length shall be twice its breadth, it shall be divided into three parallel coloured stripes, the uppermost being red, the centre black and the lowest green, the black stripe shall be equal in area to the two other stripes together and shall bear in its centre a white crescent, between the two extremities of which there shall be a five-pointed white star.**

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## **Chapter II**

### **Rights of the People**

#### **ARTICLE (8)**

Every person who resides in Libya and has no other nationality, or is not the subject of any other State, shall be deemed to be a Libyan if he fulfils one of the following conditions:-

- (1) That he was born in Libya.
- (2) That either of his parents was born in Libya.
- (3) That he has had his normal residence in Libya for a period of not less than ten years.

#### **ARTICLE (9)**

Subject to the provisions of Article (8) of this Constitution, the conditions necessary for acquiring Libyan nationality shall be determined by a law. Such law shall grant facilities to expatriates of Libyan origin residing abroad and to their children, and to citizens of Arab countries, and to foreigners who are residing in Libya and who at the coming into force of this Constitution have had their normal residence in Libya for a period of not less than ten years. Persons of the latter category may opt for Libyan nationality in accordance with the conditions prescribed by the law, provided they apply for it within three years as from the 1st of January 1952.

#### **ARTICLE (10)**

**No one may have Libyan nationality and any other nationality at the same time.**

#### **ARTICLE (11)**

**Libyans shall be equal before the law. They shall enjoy equal civil and political rights, shall have the same opportunities, and be subject to the same public duties and obligations, without distinction of religion, belief, race, language, wealth, kinship or political or social opinions.**

#### **ARTICLE (12)**

**Personal liberty shall be guaranteed and everyone shall be entitled to equal protection of the law.**

#### **ARTICLE (13)**

**No forced labour shall be imposed upon anyone save in accordance with law in cases of emergency, catastrophe or circumstances, which may endanger the safety of the whole or part of the population.**

#### **ARTICLE (14)**

**Everyone shall have the right to resource to the Courts, in accordance with the provisions of the law.**

#### **ARTICLE (15)**

**Everyone charged with an offence shall be presumed to be innocent until proved guilty according to law in a trial at which he has the guarantees necessary for his defence. The trial shall be public save in exceptional cases prescribed by law.**

#### **ARTICLE (16)**

**No one may be arrested, detained, imprisoned or searched except in the cases prescribed by law. No one shall under any circumstances be tortured by anyone or subjected to punishment degrading to him.**

#### **ARTICLE (17)**

**No offence may be established or penalty inflicted except shall be subject to the penalties specified therein for those offences; the penalty inflicted shall not be heavier than the penalty that was applicable at the time the offence was committed.**

#### **ARTICLE (18)**

**No Libyan may be deported from Libya under any circumstances nor may he be forbidden to reside in any locality or compelled to reside in any specific place or prohibited from moving in Libya except as prescribed by law.**

#### **ARTICLE (19)**

**Dwelling houses are inviolable; they shall not be entered or searched except in cases and according to the manner prescribed by law.**

## **ARTICLE (20)**

**The secrecy of letters, telegrams, telephone communications and all correspondences in whatever form and by whatever means shall be guaranteed; they shall not be censored or delayed except in cases prescribed by law.**

## **ARTICLE (21)**

**Freedom of conscience shall be absolute. The State shall respect all religions and faiths and shall ensure to foreigners residing in its territory freedom of conscience and the right freely to practice religion so long as it is not a breach of public order and is not contrary to morality.**

## **ARTICLE (22)**

**Freedom of thought shall be guaranteed. Everyone shall have the right to express his opinion and to publish it by all means and methods. But this freedom may not be abused in any way which is contrary to public order and morality.**

## **ARTICLE (23)**

**Freedom of press and of printing shall be guaranteed within the limits of the law.**

## **ARTICLE (24)**

**Everyone shall be free to use any language in his private transactions or religious or cultural matters or in the Press or any other publications or in public meetings.**

#### **ARTICLE (25)**

**The right of peaceful meetings is guaranteed within the limits of law.**

#### **ARTICLE (26)**

**The right of peaceful associations shall be guaranteed. The exercise of that right shall be regulated by law.**

#### **ARTICLE (27)**

**Individuals shall have the right to address public authorities by means of letters signed by them in connection with matters which concern them but only organised bodies or justice persons may address the authorities on behalf of a number of persons.**

#### **ARTICLE (28)**

**Every Libyan shall have the right to education. The State shall ensure the diffusion of education by means of establishment of public schools and of private schools which it may permit to be established under its supervision, for Libyans and foreigners.**



#### **ARTICLE (29)**

**Teaching shall be unrestricted so long as it does not constitute a breach of public order and is not contrary to morality. Public education shall be regulated by law.**

#### **ARTICLE (30)**

**Elementary education shall be compulsory for Libyan children of both sexes; elementary and primary education in the public schools shall be free.**

#### **ARTICLE (31)**

**Property shall be inviolable. No owner may be prevented from disposing of his property except within the limits of the law. No property of any person shall be expropriated except in the public interest and in the cases and in the manner determined by law and provided such person is awarded fair compensation.**

#### **ARTICLE (32)**

**The penalty of general confiscation of property shall be prohibited.**

#### **ARTICLE (33)**

**The family is the basis of society and shall be entitled to protection by the State. The State shall also protect and encourage marriage.**

## **ARTICLE (34)**

**Work is one of the basic elements of life. It shall be protected by the State and shall be the right of all Libyans. Every individual who works shall be entitled to fair remuneration.**

## **ARTICLE (35)**

**The State shall endeavour to provide as far as possible for every Libyan and his family an appropriate standard of living.**

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# **Chapter III**

## **PART I**

### ***Powers of the Federal Government***

**Article (36) and (37)**

## **PART II**

### ***Joint Powers***

**Article (38) and (39)**

**This entire Chapter is repealed by Law N°1 of 1963.**

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## **Chapter IV**

### **General Powers**

#### **ARTICLE (40)**

**Sovereignty shall belong to God, and by the Most High God's will it shall be entrusted to the nation from which all powers stem.**

#### **ARTICLE (41)**

**Legislative power shall be exercised by the King in conjunction with Parliament. The King promulgates the laws when they have been approved by Parliament in accordance with the procedures prescribed by this Constitution.**

#### **ARTICLE (42)**

**Executive power shall be exercised by the King within the limits of this Constitution.**

**ARTICLE (43)**

**Judicial power shall be exercised by the Supreme Court and other courts, which shall have judgments within the limits of this Constitution, in accordance with the law and in the name of the King.**

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**Chapter V**

**The King**

**ARTICLE (44)**

**Subject to what has been provided in Article 40, sovereignty shall be vested by the nation in trust with the King Mohammed Idris el Mahdi el Senussi and after him to his male heirs, the oldest after the oldest, degree after degree.**

**ARTICLE (45)**

**The Throne of the Kingdom is hereditary in accordance with the two Royal Orders promulgated on 22nd of Safar 1374 H., and the 25th of Rabi'e el-Thani 1376 H., respectively. Each of these two Orders regulating the succession to the Throne shall have the same force as an article of this Constitution.**

## ARTICLE (46)

**In the event of the King's death and the Throne remaining vacant owing to the lack of successor to the King or to no successor having been appointed, the Senate and the House of Representatives shall at once hold a joint meeting - without convocation- to appoint a successor within two days; three quarters at least of the number of members of the two chambers shall be present and the voting shall take place openly by a majority of two-thirds of the members present. If the choice cannot take place within the time specified, the two Chambers shall jointly proceed to make the choice on the eleventh day, in the presence of an absolute majority of the members of each of the two Chambers and by a proportionate majority. If the House of Representatives has been dissolved the old house shall immediately meet until the King has been chosen.**

## ARTICLE (47)

**Before assuming his constitutional powers, the King shall take the following oath before a joint session of the Senate and the House of Representatives:-**

***"I swear by Almighty God to observe the Constitution and the laws of the country and to devote all my efforts to the maintenance of the independence of Libya and to defending the safety of its territory."***

## ARTICLE (48)

**Whenever the King wishes to travel outside Libya or when circumstances prevent or delay him temporarily from exercising his constitutional powers, he may appoint one or more Deputies to perform such duties and to exercise such rights and powers as the King may delegate to such Deputy or Deputies.**

## ARTICLE (49)

**The King shall attain his majority upon the completion of his eighteenth lunar year.**

## **ARTICLE (50)**

**If the King is a minor, or if circumstances prevent or delay him from exercising his constitutional powers and he himself is unable to appoint a Deputy or Deputies, the Council of Ministers shall with the consent of the Parliament appoint a Regent or a Council of Regency to perform the duties of the King and to exercise his rights and powers until such time as he becomes of age or is capable of exercising his powers. If Parliament is not in session it shall be convened. If the House of Representatives has been dissolved the old House shall immediately meet until such time as the Regent or Council of Regency has been appointed.**

## **ARTICLE (51)**

**No person may be appointed a Deputy to the Throne or as a Regent or a member of the Council of Regency unless he is a Libyan and a Moslem and has completed his fortieth year (Gregorian); however, a male of the Royal Family who has completed his twenty-first year (Gregorian) may be appointed.**

## **ARTICLE (52)**

**During the period between the death of the King and the taking of the constitutional oath by his successor to the Throne, by the Regent or by the members of the Council of Regency, the Council of Ministers shall, on its own responsibility, exercise the constitutional powers of the King in the name of the Libyan nation.**

## **ARTICLE (53)**

**The Regent or any member of the Council of Regency shall not assume office unless he has taken the following oath before a joint meeting of the Senate and the House of Representatives:- "I swear by Almighty God to observe the**

**Constitution and the laws of the country, to devote all my efforts to the maintenance of its territory and to be loyal to the King." A Deputy to the Throne shall take his oath before the King or some person designated by the King.**

#### **ARTICLE (54)**

**A minister or any member of a legislative body may not be Regent or a member of a Council of Regency. If a Deputy to the Throne is a member of any legislative body he shall not take part in the activities of that body during the time he is acting as Deputy to the Throne.**

#### **ARTICLE (55)**

**If a Regent or a member of the Council of Regency, appointed in accordance with Article 50, dies or is prevented by any circumstances from performing his duties as Regent or as a member of the Council of Regency, the Council of Ministers may, with the consent of the Parliament appoint another person to replace him, in accordance with the provisions of Article 51, 53 and 54.**

**If Parliament is not in session it shall be convened. If the House of Representatives has been dissolved, the old House shall immediately meet until such time as a Regent or a member of the Council of Regency has been appointed.**

#### **ARTICLE (56)**

**The Civil List of the King and the Royal Family shall be fixed by law; it may not be reduced during his reign but it may be increased by resolution of Parliament. The law shall limit the salaries of Deputies to the Throne and the Regents which shall be paid from the Civil List of the King.**

#### **ARTICLE (57)**

**The judicial procedures to be followed in cases brought by the Royal Estate or against it shall be regulated by a law.**

**ARTICLE (58)**

**The King is the Supreme Head of the State.**

**ARTICLE (59)**

**The King shall be inviolable. He shall be exempt from all responsibility.**

**ARTICLE (60)**

**The King exercises his powers through his Ministries and responsibility rests with them.**

**ARTICLE (61)**

**The king shall not assume a throne outside Libya except after the consent of Parliament.**

**ARTICLE (62)**

**The King sanctions and promulgates the laws.**

**ARTICLE (63)**



**The King shall make the necessary regulations for carrying out the laws without modifying or dispensing with their execution.**

#### **ARTICLE (64)**

**If, when Parliament is not in session, exceptional circumstances arise which necessitate urgent measures, the King may issue decrees in respect thereof which shall have the force of law provided that they are not contrary to the provisions of this Constitution. Such decrees must be submitted to the Parliament or if they are not approved by either of the Chambers they shall cease to have the force of law.**

#### **ARTICLE (65)**

**The King shall open the sessions of Parliament and close them, and shall dissolve the House of Representatives in accordance with the provisions of this Constitution, and he may, when necessary, convene a joint meeting of the two Chambers to discuss any important question.**

#### **ARTICLE (66)**

**The king may, if he deems necessary convene Parliament to meet in an extraordinary session; he shall also convene it upon the presentation of a petition signed by an absolute majority of the members of the two Chambers. The King shall pronounce the closure of an extraordinary session.**

#### **ARTICLE (67)**

**The King may adjourn the session of Parliament but the adjournment may not exceed a period of thirty days nor may it be repeated during the same session without the consent of both Chambers.**

#### **ARTICLE (68)**

**The King is the Supreme Commander of all the armed forces in the Kingdom of Libya; and their duties are to protect the sovereignty of the country, and the safety and security of its territories. These armed forces consist of the Army and the Security Forces.**

#### **ARTICLE (69)**

**The King shall declare war and conclude peace and enter into treaties which he ratifies after the approval of Parliament.**

#### **ARTICLE (70)**

**The King shall proclaim martial law and a state of emergency provided that he shall present the proclamation of martial law to Parliament in order to decide whether it shall continue or be replaced. If that proclamation is made when Parliament is not in session, Parliament must be urgently convened.**

#### **ARTICLE (71)**

**The King shall create and confer titles, decorations and all other signs of honour; but creation of civil titles shall be prohibited.**

#### **ARTICLE (72)**

**The King shall appoint the Prime Minister, he may remove him from office or accept his resignation; he shall appoint the Ministers, remove them from office, or accept their resignation at the proposal of the Prime Minister.**

#### **ARTICLE (73)**

**The King shall appoint diplomatic representatives and remove them from office at the proposal of the Minister of Foreign Affairs. He shall accept the credentials of the heads of foreign diplomatic missions accredited to him.**

#### **ARTICLE (74)**

**The King shall establish the public services and appoint senior officials and remove them in accordance with the provisions of the law.**

#### **ARTICLE (75)**

**Currency shall be issued in the name of the King, according to law.**

#### **ARTICLE (76)**

**No death sentence imposed by any Libyan Court shall be executed except with the consent of the King.**

#### **ARTICLE (77)**

**The King shall have the right to grant pardon or to commute a sentence.**

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## **Chapter VI**

### **The Ministers**

#### **ARTICLE (78)**

**The Council of Ministers shall consist of the Prime Minister and of the Ministers whom the King deems fit to appoint at the proposal of the Prime Minister.**

#### **ARTICLE (79)**

**Before assuming office the Prime Minister and Ministers shall take the following oath before the King:-**

***"I swear by Almighty God to be loyal to the country and to the King, to observe the Constitution and the laws, and fully consider the interests of the People."***

#### **ARTICLE (80)**

**The King may appoint Ministers without portfolio in case of necessity.**

#### **ARTICLE (81)**

**No non-Libyan may be a Minister.**

## **ARTICLE (82)**

**No member of the Royal Family may be a Minister.**

## **ARTICLE (83)**

**A Minister may at the same time be a Member of the Parliament.**

## **ARTICLE (84)**

**The Council of Ministers shall be responsible for the direction of all the internal and external affairs of the State.**

## **ARTICLE (85)**

**For the signatures of the King concerning the affairs of the State to be effective, they must have the countersignature of the Prime Minister and of the competent Ministers. The Prime Minister shall be appointed and relieved by Royal Decree, but the ministers shall be appointed and relieved of office by Decrees signed by the King and countersigned by the Prime Minister.**

## **ARTICLE (86)**

**The Ministers are collectively responsible before the House of Representatives for the general policy of the State and each of them individually is responsible for the activity of his ministry.**

## **ARTICLE (87)**

**If the House of Representative by a majority of all its members passes a vote of no confidence in the Council of Ministers, the Council of Ministers must resign. If the decision concerns one of the Ministers, he must resign.**

**The House of Representatives shall not consider the request for a vote of no confidence unless it has been presented by fifteen or more of the Deputies. Such request may not be discussed except after eight days from the date of its presentation and shall not be voted upon except after two days from the completion of the discussion therein.**

## **ARTICLE (88)**

**Ministers shall have the right to attend the meetings of both Chambers and must be heard whenever they so request; they may not take part in the voting unless they are members. They may have the assistance of any officer they choose of their Ministry or may appoint any such officer as a deputy to represent them. Each Chamber may when necessary request any Minister to attend its meeting.**

## **ARTICLE (89)**

**In the event of the dismissal or resignation of the Prime Minister all the Ministers are considered thereby to have been dismissed or to have resigned.**

## **ARTICLE (90)**

**The Ministers may not while holding office assume any other public office, exercise any other profession or purchase or rent any property belonging to the State, or let or hire or sell directly or indirectly, take part in the undertakings concluded and tenders invited by the Public Administration of the Institutions falling under the administration or control of the State. They may not be members of the Board of Directors of any company nor may they take an active part in any commercial or financial enterprise.**

## **ARTICLE (91)**

**The salaries of the Prime Minister and the other Ministers shall be determined by law.**

## **ARTICLE (92)**

**A law shall prescribe the civil and criminal responsibilities of the Ministers and the Manner in which they may be charged and tried in respect of offences committed by them in the exercise of their duties.**

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# **Chapter VII**

## **Parliament**

## **ARTICLE (93)**

**Parliament shall consist of two Chambers, the Senate and the House of Representatives.**

## **PART I:**

## ***The Senate***

### **ARTICLE (94)**

**The Senate shall consist of twenty-four members appointed by the King.**

### **ARTICLE (95)**

**Article 95 is repealed by Law N°. 1 of 1963.**

### **ARTICLE (96)**

**In addition to the qualifications provided for in the Electoral Law, the Senator must be a Libyan and, upon his appointment, his age must not be less than forty Gregorian years.**

### **ARTICLE (97)**

**The President of the Senate shall be appointed by the King. The Senate shall elect two Vice-Presidents. The result of the election shall be submitted to the King for approval. The appointment of the President and the election of the Vice-Presidents shall be for a period of two years and the President may be re-appointed and the two Vice-Presidents may be elected.**

### **ARTICLE (98)**



**Membership of the Senate shall be for eight years. Half the Senators shall be replaced every four years. Retiring Senators may be re-appointed.**

## **ARTICLE (99)**

**The Senate shall meet at the same time as the House of Representatives; its sessions shall close at the same time as the House of Representatives.**

## **PART II :**

### ***The House of Representatives***

## **ARTICLE (100)**

**The House of Representatives shall consist of members elected by secret polling in accordance with the provisions of the Electoral Law.**

## **ARTICLE (101)**

**The number of Deputies shall be determined on the basis of one Deputy for every twenty thousand of population or fraction of that number exceeding half.**

## **ARTICLE (102)**

**Libyans who have completed their twenty-first year (Gregorian) shall be entitled to vote in the manner prescribed in the law. Women may exercise this right in accordance with the conditions provided for in the law.**

## **ARTICLE (103)**

**A Deputy must:**

- 1. have completed his thirtieth year (Gregorian);**
  - 2. be inscribed on one of the electoral rolls; and**
  - 3. not be a member of the Royal Family.**
- In addition to the condition prescribed by the Electoral Law.**

#### **ARTICLE (104)**

**The term of office of the House of Representatives shall be four years unless it is dissolved earlier.**

#### **ARTICLE (105)**

**At the opening of every session, the House of Representatives shall elect a Speaker and two Vice-Presidents, who shall be eligible for re-election.**

#### **ARTICLE (106)**

**If the House of Representatives is dissolved on account of any matter, the succeeding House of Representatives may not be dissolved on account of the same matter.**

#### **ARTICLE (107)**

**The order whereby the House of Representatives is dissolved shall call upon the electors to carry out new elections within a period not exceeding three months. It must also provide for the new Chamber to be convened within twenty days of the completion of the elections.**

**PART III :**

***Provisions Common to the Two Chambers***

**ARTICLE (108)**

**Each Member of Parliament represents the whole people; his electors or the authority that appoints him may not make his mandate subject to any conditions or restrictions.**

**ARTICLE (109)**

**No one may be both a Senator and Deputy at the same time. Other cases of incompatibility shall be determined by the Electoral Law.**

**ARTICLE (110)**

**Before assuming his duties, each Senator and each Deputy shall take publicly in the place of meeting of his Chamber the following oath:- "I swear by Almighty God to be loyal to the country and to the King, to observe the Constitution and the laws of the Country and to carry out my duties honestly and truthfully."**

**ARTICLE (111)**

**Each Chamber decides upon the validity of the election of its members in accordance with its rules of procedure provided that, in order to decide that the election of a member is invalid, a majority of two-thirds of the members of the Chamber shall be required. This power may be delegated to another authority by virtue of a law.**

**ARTICLE (112)**

**The King shall call Parliament annually to hold its regular meeting in the first week of November. Failing such convocation, Parliament shall meet on the tenth day of the same month. Unless the Chamber of Deputies is dissolved, the regular session shall last for at least five months, and the King shall pronounce the closure of the session.**

#### **ARTICLE (113)**

**The period of sessions shall be common to both Chambers,. If both Chambers meet, or either of them meets, at a time other than the legal time, the meeting shall be unlawful and any resolutions taken shall be void.**

#### **ARTICLE 114**

**The meeting of the two Chambers shall be public but each Chamber shall, at the request of the Government or of ten of its members, go into secret session in order to decide whether the discussion on the question before it is to be held in public or in secret.**

#### **ARTICLE 115**

**During extraordinary sessions, Parliament shall not discuss, except with the consent of the Government, questions other than those for which it has been convened.**

#### **ARTICLE 116**

**The meetings of either of the two Chambers shall not be valid unless the majority of the members are present at the opening of the meeting. Neither of the two Chambers may take a decision unless the majority of its members are present at the time of the decision.**

#### **ARTICLE 117**

**Except in cases where a special majority is required, decisions in each of where a special majority is required, decisions in each of the Chambers shall be adopted by a majority of the members present. If the vote is equally divided, the proposal in question shall be considered to have been rejected.**

## **ARTICLE 118**

**Voting on questions under discussion in each Chamber shall take place in the manner prescribed in its rules of procedure.**

## **ARTICLE (119)**

**Neither Chamber may discuss a bill before it has been considered by the appropriate committee in conformity with its rules of procedure.**

## **ARTICLE (120)**

**Every bill adopted by one of the two Chambers shall be transmitted by the President of that Chamber to the President of the other Chamber.**

## **ARTICLE (121)**

**A bill which has been rejected by either Chamber may not be re-introduced at the same session.**

## **ARTICLE (122)**

**Every member of Parliament has the right, in conditions which shall be determined in the rules of procedure of each Chamber, to address questions and interpellations to Ministers. Discussions on an interpellation shall not take place until at least eight days after it has been presented, except in cases of urgency and with the consent of the person to whom the interpellation is addressed.**

#### **ARTICLE (123)**

**Each Chamber shall have the right to investigate, in accordance with its rules of procedure, specific questions within its competence.**

#### **ARTICLE (124)**

**Members of Parliament shall have immunity with regard to opinions they have expressed in either Chamber or in the committees thereof, subject to the provisions of the respective rules of procedure.**

#### **ARTICLE (125)**

**Except in cases of flagrante delicto, no criminal procedure may be taken or continued against any member of either Chamber, nor may he be arrested for criminal offences, while Parliament is in session, without the authorization of the Chamber of which he is a member.**

#### **ARTICLE (126)**

**Members of Parliament other than those who exercise governmental offices compatible with parliamentary membership may not be granted any decorations or medals, with the exception of military ranks, decorations and medals, during their term of office.**

#### **ARTICLE (127)**

**The conditions under which a member of Parliament forfeits his membership shall be determined by the Electoral Law, and the decision of such forfeiture shall be taken by a majority of all the members of the Chamber to which such member belongs.**

## **ARTICLE (128)**

**If a seat becomes vacant in either of the Chambers, it shall be filled within three months by election or appointment in conformity with the provisions of this Constitution. The period of three months shall commence on the date on which the Chamber informs the Government of the vacancy. The term of office of a new Senator shall be limited to the term of office of his predecessor. The terms of office of a new member of House of Representatives shall expire upon the termination of the period of office of the Chamber.**

## **ARTICLE (129)**

**Elections for a new House of Representatives shall take place within the three months preceding the expiration of the period of office of the old House of Representatives. If it is not possible to carry out elections within the said period the term of office of the old House of Representatives shall extend until elections are held, notwithstanding the provisions of Article 104.**

## **ARTICLE (130)**

**The replacement of half the members of the Senate shall take place within the three months preceding the expiration of the terms of membership of the retiring Senators. If it is impossible to effect the replacement within that period, the term of membership of the Senators whose period of office has expired shall be prolonged until the appointment of the new Senators.**

## **ARTICLE (131)**

**The remuneration of Members of Parliament shall be fixed by law, provided that no increase in such remuneration shall take effect until after the expiration of the term of office of the House of Representatives which decided it.**

#### **ARTICLE (132)**

**Each Chamber shall lay its own rules of procedure and it shall specify therein the manner in which it will exercise its functions.**

#### **ARTICLE (133)**

**The President of each Chamber shall be responsible for maintaining order in his Chamber. No armed force may enter either Chamber or be stationed near its doors except by request of the President.**

#### **ARTICLE (134)**

**No one may present a request to Parliament except in writing. Each Chamber may transmit the petitions addressed to it to the Ministers. The ministers shall be bound to give the Chamber necessary explanations regarding such petitions whenever the Chamber so requires.**

#### **ARTICLE (135)**

**The King shall sanction the laws passed by the Parliament and shall promulgate them within thirty days of the date of their communications to him.**

#### **ARTICLE (136)**



**Within the period prescribed for the promulgation of a law, the King may refer the law back to Parliament for re-consideration, in which case Parliament must re-consider the law. If the law is passed again by a two-thirds majority of the members composing each of the two Chambers, the King shall sanction and promulgate it within the thirty days following the communication to him of the last decision. If the majority is less than two thirds the bill shall not be re-considered during that session. If Parliament in another session passes such bill again by a majority of all the members composing each of the two Chambers the King shall sanction and promulgate it within the thirty days following the communication of the decision to him.**

#### **ARTICLE (137)**

**Laws which are promulgated by the King shall become effective in the Kingdom of Libya after thirty days from the date of their publication in the Official Gazette. This period may be increased. The laws must be published in the Official Gazette within fifteen days of their promulgation.**

#### **ARTICLE (138)**

**The right to initiate laws shall be vested in the King, the Senate and the House of Representatives, except when they concern the budget or the imposing of new taxes or the modification of taxes or exemption or part exemption from taxes or their abolition, then the right to initiate such laws shall be vested in the King and the House of Representatives.**

#### **ARTICLE (139)**

**The President of the Senate shall preside whenever the two Chambers meet together in Congress. In his absence, the Speaker of the House of Representatives shall preside.**

#### **ARTICLE (140)**

**The meetings of Congress shall be valid only when the absolute majority of the members of each of the Chambers composing the Congress is present.**

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## **Chapter VIII**

### **The Judiciary**

#### **ARTICLE (141)**

**The Supreme Court shall be formed of a President and of Judges appointed by a Decree, and prior taking office, they shall take oath before the King.**

#### **ARTICLE (142)**

**The President and Judges of the Court shall retire when they have completed the sixty-fifth year of their age (Gregorian).**

#### **ARTICLE (143)**

**The competences of the Supreme Court shall be determined by the law which shall likewise arrange and designate the competences of the other judicial authorities.**

#### **ARTICLE (144)**

**The courts shall hold their sessions in public, unless a court decides to hold its session in secret in the interest of public order and morality.**

#### **ARTICLE (145)**

**The Judges shall be independent; and in the administration of justice they shall be answerable only to the law. They may not be removed from office, as in the manner prescribed in the law.**

#### **ARTICLE (146)**

**The conditions of appointing the Judges, their transfer and the disciplinary actions taken against them shall be prescribed by law.**

#### **ARTICLE (147)**

**The function of the Parquet, its competences and its connection with the Judiciary shall be organised by law.**

#### **ARTICLE (148)**

**Appointment of the Members of Parquet in the courts, the disciplinary actions taken against them and their removal shall be in accordance with the conditions determined by law.**

#### **ARTICLE (149)**

**The arrangement of Martial Courts, the manifestation of their competences and the conditions necessary to be required in those who take charge of justice therein shall be organised by law.**

## ARTICLES (150) to (158)

Articles 150 to 158 are repealed by Law No. 1 of 1963.

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### **Chapter IX**

### **Fiscal System**

#### ARTICLE (159)

The general budget shall be submitted to Parliament for examination and approval at least two months before the beginning of the financial year. The budget shall be approved head by head. The beginning of the financial year shall be determined by a law.

#### ARTICLE (160)

The budget shall be discussed and approved in the first instance by the House of Representatives.

#### ARTICLE (161)

The parliamentary session may not be terminated before the budget has been approved.

#### ARTICLE (162)

**In the cases where the budget has not been approved before the beginning of the financial year, provisional monthly credits shall be opened by Royal Decree on the basis of one twelfth of the credits for the preceding year, and revenue shall be collected and sums expended in accordance with the laws in force at the time of the preceding financial year.**

#### **ARTICLE (163)**

**Any expenditure for which provision has not been made in the budget or which exceeds the budget estimates must be authorized by Parliament, and any transfer of funds from one head of the budget to another must be authorized.**

#### **ARTICLE (164)**

**Between sessions or during the period when the House of Representatives is dissolved, and in cases of urgent necessity, new expenditure for which provision has not been made in the budget may be approved or sums may be transferred from one head of the budget to another on condition that such action is taken by Royal Decree and submitted to Parliament within a period of not more than one month after the next meeting.**

#### **ARTICLE (165)**

**A draft exceptional budget may, in cases of necessity, be drawn up for more than one year to provide for revenue and expenditure of an exceptional nature; such a budget shall not be put into force until it has been approved by Parliament.**

#### **ARTICLE (166)**

**The Audit Office shall audit the Government accounts and shall report to Parliament on the result of the audit. The powers of the Audit Office and its constitution and rules of exercising its auditing powers shall be determined by law.**

## **ARTICLE (167)**

**No tax may be imposed, modified or abolished except by law. No one may be exempt from the payment of taxes except in cases provided by law. No one may be asked to pay any amounts of fees except within the limits of the law.**

## **ARTICLE (168)**

**No pension, compensation, gratuity or payment from provident fund may be approved for payment out of the Government Treasury except within the limits of the law.**

## **ARTICLE (169)**

**No public loan or undertaking that is likely to be a charge on the Treasury for one or more of the following years may be contracted without the consent of Parliament.**

## **ARTICLE (170)**

**The Currency System shall be determined by law.**

## **ARTICLE (171)**

**Any dispute between the Senate and the House of Representatives concerning the approval of a head of the budget shall be settled by a decision taken by an absolute majority of the two Chambers meeting in Congress.**

## **ARTICLE (172)**

All revenues of the State including the receipts from all taxes and fees and other properties shall be paid to the public Treasury in conformity with the provisions of the Constitution and the laws.

## ARTICLES 173 to 175

Articles 173, 174 and 175 are repealed by Law No. 1 of 1963.

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## **Chapter X**

## **Local Administration**

### ARTICLE (176)

The Kingdom of Libya shall be divided into administrative units in conformity with the law to be promulgated in this connection. Local and municipal councils may be formed in the Kingdom. The extend of these units shall be determined by law which shall likewise organize these Councils.

### ARTICLES (177) to (185)

Articles 177 to 185 are repealed by Law No. 1 of 1963.

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**Chapter XI**  
***General Provisions***

**ARTICLE (186)**

**Arabic shall be the official language of the State.**

**ARTICLE (187)**

**Cases in which a foreign language may be used in official transactions shall be determined by law.**

**ARTICLE (188)**

**The Kingdom of Libya has two capitals: Tripoli and Benghazi.**

**ARTICLE (189)**

**The extradition of political refugees shall be prohibited. International treaties and the laws shall prescribe the grounds for the extradition of ordinary criminals.**

**ARTICLE (190)**

**Foreigners shall be deported only in accordance with the provisions of the law.**



## **ARTICLE (191)**

**The legal status of foreigners shall be prescribed by law in accordance with the principles of International Law.**

## **ARTICLE (192)**

**The State shall guarantee respect for the systems of personal status of non-Moslems.**

## **ARTICLE (193)**

**General amnesty shall not be granted except by law.**

## **ARTICLE (194)**

**A law shall determine the manner in which the land, sea and air forces are established and organised.**

## **ARTICLE (195)**

**No provision of this Constitution may be suspended under any circumstances except where such suspension is temporary in time of war or during the operation of martial law and is in accordance with law. In any event a parliamentary session may not be suspended when the conditions prescribed by this Constitution for the holding of such a session exist.**

## **ARTICLE (196)**

**The King or either of the two Chambers may propose the revision of this Constitution either by the amendment or decision of one or more of its provisions or by the insertion of additional provisions.**

#### **ARTICLE (197)**

**No proposal may be made to review the provisions relating to the monarchical form of government, the order of succession to the throne, the representative form of government or the principles of liberty and equality guaranteed by this Constitution.**

#### **ARTICLE (198)**

**For the purpose of reviewing this Constitution, each of the two Chambers shall, by an absolute majority of all its members, adopt a resolution stating the necessity for the review and prescribing the subject thereof. The two Chambers shall, after discussing the matters subject to review, adopt their decisions in respect thereof. Discussion and voting in each of the two Chambers shall not take place unless three-quarters of its members are present. The resolution to be valid must be adopted by a majority of three-quarters of the members present in each of the two Chambers and must be sanctioned by the King.**

#### **ARTICLE (199)**

**Article 199 is repealed by Law No. 1 of 1963.**

#### **ARTICLE (200)**

Immigration into Libya shall be regulated by law.

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## **Chapter XII**

### ***Transitory and Provisional Provisions***

#### **ARTICLE (201)**

Until the promulgation of the Law on "Local Administration," the Kingdom of Libya shall be divided into ten main administrative units, which shall be named by a Resolution of the Council of Ministers, and each unit shall be headed by an official appointed by Royal Decree.

#### **ARTICLE (202)**

The existing Senate shall retain its present form until the expiry of the membership of each Senator.

#### **ARTICLE (203)**

**Article 203 is repealed by Law No. 1 of 1963.**

## **ARTICLE (204)**

**All laws, legislation, orders and notices which are in operation in any part of Libya upon the coming into force of this Constitution shall continue to be effective in so far as they are not inconsistent with the provisions of the new constitutional amendment, until they expire, or they are repealed, amended or replaced by other legislation enacted in accordance with the rules prescribed in this Constitution.**

## **ARTICLES (205) to (213)**

**Articles 205 to 213 are repealed by Law No. 1 of 1963.**

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**The Libyan National Assembly prepared and resolved this Constitution in its meeting held in the city of Benghazi on Sunday, 6th Muharram, Hegera 1371 corresponding to 7th October 1951, and delegated its president and the two Vice-Presidents to promulgate it and submit it to His Majesty, the Exalted King, and published in the Official Gazette in Libya.**

**In pursuance of the Resolution of the National Assembly we have promulgated this Constitution in the city of Benghazi on Sunday, the 6th day of Muharram, Hegera 1371, corresponding to the 7th day of October 1951.**

**MOHAMED ABULAS'AD EL-ALEM**

**President of the National Assembly**

**OMAR FAIEK SHENNIB**

**Vice-President of the National Assembly**

**ABUBAKER AHMED ABUBAKER**

**Vice-President of the National Assembly**

