

Loi constitutionnelle du 2 novembre 1945

French Constitution 1946

The Institutions of the Republic

Title I The Sovereignty

Art. 1. France is an indivisible, secular, democratic and social Republic.

Art. 2. The national emblem is the tricolor flag, bleu, white and red with three vertical strips of equal dimensions.

The national hymn is the "Marseillaise."

The witticism of the Republic is: "Liberty, Equality, Fraternity."

Its principle is: government by the people, for the people and with the people.

Art. 3. National sovereignty belongs to the French people.

People use it, in constitutional subject, with the vote of its representatives and with the referendum.

In all other subjects it uses it through its deputies in the National Assembly, chosen with universal suffrage, equal, direct and secret.

Art. 4. Electors are, at the conditions determined by the law, all the national and French subjects of age of both the sexes, who enjoy the civil and political rights.

Title II. The Parliament

Art. 5. The Parliament is composed from the National Assembly and the Council of the Republic.

Art. 6. The duration of the powers of every Assembly, its electoral system, the conditions of eligibility, the regime of the ineligibility and incompatibility, are determined by the law.

The two Chambers are, besides, chosen on territorial base: the National Assembly with direct universal suffrage; the Council of the Republic through the town and departmental collectivities, with indirect universal suffrage. The Council of the Republic is renewable for half.

Nevertheless, the National Assembly can elect, with proportional representation, a number of advisers that have not to overcome a sixth of the total of the members of the Council of the Republic

The number of the members of the Council of the Republic cannot be inferior to 250 neither superior to 320.

Art. 7 (1). The war cannot be declared without a vote of the National Assembly and the preventive opinion of the Council of the Republic.

Art. 8. Each Chamber is judge of the eligibility of its members and the regularity of their election; it can receive their resignations, only.

Art. 9 (2). The National Assembly meets of full law in annual session on second Tuesdays of January.

The general duration of the interruptions of the session cannot overcome four months. The updating of the sessions superior to ten days are considered as interruptions of the session.

The Council of the Republic meets contemporarily to the National Assembly.

Art. 10. The sessions of the two Chambers are public. Either the reports in extenso of the discussions either the parliamentary documents are published in the "Journal Officiel"

Each Chamber can meet in secret committee.

Art. 11 (3). Each Chamber elects its Office of

Presidency every year, at the beginning of the session, with the proportional representation of the groups.

When the two Chambers meet for the election of the President of the Republic their Presidency is that of the National Assembly.

Art. 12 (4). When the National Assembly is not in session, its Presidency, checking the action of the Cabinet, can summon the Parliament; it has to do so with the request of a third of the deputies or the President of the Council of the ministers.

Art. 13. Only the Assembly votes the laws. It cannot delegate such right.

Art. 14 (5). The President of the Council of the Ministers and the members of the Parliament have the initiative of the laws.

The bill of law [projets, or rather "introduced by the Government": note of the translator.] and the proposals of law formulated by the members of the National Assembly are deposited in its office of presidency.

The proposals of law formulated by the members of the Council of the Republic are deposited in the office of presidency of this and transmitted before the discussion to the Presidency of the National Assembly. They are not admissible when they have as consequence a diminution of entrances or an increase of expenses.

Art. 15. The National Assembly studies the bills and the proposals of law, of which it is invested in the committees, of which it determines the number, the composition and the competence.

Art. 16. In the National Assembly is discussed the bill of law related to the budget.

This same law cannot include anything other than tightly financial dispositions.

An organic law will regulate the way of presentation of the budget.

Art. 17. The deputies of the National Assembly enjoy some initiative in subject of expenses.

Nevertheless, no proposal made to increase the anticipated expenses or to create the new one can be introduced in the center of discussion of the budget and the notes of variations.

Art. 18. The National Assembly equalizes the accounts of the Nation.

To such effect it is assisted by the Court of the accounts.

The National Assembly can entrust the Court of the accounts to develop any investigation or study regarding the collections and the public expenses or the management of the treasury.

Art. 19. The amnesty can be granted only by law.

Art. 20 (6). The Council of the Republic examines, for its opinion, the bills and the proposals of law voted in first reading from the National Assembly.

It gives its opinion within two months, at maximum, from the transmission from the National Assembly. When it concerns the law of the budget, such term can be reduced, where it needs, in way not to exceed the time employed by the National Assembly to examine it and to vote it. When the National Assembly has decided to follow the procedure of urgency, the Council of the Republic expresses its opinion in the same anticipated term for the discussions of the National Assembly according to the rule of this one. The anticipated terms in the present article are suspended during the interruptions of the session. They can be prolonged with deliberation of the National Assembly.

If the opinion of the Council of the Republic is conforming, or it has not been given in the terms foreseen by the precedent paragraph, the law is promulgated in the text voted by the National Assembly.

If the opinion is not conforming, the National Assembly examines the bill or the proposal of law in second reading. It definitely deliberates only on the amendments proposed by the Council of the Republic, completely or partly approving them or rejecting them. In case of total or partial rejection of such amendments, the vote in second reading takes place with public vote, at absolute majority of the members of the National Assembly, when the vote has happened, by the Council of the Republic, under the same conditions.

Art. 21. No member of the Parliament can be pursued, sought after, halted, imprisoned or judged in dependence of the opinions or votes from him issued in the exercise of his functions.

Art. 22 (7). No member of the Parliament is able, during his mandate, to be pursued or halted in criminal or correctional subject if not with the authorization of the Chamber of which he makes part, saving the case of flagrant crime. The detention or the procedure against a member of the Parliament are suspended, if the Chamber of which he makes part requires it.

Art. 23. The members of the Parliament perceive an established indemnity with reference to the treatment of a category of officials.

Art. 24. Nobody can contemporarily belong to the National Assembly and the Council of the Republic. The members of the Parliament cannot belong to the Economic Council, neither to the Assembly of the French union.

Title III. The Economic Council

Art. 25. An Economic Council, whose statute is regulated by law, examines, for the opinion, the bills and the proposals of law of its competence. Such projects are submitted to it from the National Assembly before it deliberates.

The Economic Council can be also consulted by the Council of the ministers. It is obligatorily when it is to establish an economic national plan having for object the full employment of the men and the rational use of the material resources. [...]

Title V. The President of the Republic

Art. 29. The President of the Republic is elected by the Parliament. He is chosen for a seven-year period. He can be re-elected one time.

Art. 30. The President of the Republic names, in Council of the ministers, the advisers of State, the Great Chancellor of the Legion of honor, the ambassadors and the extraordinary envoys, the members of the superior Council and the Committee of the national defense, the Rectors of the Universities, the Prefects, the Managers of the central administrations, the general officers, the Representatives of the Government in the Territories of overseas.

Art. 31. The President of the Republic is kept aware of the international negotiations. He signs and ratifies the agreements. The President of the Republic accredits the ambassadors and the extraordinary envoys in the foreign Powers; the ambassadors and the foreign extraordinary envoys are accredited to him.

Art. 32. The President of the Republic presides the Council of the ministers.

He lets compile and guards the oral reports of the sessions.

Art. 33. The President of the Republic presides, with the same attributions, the superior Council and the Committee of the national defense and he has the title of Chief of the armed forces.

Art. 34. The President of the Republic presides the superior Council of the Magistracy.

Art. 35. The President of the Republic manages, in superior Council of the Magistracy, the right of grace.

Art. 36. The President of the Republic definitely promulgates the laws within ten days from the transmission to the Government of the approved law. Such term is reduced to five days in case of urgency declared by the National Assembly.

Within the term fixed for the promulgation, the President of the Republic is able, with motivated message, to ask the Chambers a new deliberation that cannot be refused.

If, the promulgation from the President of the Republic doesn't intervene in the terms established by the present Constitution, the President of the National Assembly does it.

Art. 37. The President of the Republic communicates with the Parliament with messages addressed to the National Assembly.

Art. 38. Every action of the President of the Republic must be countersigned from the President of the Council of the ministers and from a minister.

Art. 39. Not over thirty and not before fifteen days from the cessation of the powers of the President of the Republic, the Parliament proceeds to the election of the new President.

Art. 40. If, in application of the preceding article, the election has taken place in the period in which the National Assembly is dissolved to the senses of the art. 51, the powers of the President of the Republic are postponed until the election of the new President. The Parliament proceeds to the election of the new President within ten days from the election of the new National Assembly.

In such case the designation of the President of the Council of the ministers takes place within fifteen days from the election of the new President of the Republic.

Art. 41. In case of impediment recognized by a vote of the Parliament, and in case of vacation for death, resignations or other cause, the President of the National Assembly provisionally assumes the interim of the functions of the President of the Republic And he will be replaced in his functions from a Vice-president.

The new President of the Republic is chosen within ten days, except what said in the preceding article.

Art. 42. The President of the Republic is responsible only in case of high betrayal.

He can be set in state of accusation from the National Assembly and postponed in front of the high Court of justice according to the norms contained in the art. 57.

Art. 43. The office of President of the Republic is incompatible with every other public function.

Art. 44. The members of the families that have reigned in France cannot be chosen to the Presidency of the Republic.

Title VI. The Ministers' Council

Art. 45 (8). At the beginning of every legislature the President of the Republic, after the consultations of rite, designates the President of the Council. These one submits the program and the politics of the Cabinet that he intends to constitute to the National Assembly.

The President of the Council and the ministers cannot be named if not after the President of the Council has gotten confidence from the Assembly, through nominal appeal and to absolute majority, saving the case of force majeure that prevents the reunion of the National Assembly.

This disposition is also applied during the legislature, in the case of vacation for death, resignations or other cause, except what is said in the art. 52. The norms of the art. 51 are not applicable in the case that the ministerial crisis intervenes within fifteen days from the nomination of the ministers.

Art. 46. The President of the Council and the ministers from him chosen are named with decree of the President of the Republic.

Art. 47. The President of the Council of the ministers assures the execution of the laws.

He names all the civil and military employment, except those foreseen by the arts. 30, 46 and 84.

The President of the Council assures the direction of the armed forces and coordinates the national defense.

The actions of the President of the Council of the ministers contained in the present article are countersigned by the competent ministers.

Art. 48. The ministers are collegially responsible in front of the National Assembly of the general politics of the Cabinet and individually of their personal actions.

They are not responsible toward the Council of the Republic.

Art. 49 (9). The matter of confidence cannot be set if not after a deliberation of the Council of the ministers; and it must be promoted by the President of the Council.

The vote on the matter of confidence will not be held before it has spent one whole day after that the same matter was set in front of the Assembly, and it will be given for nominal appeal.

Confidence can be denied to the Cabinet only by the absolute majority of the members of the Assembly.

The denial involves the resignations of the Cabinet.

Art. 50 (10). The favorable vote on a motion of censorship from the Assembly involves the collegial resignations of the Cabinet.

Such vote cannot take place before it has spent one whole day after the deposit of the motion and it will be given for nominal appeal.

The motion of censorship must be approved to absolute majority of the members of the Assembly.

Art. 51. If during eighteen months two ministerial crises intervene under the conditions foreseen by the arts. 49 and 50, the breaking-up of the National Assembly can be definite in Council of the ministers, heard the opinion of the President of the Assembly. The breaking-up will be pronounced, in conformity of such decision, with decree of the President of the Republic.

The dispositions of the preceding paragraph are not applicable if not after the first eighteen months of the legislature.

Art. 52 (11). In case of breaking-up, the Cabinet, except the President of the Council and the Minister of Home Affairs, stays incumbent for the ordinary administration.

The President of the Republic names President of the Council the President of the National Assembly. This one names the new Minister of the Home Affairs in accord with the office of presidency of the National Assembly. And he names ministers of State some members of the groups not representing the Government.

The general elections take place not less than twenty or no more than thirty days after the breaking-up.

The National Assembly is summoned by full law on third Thursdays following to the election.

Art. 53. The ministers can intervene to the sessions of the two Chambers and their Committees. They must be intended every time that they require it. They can let be assisted in the discussions to the Chambers from Commissioners to such purpose designated with special decrees.

Art. 54. The President of the Council of the ministers can delegate some powers to a minister.

Art. 55. In case of vacation for death or for other cause, the Council of the ministers entrusts provisionally one of its components to exercise the functions of President of the Council of the ministers .

Title VII. The Penal Responsibility of the Ministers

Art. 56. The ministers are penally responsible of the crimes committed in the exercise of their functions.

Art. 57. The ministers can be set in state of accusation from the National Assembly and sent in front of the high Court of justice.

The National Assembly deliberates by secret ballot and to absolute majority of the members, except for those people who have been called to take part to the accusation to the inquiry or in the trial.

Art. 58. The high Court of justice is elected by the National Assembly at the beginning of every legislature.

Art. 59. A special law establishes the constitution and the procedure of the high Court.

Title VIII. The French union

Section I. - general Principles

Art. 60. The French union is composed, from a side, from French Republic, that includes metropolitan France, the Departments and the Territories of overseas, and, from the other side, from the associated Territories and States.

Art. 61. The situation of associated States in the French union results for each one from the act that defines its relationships with France.

Art. 62. The members of the French union contribute with all their means to the defense of the whole Union. The Government of the Republic takes care of the coordination of such mean and the direction of the politics established to prepare and to guarantee such defense.

Section II. - The organization

Art. 63. The central organs of the French union are: the Presidency, the high Council, the Assembly.

Art. 64. The President of the French Republic is President of the French union, and he represents the permanent affairs of it.

Art. 65. The high Council of the French union, presided by the President of the union, is composed from a delegation of the French government and from the representations that each associated state has the faculty to designate near the President of the union.

It has for essential function to assist the Government in the general politics of the union.

Art. 66. The Assembly of the French union is composed, for half, from representing members of metropolitan France and, for half, from representing members of the Departments, the Territories of overseas and associated States .

An organic law will establish in which proportions can be represented the different component of the population.

Art. 67. The members of the Departments and the Territories of overseas are elected to the Assembly of the union by the territorial asseblies; those of metropolitan France are chosen in reason for two third from the members of the Assembly National representing the metropolis and in reason for a third from the members of the Council of the Republic representing the metropolis.

Art. 68. The associated States can send delegates to the Assembly of the union in the limits and to the conditions established from a law and from an inside act of each State.

Art. 69. The President of the French union summons the Assembly of the French union and closes the sessions of it. He is forced to summon it on request of half its components.

The Assembly of the French union cannot work during the intervals between the sessions of the Parliament.

Art. 70. The norms of the arts. 8, 10, 21, 22 and 23 are applied to the Assembly of the French union to the same conditions with which they are applied to the Council of the Republic.

Art. 71. The Assembly of the French union is invested with the bills and the proposals of law that have been submitted to it for the opinion from the National Assembly, or from the Government of the French Republic, or from the Governments of associated States .

The Assembly pronounced itself on the proposals of resolutions that have been presented to it from one of its members and if it takes them in consideration, it can entrust its Office of presidency to transmit them to the National Assembly. It can make proposals to the French Government and the high Council of the French union.

The proposals of resolution of which in the previous paragraph must be referred to laws related to the Territories of overseas.

Art. 72. In the Territories of overseas the legislative power belongs

to the Parliament for what it concerns the penal legislation, the regime of the fundamental liberties and the political and administrative organization.

For all other subjects, the French law is valid in the territories of overseas only when it gives disposition of it peremptory or when has been extended to the Territories of overseas, with special decree, heard the opinion if the Assembly of the union.

Besides, derogating art. 13, the President of the Republic, in Council of the ministers, with previous opinion of the Assembly of the union, can establish particular dispositions for each Territory

Section III. - The Departments and the Territories of overseas

Art. 73. The legislative system of the Departments of overseas is equal to that of the metropolitan Departments, saving the exceptions established by the law.

Art. 74. The Territories of overseas have a special statute that keeps track of their particular affairs within the affairs of the Republic.

Such statute and the inside organization of each Territory of overseas, or of each group of Territories, is established from by law, heard the Assembly of the union French and previous consultation of the territorial Assemblies.

Art. 75. The particular statutes of the members of the Republic and the French union are susceptible of evolution.

The statutory modifications and the passages from a category to the other, in the picture pointed out by the art. 60, take place only in force of a law voted by the Parliament previous consultation of the territorial Assemblies and the Assembly of the union.

Art. 76. The representative of the Government in each Territory or group of Territories is the deposit of the powers of the Republic. He is also the Chief of the administration of the Territory.

It is responsible of his actions toward the Government.

Art. 77. In every Territory is founded an elective Assembly. The electoral system, the composition and the competence of such Assembly are established by law.

Art. 78. In the groups of Territories the guardianship of the common affairs is entrusted to an Assembly composed of members elected by the territorial Assemblies.

Its composition and its powers are disciplined by law.

Art. 79. The Territories of overseas elect their own representatives to the National Assembly and the Council of the Republic in the forms established by law.

Art. 80. The natives of the Territories of overseas are considered citizen, to the same title of the national French of the metropolis or the Territories of overseas. Special laws will discipline the forms in which such right can be exercised.

Art. 81. national French and the natives of the French union are citizen of the French union, which assures the enjoyment of the rights and the liberties guaranteed to them in the preamble of the present Constitution.

Art. 82. The citizens that don't have the French civil statute preserve their personal statute, because they cannot give up it.

Such statute is not able in any case to constitute motive to refuse or to limit the rights and the liberties deriving from the status of French citizen.

Title IX. The Superior Council of the Magistracy

Art. 83. The superior Council of the Magistracy is composed of fourteen members:

the President of the Republic, President;

the Minister of the justice, Vice-president;

six members chosen for six years from the National Assembly itself, to two third majority and six substitutes, chosen to the same conditions;

six members designated as it follows:

four magistrates, chosen for six years in the ways foreseen by the law and four substitutes, chosen in the same way

two members, named for six years from the President of the Republic, choosing them out of the Parliament and of the magistracy, but among the forensic professions and two substitutes equally designated .

The decisions of the superior Council of the Magistracy are adopted to majority of votes. In case of parity, the vote of the President prevails.

Art. 84. The President of the Republic names, on proposal of the superior Council of the Magistracy, the magistrates, to exception of those of the District Attorney.

The superior Council of the Magistracy assures, accordingly to the dispositions of law, the magistrates' discipline, their independence and the administration of the judicial organs.

The magistrates of the judicial organs irrevocable.

Title X. The Territorial Collectivities

Art. 85. The French Republic, one and indivisible, recognizes the subsistence of the territorial collectivities.

Such collectivities are the Communes, the Departments and the Territories of overseas.

Art. 86. The general position, the extension, the possible grouping and the organization of the Communes and the Departments, as well as of the Territories of overseas are established by the law.

Art. 87. Territorial collectivities are freely administered through Councils chosen to universal suffrage.

The taking care of the execution of the decisions of such Councils is of the Mayor [Maire] or their President.

Art. 88. The coordination of the activity of the officials of the State, the representation of the national affairs and the administrative control of the territorial collectivities are assured, in the departmental circle, from Delegates of the Government, named in Council of the ministers.

Art. 89. Some organic laws will extend departmental and town liberties; they can foresee, for some large cities, norms of operation and different structures from those of the small Common and to allow special dispositions for some Departments; and they will establish, besides, the conditions of application of the preceding arts. from 85 to 88.

Equally for law it will be established in which way the local services of the central administrations will work, so that to approach the administration to the people.

Title XI. The Revision of the Constitution

Art. 90. The revision takes place in the following forms.

The revision must be decided with deliberation adopted to absolute majority of the members of the National Assembly.

Such deliberation points out the object of the revision.

It is submitted, in the three month-minimum term, to a second reading, to which it has to proceed in the same forms of the first one, unless the deliberation has not been adopted to absolute majority from the Council of the Republic, to which it must be sent by the National Assembly.

After such second reading, the National Assembly elaborates the project of law for the revision of the Constitution. Such project is submitted to the Parliament and voted to majority, in the forms anticipated for the ordinary laws.

The project is submitted to referendum, except that it has been adopted in second reading from the Assembly National with a two third majority or majority of the three fifth voted by each assembly.

The project is promulgated as constitutional law from the President of the Republic within eight days from its adoption.

No constitutional revision related to the existence of the Council of the Republic can be effected without the consent of the Council itself or without recourse to a referendum.

Art. 91. The constitutional Committee is presided by the President of the Republic.

They make part of it: the President of the National Assembly, the President of the Council of the Republic, seven members chosen to the National Assembly at the principle of every annual session with the proportional representation of the groups and select out of its members, three members chosen in the same forms from the Council of the Republic

The constitutional Committee verifies if the laws voted by the National Assembly implicates a revision of the Constitution.

Art. 92. Within the term of promulgation of the law, the Committee is invested of the matter through a question presented jointly from the President of the Republic and from the President of the Council of the Republic, after the Council has deliberated to absolute majority of its own components.

The Committee examines the law, it tries to promote the accord between the National Assembly and the Council of the Republic and, if it doesn't succeed, it deliberates within five days from that in which has been invested of the matter. In case of urgency, such term can be reduced to two days.

The Committee can decide only on the possibility of revision of the dispositions of the titles from the 1 to the 10 of the present Constitution.

Art. 93. The law that, according to the opinion of the Committee, implicates a revision of the Constitution, is sent to the Assembly for a new deliberation.

If the Parliament insists on its precedent vote, the law cannot be promulgated before the Constitution has been revised in the forms foreseen by art. 90.

If the law is judged conforming to the dispositions of the Titles from the 1 to the 10 of the present Constitution, is promulgated in the term foreseen by art. 36, prolonged subsequently of the duration of the terms foreseen by art. 92.

Art. 94. In case of occupation of whole or part of the metropolitan territory from foreign forces, no procedure of revision can be begun or continued.

Art. 95. The republican form of government cannot constitute the object of a proposal of revision. [...]

(Source: http://www.geocities.com/iturks/html/french_constitutions.html)

Reading assignment: http://fr.wikisource.org/wiki/Constitution_du_4_octobre_1958 or

<http://www.assemblee-nationale.fr/english/8ab.asp>