

**Royal Decree No. 42 of 1923**

**On**

**Building a Constitutional System for the Egyptian State**

<b>Preamble</b> .....	<b>2</b>
<b>Part I: The Egyptian State and the System of Government</b> .....	<b>2</b>
<b>Part II: On the Rights and Duties of Egyptians</b> .....	<b>3</b>
<b>Part III: Powers</b> .....	<b>5</b>
<b>Chapter One: General Provisions</b> .....	<b>5</b>
<b>Chapter Two: The King and Ministers</b> .....	<b>6</b>
Section 1: The King.....	6
Section 2: Ministers .....	10
<b>Chapter Three: The Parliament</b> .....	<b>12</b>
Section 1: The Senate.....	12
Section 2: The House of Representatives .....	14
Section 3: General Provisions for Both Houses.....	15
Section 4: Special Provisions for the Convention of the Congress of Parliament .....	19
<b>Chapter Five: Provincial and Municipal Councils</b> .....	<b>20</b>
<b>Part IV: Finance</b> .....	<b>21</b>
<b>Part V: The Armed Forces</b> .....	<b>22</b>
<b>Part VI: General Provisions</b> .....	<b>23</b>
<b>Part VII: Final and Temporary Provisions</b> .....	<b>24</b>

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## **Royal Decree No. 42 of 1923**

**On**

### **Building a Constitutional System for the Egyptian State**

#### **Preamble**

#### **We, the King of Egypt,**

Having, since mounting the throne of our ancestors and vowing to keep safe the trust which God Almighty has entrusted to us, always done our utmost to pursue the good of our nation, and pursue the path which we know will lead to its welfare and advancement and to deriving the enjoyments of free and civilized nations;

And since such end cannot be properly attained unless in a constitutional system similar to the most advanced constitutional systems in the world, under which our nation can happily and satisfactorily live and pursue the path of an absolutely free life, and which ensures active participation in running state affairs and overseeing the drafting and enforcement of laws, and brings a sense of comfort and assurance about our nation's present and future, while maintaining the national qualities and distinctions which constitute the great historical heritage thereof;

And as the fulfilment of such end has constantly been our desire and one of the greatest endeavours we are determined to seek so as to help our People's rise to the highest of standards which the People is readily qualified and capable of meeting, which befit the ancient historical greatness of our People, and which enable our People to attain the appropriate status among peoples of civilized nations;

**Have hereby decreed as follows:**

#### **Part I: The Egyptian State and the System of Government**

##### **Article 1**

Egypt shall be a sovereign, free and independent country. The monarchy shall be indivisible and inalienable in any part thereof. The system of government shall be a representative hereditary monarchy.

## **Part II: On the Rights and Duties of Egyptians**

### **Article 2**

Egyptian nationality shall be determined by law.

### **Article 3**

Egyptians shall be equal before the law in enjoying civil and political rights, and in public duties and mandates, with no discrimination among them therein on the grounds of origin, language or religion. Egyptians shall solely be appointed in public positions whether civil or military. No foreigners may be appointed in such positions other than in exceptional conditions stated by law.

### **Article 4**

Personal freedom shall be protected.

### **Article 5**

No person may be arrested or imprisoned unless as per the provisions of the law.

### **Article 6**

No crime or punishment shall be decided except in accordance with the law. No punishment may be imposed unless on actions committed after the promulgation of the relevant law.

### **Article 7**

No Egyptian shall be expelled from Egyptian territories, and no Egyptian may be prohibited from residing anywhere or be compelled to reside in a certain place unless in accordance with conditions set forth by the law.

### **Article 8**

The home shall be inviolable. No home may be entered unless in conditions established by the law and by means stipulated therein.

### **Article 9**

Property shall be inviolable. No property may be expropriated from any person unless for public interest in conditions set forth by the law and by means stipulated therein provided that such person is fairly compensated.

### **Article 10**

The punishment of public confiscation of assets shall be prohibited.

**Article 11**

No secrecy of letters, telegraphs and telephone communications may be divulged unless in conditions set forth by the law.

**Article 12**

Freedom of belief shall be absolute.

**Article 13**

The State shall safeguard the freedom of performing religious rites and beliefs as per traditions observed in Egyptian territories provided that such shall not breach public order or contradict morals.

**Article 14**

Freedom of opinion shall be ensured. Every person may express their thoughts in saying, writing, depiction, or otherwise in consistency with the law.

**Article 15**

The press shall be free within the limits of the law. Censorship of newspapers shall be prohibited. Warning, suspension or cancellation of papers via administrative means shall also be prohibited unless necessary for protecting social order.

**Article 16**

The freedom to use any language in private or commercial dealings, in religious matters, in whatsoever type of newspapers and prints, or in public meetings shall not be restricted.

**Article 17**

Education shall be free except when it breaches public order or contradicts morals.

**Article 18**

Public education shall be regulated by law.

**Article 19**

Primary education shall be compulsory for Egyptian boys and girls, and shall be free in public schools.

**Article 20**

Egyptians shall have the right to gather in calmness and serenity unarmed. No police personnel may attend their meetings whom they need not inform of such. However, such provision shall not apply to

public gatherings which shall be subject to the provisions of the law, and shall not restrict or prevent any measure taken to safeguard social order.

#### **Article 21**

Egyptians shall have the right to form associations. Means of using such right shall be established by the law.

#### **Article 22**

Egyptian individuals may address public authorities about any emerging affairs by means of writings signed in their names. Only State authorities and legal personalities shall be entitled to address authorities collectively.

### **Part III: Powers**

#### **Chapter One: General Provisions**

#### **Article 23**

The source of all powers shall be the nation. The use of such powers shall be in accordance with this Constitution.

#### **Article 24**

Legislative power is held by the king in participation with the Senate and the House of Representatives.

#### **Article 25**

No law may be promulgated unless resolved by the Parliament and endorsed by the King.

#### **Article 26**

Laws shall be enforceable all across Egypt via promulgation by the King. Promulgation shall be concluded from the publishing of laws in the official gazette. Laws shall be enforced everywhere in Egypt as of the time of knowing of the promulgation thereof, which promulgation shall be deemed known all over Egypt thirty days following the publishing thereof, which period may be expressly restricted or extended in such laws.

#### **Article 27**

Provisions of laws shall only apply to incidents following the date of the enforcement thereof, and shall not result in any retroactive effects unless otherwise specially stipulated.

## **Article 28**

The King, Senate and House of Representatives shall have the right to propose laws unless pertaining to the creation or increase of taxes, which proposal shall be made by the King and House of Representatives.

## **Article 29**

Executive power is held by the King within the limits of the present Constitution.

## **Article 30**

Judicial power is held by the different types and levels of courts.

## **Article 31**

Rulings of different courts shall be made and executed in pursuance of the law in the name of the King.

## **Chapter Two: The King and Ministers**

### *Section 1: The King*

## **Article 32**

The throne of the Egyptian Kingdom is hereditary in the dynasty of Muhammad Ali. Succession to the throne shall be as per the Royal Decree issued on 15<sup>th</sup> Shaaban 1340 AH corresponding to 13<sup>th</sup> April 1922.

## **Article 33**

The King is the highest Head of State whose person shall be immune and inviolable.

## **Article 34**

The King shall endorse and issue laws.

## **Article 35**

Should the King deem not to endorse a bill approved by the Parliament, he shall return such to the latter within one month for reconsideration. Should the bill not be returned on such appointed date, the bill shall be considered endorsed by the King and be promulgated.

### **Article 36**

Should a bill be returned on the abovementioned date and the Parliament approves such by two-thirds majority of the Members of both houses, the bill shall be made into law and be issued. Should the majority be less than two thirds, the bill may not be considered in the same session. Should the Parliament approve such bill in another session by absolute majority of votes, the bill shall be made into law and be issued.

### **Article 37**

The King shall lay down the regulations necessary to enforce laws without any amendment, stay or exemption of the execution thereof.

### **Article 38**

The King shall have the right to dissolve the House of Representatives.

### **Article 39**

The King may postpone holding Parliamentary sessions provided that such postponement shall be no more than one month and not be repeated in one session without both houses' approval.

### **Article 40**

The King may, when necessary, call the Parliament to extraordinary sessions and may also call the Parliament by virtue of a request by absolute majority of the Members of either House. The King adjourns the extraordinary sessions.

### **Article 41**

Should there be an emergency necessitating the taking of immediate measures during a parliamentary recess, the King may issue decrees with the force of law on condition that such decrees shall not violate the Constitution. The Parliament must be called for an extraordinary session where such decrees are presented in the first plenary thereof. Should such decrees not be presented or not be approved by either house, the force of law thereof shall be invalid.

### **Article 42**

The King shall inaugurate the ordinary Parliamentary session by the Throne Speech with both Houses jointly convened, outlining the conditions of the nation, to which each House shall present a written response.

**Article 43**

The King creates and grants civil and military ranks, orders and other titles of honour. The King shall have the right of coinage in execution of the law, as well as the right of pardon and punishment reduction.

**Article 44**

The King shall regulate public authorities and appoint and dismiss employees as per the law.

**Article 45**

The King shall declare martial laws. The declaration of martial law must be immediately presented to the Parliament to decide on the continuation or repeal thereof. Should martial law be declared at a time when parliament is not in session, the Parliament must be called for convention quickly.

**Article 46**

The King is the Commander-in-chief of land and navy forces and shall appoint and dismiss officers, declare war, make reconciliations, and conclude treaties and report such to the Parliament whenever befitting the State's interest and security supported by an appropriate explanation. However, the declaration of an offensive war may not take place unless with the approval of the Parliament. Treaties of peace, alliance, commerce and navigation and all treaties resulting in adjusting State territories, in reducing the rights of sovereignty thereof, in charging any expenses to the guarding thereof, or in violating the public or private rights of Egyptians shall not be enforced unless approved by the Parliament. By no means may the covert terms of any treaty contradict the overt terms.

**Article 47**

The King may not undertake along with the reign of Egypt the affairs of any other country unless with the consent of the Parliament. Deliberation in either House on such shall not be valid without the presence of at least two thirds of the Members thereof, and the resolution thereof shall not be valid unless with a two-thirds majority of the Members attending.

**Article 48**

The King shall assume power through his Ministers.

**Article 49**

The King shall appoint and dismiss his Ministers, and appoint and dismiss diplomatic agents upon recommendation from the Minister of Foreign Affairs.

#### **Article 50**

Prior to exercising his constitutional powers, the King shall take the following oath before both Houses jointly: "I swear by God the Great to respect the Constitution and laws of the Egyptian Nation and uphold the independence and integrity of the territories thereof."

#### **Article 51**

Regents shall not assume office unless after taking the oath stated in the previous Article before both Houses jointly, to which the following shall be supplemented: "and to be loyal to the King."

#### **Article 52**

Upon the King's death, both houses shall in accordance with the law convene within ten days as of the date of declaring the King's passing. Should the House of Representatives be dissolved and the date appointed in the decree of dissolution for convention lie beyond the tenth day, the old House shall return to work until the succeeding House convenes.

#### **Article 53**

Should there be no one to succeed the King to the throne, the King may appoint his successor with the approval of the Congress of Parliament. For that resolution to be valid, three quarters of each House must be present and a two-thirds majority of the Members attending shall be required.

#### **Article 54**

Should the throne be vacant for the absence of a successor to the King or for not appointing a successor to him as per the provisions of the previous Article, the Congress of Parliament shall immediately convene, in accordance with the law, to select a King. The selection shall be within eight days as of the date of the convention thereof. The convention shall be valid by the attendance of three quarters of both Houses and a two-thirds majority of the Members attending. Should the selection fail to be made on the said date, both Houses shall, jointly on the ninth day, make such selection regardless of the number of the Members attending, in which case the selection shall be valid by simple majority. Should the House of Representatives be dissolved in the time of throne vacancy, the House shall return to work until the next House convenes.

#### **Article 55**

As of the King's death until the swearing-in of his successor or the regents, the constitutional powers of the King shall be assumed and undertaken as a responsibility by the Council of Ministers in the name of the Egyptian Nation.

## **Article 56**

Upon coming to power, the King's and the Royal Family's allocations shall be made by law for the period of his reign. The law shall set the salaries of regents so that such shall be taken from the King's allocations.

### *Section 2: Ministers*

## **Article 57**

The Council of Ministers controls the State's interests.

## **Article 58**

Ministers shall only be Egyptian.

## **Article 59**

None of the Royal Family may be a Minister.

## **Article 60**

The King's signatures in connection with State affairs must, in order to be valid, be endorsed by the Prime Minister and competent Ministers.

## **Article 61**

Ministers shall be jointly accountable before the House of Representatives for the State's general policy, and each shall be responsible for their ministry's work.

## **Article 62**

The King's orders, either oral or written, shall not waive the Ministers of their responsibility in any case.

## **Article 63**

Ministers may attend either House and must be heard whenever they request to speak. Their opinion shall be counted in deliberation unless they are Members. They may seek the help of or delegate whoever they deem fit from their senior employees. Each House may obligate Ministers to attend the sessions thereof.

#### **Article 64**

A Minister may not buy or rent any State property even if such be via public auction, and may not, during his tenure, accept the membership of any company's board of directors or actually participate in a commercial or financial business.

#### **Article 65**

Should the House of Representatives make a no-confidence vote on the cabinet, such cabinet must resign. Should the vote be on a Minister, such Minister must resign his ministry.

#### **Article 66**

The House of Representatives shall solely have the right to impeach Ministers on their committed crimes in connection with exercising their jobs, which impeachment shall only be made by a two-thirds majority of votes. The Privy Council<sup>1</sup> shall solely have the right to try Ministers for the crimes they commit. The House of Representatives shall, from the Members thereof, appoint whoever shall undertake the confirmation of impeachment before such Council.

#### **Article 67**

The Privy Council shall be composed of the President of the Supreme National Court as Chair, and sixteen Members, eight of whom shall be from the Senate to be appointed by lots, and eight judges from the Egyptian judges of the said Court in order of seniority. When necessary, the number shall be completed by presidents of subsequent courts then from the judges thereof in order of seniority as well.

#### **Article 68**

The Privy Council shall enforce the Penal Code on the crimes stipulated therein. A special law shall state the responsibility of Ministers not addressed by the Penal Code.

#### **Article 69**

Rulings of punishment shall be made by the Privy Council by a twelve-vote majority.

#### **Article 70**

Until the issuance of a special law, the Privy Council shall personally regulate the method of conducting ministerial trials.

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<sup>1</sup> This is an approximate translation of the Arabic term: المجلس الأحكام المخصوص.

## **Article 71**

A Minister whom the House of Representatives impeaches shall be suspended from work duties until the Privy Council decides on their case. Such Minister's resignation shall not prevent the institution of legal proceedings against him or the continuation of his trial.

## **Article 72**

A Minister convicted by the Privy Council may not be pardoned except by the approval of the House of Representatives.

## **Chapter Three: The Parliament**

### **Article 73**

The Parliament shall be bicameral and composed of the Senate and the House of Representatives.

#### *Section 1: The Senate*

### **Article 74**

The Senate shall be composed of a number of Members two fifths of whom shall be appointed by the King, while the remaining three fifths shall be elected by public vote as per the provisions of the electoral law.

### **Article 75**

Each province or governorate of which the population is one hundred and eighty thousand shall elect a Senator for every one hundred and eighty thousand persons or a fraction of such number not less than ninety thousand. Each province or governorate of which the population is less than one hundred and eighty thousand, but not less than ninety thousand shall elect a Senator. Each governorate of which the population is less than ninety thousand shall elect a Senator unless attached to another governorate or province by virtue of the electoral law.

### **Article 76**

Each province or part thereof, or governorate or part thereof entitled to elect a Senator in the Senate shall be considered an electoral district.

Electoral districts shall be established by virtue of a law ensuring, to the extent possible, district equality in provinces and governorates entitled to elect more than one Senator in the Senate. However, the law may consider a capital of a province of which the population is less than one hundred and eighty thousand, but not less than ninety thousand an independent electoral district, in which case, the other

parts of the province shall be considered as an independent province in terms of setting the number of Senators whom they are entitled to elect and of establishing the electoral districts.

#### **Article 77**

A Senator shall, in addition to the requirements established in the electoral law, be required to be at least forty years of age as per the Gregorian calendar.

#### **Article 78**

A Senator shall, whether elected or appointed, be required to come from the following classes:

First: Ministers, diplomatic agents, Speakers of the House of Representatives, undersecretaries, Presidents and Councillors of the Court of Appeals or any other court of equal or higher standing, public prosecutors, Presidents of the Bar, and civil servants from the grade of General Manager or higher, whether currently or previously.

Second: Senior religious scholars and spiritual leaders, senior retired officers from the rank of General or higher, Representatives who served two terms, landlords who are taxed no less than one hundred and fifty Egyptian Pounds a year, and men of financial, commercial or industrial businesses or professions, all of which shall be in observance of not holding multiple jobs which the Constitution or the electoral law stipulates against.

The annual tax and income for Aswan province shall be established in the electoral law.

#### **Article 79**

The term of Membership in the Senate shall be ten years. Half of the appointed and half of the elected Senators' election shall be renewed every five years. Senators whose term ends may be re-elected or re-appointed.

#### **Article 80**

The Speaker of the Senate shall be appointed by the King, and the Senate shall elect two Deputies for him. The term of such Speaker and the two Deputies shall be two years, and they may be re-elected.

#### **Article 81**

Should the House of Representatives be dissolved, the Senate's sessions shall be suspended.

## *Section 2: The House of Representatives*

### **Article 82**

The House of Representatives shall be composed of Members elected by public vote as per the provisions of the electoral law.

### **Article 83**

Each province or governorate of which the population is sixty thousand or more shall elect one Representative for every sixty thousand or a fraction of such number no less than thirty thousand. Each province or governorate of which the population is less than sixty thousand, but not less than thirty thousand shall elect a Representative. Each governorate of which the population is less than thirty thousand shall have a Representative unless attached to another governorate or province by virtue of the electoral law.

### **Article 84**

Each province or part thereof or governorate or part thereof entitled to elect a Representative shall be considered an electoral district.

Electoral districts shall be established by virtue of a law ensuring as possible district equality in provinces and governorates entitled to elect more than one Representative. The law, however, may consider a capital of a province of which the population is less than sixty thousand, but not less than thirty thousand an independent electoral district, in which case, the other parts of the province shall be considered as an independent province in terms of setting the number of Members whom they are entitled to elect and of establishing the electoral districts.

### **Article 85**

A Representative shall, in addition to the requirements established in the electoral law, be required to be at least thirty years of age as per the Gregorian calendar.

### **Article 86**

A term of a Representative shall be five years.

### **Article 87**

The House of Representatives shall elect a Speaker and two Deputies at the beginning of every ordinary session. The Speaker and two Deputies may be re-elected.

### **Article 88**

Should the House of Representatives be dissolved for a reason, the new House may not be dissolved for the same reason.

## **Article 89**

The decree issued to the effect of dissolving the House of Representatives must include the call for the Commissioners to hold a new election no later than two months and the appointment of a date for the convention of the new House within the ten days following the completion of the election.

### *Section 3: General Provisions for Both Houses*

## **Article 90**

The headquarters of the Parliament shall be the city of Cairo. However, the headquarters may, when necessary, be re-established elsewhere by virtue of a law. A parliamentary meeting that takes place elsewhere than the place appointed thereto shall be illegitimate and invalid by virtue of the law.

## **Article 91**

A Member of Parliament shall represent the whole nation. His voters or the authority appointing him may not mandatorily authorize him to any matter.

## **Article 92**

No multiple memberships of the House of Representatives and the Senate may ever occur. The electoral law shall otherwise state conditions of other illegal multiple memberships.

## **Article 93**

Princes and nobles of the Royal Family may be appointed Senators and may not be elected in either House.

## **Article 94**

Prior to assuming their duties, the Senators and Representatives shall swear to be loyal to the Nation and the King, abide by the Constitution and national laws, and undertake their duties conscientiously and truthfully.

The oath in each House shall be taken publicly in the plenary hall.

## **Article 95**

Each House shall be competent to decide on the validity of the representation of the Members thereof, which representation shall not be invalid unless by virtue of a resolution made by a two-thirds majority. The law may charge such competency to another authority.

#### **Article 96**

The King shall call the Parliament to hold the ordinary session before the third Saturday of November. Should the ordinary session not be called, the Parliament shall convene in accordance with the law on the said date and the ordinary session thereof shall extend for at least six months. The King adjourns the session.

#### **Article 97**

The sessions shall be the same for both Houses. Should either or both convene in a time other than the legal period, such convention shall be illegitimate and the decisions made therein shall be null by virtue of the law.

#### **Article 98**

Sessions of both Houses shall be public. Both Houses shall convene in-camera upon a request by the Government or ten Members, and then decide whether or not the deliberation on the tabled subject shall be made in a public session.

#### **Article 99**

Neither House may make a resolution unless the session is attended by the majority of the Members thereof.

#### **Article 100**

Where no stipulation is made on a specific majority, resolutions shall be made by absolute majority. In case of a tie, the subject on which the deliberation is made shall be rejected.

#### **Article 101**

Votes shall be made orally or by means of standing and sitting.

With respect to laws in general and to no-confidence voting in the House of Representatives, votes shall always be made by calling Members by name orally.

Ministers may always request the House of Representatives to postpone deliberation on no-confidence voting for eight days.

#### **Article 102**

Every bill must be deliberated before referral to any of either House's committees for examination and reporting.

**Article 103**

Every bill proposed by one or more Members must be referred to a committee for examination and expression of opinion on whether the House should consider such. Should the House deem it necessary, the provision of the previous article shall apply.

**Article 104**

Neither House may adopt a bill unless by deliberating such bill article by article. Both Houses shall have the right to amend and divide articles and amendments proposed into sections.

**Article 105**

Every bill adopted by either House shall be sent by the Speaker of one House to the Speaker of the other House.

**Article 106**

Every bill proposed by a Member and rejected by the Parliament may not be motioned again in the same session.

**Article 107**

Every Member of Parliament may question or interpellate Ministers as per the standing orders of each House. Deliberation on an interpellation shall only take place at least eight days after a motion is made should there be no urgency and by the approval of the Minister.

**Article 108**

Each House shall have the right to launch investigations to gain insights on specific issues within its specific competency.

**Article 109**

Ideas and opinions made by Members of Parliament in both Houses shall not be punishable.

**Article 110**

In the course of a session, no criminal action may be taken against any Member of Parliament and no Member of Parliament may be arrested unless warranted by the House of such Member with the exception of catching such Member in the very act.

**Article 111**

Members of Parliament shall not rise to ranks or be granted orders during their membership, with the exception of Members assuming governmental positions not conflicting with their membership in Parliament. Military ranks and orders shall also be excepted.

**Article 112**

No Member may be dismissed from Parliament unless by a resolution made by the House to which such Member is affiliated. For situations other than holding multiple memberships and other than the situations set out in this Constitution and in the electoral law, a decision by three-quarters majority of the Members of whom the House is composed shall be required.

**Article 113**

Should the seat of a Member of Parliament be vacant because of death, resignation or otherwise, a substitute shall be selected either by appointment or election, as appropriate, within two months from the date of the Parliament's notification to the Government of such vacancy. The term of the new Member shall extend until the end of the term of his predecessor.

**Article 114**

Public elections for renewing the House of Representatives shall be held within the sixty days prior to the end of the term thereof. Should the elections be impossible to hold on the said date, the term of the old House shall extend until the date of the said elections.

**Article 115**

Half of the Senate must be renewed by election or appointment within the sixty days prior to the end of the term of the Members whose terms must end. Should such renewal be impossible on the date said, the term of the Members whose terms must end shall extend until the election or appointment of new Members.

**Article 116**

No one may address the Parliament in person. Each House shall refer to the Ministers' petitions presented thereto, on which the Ministers must provide clarifications whenever requested to do so by the House.

**Article 117**

Each House shall solely have the right to maintain order therein, which shall be undertaken by the Speaker. No armed force may be permitted to enter the House or to be positioned close to the gates thereof unless requested by the House's Speaker.

#### **Article 118**

Every Member of Parliament shall be entitled to an annual remuneration as determined by law.

#### **Article 119**

Each House shall lay down the standing orders thereof, stating the standing operating procedures thereof.

#### *Section 4: Special Provisions for the Convention of the Congress of Parliament*

#### **Article 120**

With the exception of cases where both Houses convene by law, the Congress of Parliament shall convene if called by the King.

#### **Article 121**

Whenever the Congress of Parliament is convened, the presidency thereof shall be for the Speaker of the Senate.

#### **Article 122**

Congressional resolutions shall not be valid unless the absolute majority of the Members of each House of whom the Congress is composed is secured. The Congress shall, in voting for such resolutions, observe the provisions of Articles 100 and 101.

#### **Article 123**

The Congress of Parliament, during ordinary or extraordinary parliamentary sessions, shall not prevent either House from continuing to undertake the constitutional functions thereof.

### **Chapter Four: The Judiciary**

#### **Article 124**

Judges shall be independent, and shall be subject to no authority in their judgement other than the law. No governmental authority may intervene in judicial cases.

#### **Article 125**

The regulation of judicial bodies and their competencies shall be determined by law.

#### **Article 126**

The appointment of judges shall be in accordance with the means and requirements stipulated by law.

#### **Article 127**

The law shall stipulate the limits and means of dismissing or transferring judges.

#### **Article 128**

The appointment of public prosecutors in courts and their dismissal thence shall be in accordance with the requirements stipulated by law.

#### **Article 129**

Court hearings shall be public unless ordered otherwise by the court in observance of public order or to maintain morals.

#### **Article 130**

Every person accused in a felony must have a defender.

#### **Article 131**

A special comprehensive law shall be drafted to regulate court martials and state the competencies thereof and the requirements for persons undertaking the judiciary therein.

### **Chapter Five: Provincial and Municipal Councils**

#### **Article 132**

Provinces, cities and villages shall, with respect to exercising the rights thereof, be considered legal persons as per the public law in pursuance of the requirements stated by the law, and shall be represented by different provincial and municipal councils of which the competencies shall be stipulated by law.

#### **Article 133**

The regulation of the different types and competencies of provincial and municipal councils and the relationships thereof with governmental bodies shall be determined by law which shall observe the following principles:

**First:** The selection of the members of such councils by election unless in exceptional conditions where the law provides for the appointment of some unelected members.

**Second:** The competency of such councils to uphold the interests of the local provincial, municipal or other concerned people without prejudice to undertaking the functions thereof in the conditions and by the means stipulated by law.

**Third:** Publishing the budgets and accounts thereof.

**Fourth:** Holding sessions in public within the limits stated by the law.

**Fifth:** The intervention of the Legislative or the Executive to prevent such councils from overstepping the bounds of the competencies thereof or from compromising the public interest and to stop any such action so happening.

## **Part IV: Finance**

### **Article 134**

No tax may be created, adjusted or cancelled unless by law. People shall not be charged with any money or duties unless within the limits of the law.

### **Article 135**

No one may be exempted from taxation other than in the cases stated by law.

### **Article 136**

No pension, compensation, benefit, or remuneration may be charged to the Governmental Treasury unless within the limits of the law.

### **Article 137**

No public loan or undertaking may be made which could lead to spending amounts from the Treasury in (an) upcoming year(s) unless approved by the Parliament.

Every liability the subject of which is using a natural resource of the country or a public interest and every monopoly may not be granted unless by virtue of a law for a limited period.

Parliamentary approval shall be required prior to creating or suspending railways, public roads, canals, drainages and other irrigation works which concern more than one province, as well as in every gratuitous disposal of State property.

### **Article 138**

The comprehensive budget of State revenues and expenditures must be presented to the Parliament at least three months prior to the inception of the financial year for examination and approval. The financial year shall be appointed by the law. The budget shall be approved heading by heading.

**Article 139**

The deliberation and approval of the budget shall first take place in the House of Representatives.

**Article 140**

The Parliamentary session may not be adjourned before the approval of the budget is completed.

**Article 141**

Budget allocations for paying public debts may not be adjusted so as to compromise Egypt's relevant undertaking, which shall also apply to every expense mentioned in the budget in execution of an international undertaking.

**Article 142**

Should the budgetary law not be issued prior to the commencement of the financial year, the previous year's budget shall be enforced until the new budget law is issued. However, should both Houses approve some budget headings, such can be enforced temporarily.

**Article 143**

Every expense mentioned in the budget or in excess of the estimates mentioned therein must be permitted by the Parliament which must be asked for such permission. Should an amount need to be carried over from one budget heading to another, the same shall apply.

**Article 144**

The closing account of the financial administration of the previous year shall be presented to the Parliament at the beginning of every ordinary session.

**Article 145**

The revenue and expenditure budget as well as the annual closing account of the Ministry of Religious Endowments shall be subject to the aforementioned provisions applicable for the budget and closing account of the Government.

**Part V: The Armed Forces****Article 146**

The army's forces shall be prescribed by law.

**Article 147**

The law shall prescribe the means of conscription, army system and the rights and duties of personnel.

#### **Article 148**

The law shall prescribe the system of police authorities and the competencies thereof.

### **Part VI: General Provisions**

#### **Article 149**

Islam shall be the State's religion and Arabic its official language.

#### **Article 150**

The city of Cairo shall be the seat of the Egyptian Monarchy.

#### **Article 151**

Without prejudice to international agreements whereby social order is intended to be maintained, rendition of political asylum seekers shall be prohibited.

#### **Article 152**

General amnesty can only be granted by law.

#### **Article 153**

The law shall regulate the means whereby the King exercises his power as per the principles stated herein on religious institutes, appointing religious leaders, endowments administered by the Ministry of Religious Endowments, and on general matters of religions allowed in the country. Should there be no legislative provisions, the exercise of such power shall continue as per the rules and traditions currently in force. The rights exercised by the King in person in his capacity as the Head of the Royal Family shall remain as established by Law number 25 of the year 1922 on the Regulation of the Royal Family.

#### **Article 154**

The enforcement of the present Constitution shall be without prejudice to Egypt's undertakings to foreign countries and may not compromise the rights of foreigners in Egypt by virtue of international laws and treaties and observed norms.

#### **Article 155**

By no means may any of the provisions of this Constitution stayed unless temporarily in time of war or during the enforcement of martial laws in accordance with the law. In any case, a parliamentary session

parliament cannot be delayed if the requirements stipulated in this Constitution for such session to be held are met.

#### **Article 156**

The King and each of both Houses may propose the revision of the present Constitution by amending or omitting one or more provisions thereof, or adding other provisions. However, the provisions on the representative parliamentary system of government, the throne's inheritance, and the principles of freedom and equality provided for hereby may not be proposed for revision.

#### **Article 157**

For the purpose of revising the Constitution, each House shall, with the absolute majority of the Members thereof, make a resolution stating the subject thereof. Should the King endorse such resolution, both Houses shall, in agreement with the King, make a resolution on the subject of the revision. Deliberation in both houses shall not be valid unless attended by one third of the Members thereof. For the validity of the resolutions, such shall be required to meet a two-thirds majority of votes.

#### **Article 158**

No revision in the Constitution may be introduced to the rights of the royal dignity as long as the throne regency is upheld.

#### **Article 159**

The provisions hereof shall apply to the Egyptian Kingdom without any prejudice to Egypt's rights in Sudan.

### **Part VII: Final and Temporary Provisions**

#### **Article 160**

The title to be held by the King of Egypt shall be set following the Commissioners' decision on the final system of government in Sudan.

#### **Article 161**

The allocations of His Majesty the King shall be LE 150,000 (one hundred and fifty thousand Egyptian Pounds) and the allocations of the Royal Family shall be LE 111,512 (one hundred and eleven thousand and five hundred and twelve Egyptian Pounds), which allocations shall remain the same during his reign and which may be increased by Parliamentary resolution.

#### **Article 162**

The appointment of Senators who are retired at the end of the first five years shall be by means of casting lots. The first representation term of elected Senators and Representatives shall end on 31 October 1928.

#### **Article 163**

The present Constitution shall come into force as of the date of the convention of the Parliamentary session.

#### **Article 164**

The administration of State affairs and the legislation thereof as of the date of publishing the present Constitution until the convention of the Parliamentary session shall follow the rules and procedures currently in force. However, the establishment of provisions must observe the fundamental principles set forth herein.

#### **Article 165**

Upon the convention of the Parliamentary session, the budget of the 1923/1924 financial year shall be presented to the Parliament. The law issued on the budget of the said year shall only apply to the remaining period thereof as of the date of its publication. The closing account of the financial administration of the year 1922/1923 shall be deemed as ratified by the Parliament in the same condition as when the Council of Ministers has endorsed such.

#### **Article 166**

Should the dispute between both Houses on the approval of a budget heading be irresolvable, such dispute shall be resolved by virtue of a resolution by the Congress of Parliament made by absolute majority. Such resolution shall be in force until a law is issued otherwise.

#### **Article 167**

All provisions stipulated by the laws, ordinances, orders, regulations and decrees, and all actions and procedures duly enacted or taken before shall remain in force on condition that the enforcement thereof shall be in agreement with the principles of freedom and equality set forth herein, all of which shall be without prejudice to the right of the Executive to repeal or amend the same within the limits of the competencies thereof provided that such shall not compromise the principle established in Article 27 on the illegitimate retroactive effect of laws.

#### **Article 168**

The provisions of Law number 28 of the year 1922 on the Liquidation of the Property of the Ex-Khedive Abbas Helmi Pasha and Restriction of His Rights shall be deemed as constitutionalized and may not be proposed for revision.

## **Article 169**

Laws which must have been presented to the Legislative Assembly by virtue of Article 2 of the Royal Decree of 28 Zul-Qe'da 1332 AH (18 October 1914 AD) shall be presented to both Houses in the first session. Should such be not presented to the Houses during such session, the enforcement thereof shall be nullified in the future.

## **Article 170**

Our Ministers must execute the present Constitution each in their own competency.

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Enactments and signatures

Enacted in Abdeen Palace on 3<sup>rd</sup> Ramadan 1341 AH (19<sup>th</sup> April 1923)

No. 42 of the year 1923

Fouad

Office of His Majesty the King

Yehia Ibrahim, Prime Minister and Minister of Interior

Ahmed Heshmat, Minister of Foreign Affairs

Moheb, Minister of Finance

Ahmed Zoor, Minister of Transport

Ahmed Zulfuqqar, Minister of Justice

Mohamed Tawfiq Refaat, Minister of Public Education

Ahmed Ali, Minister of Religious Endowments

Mahmoud Azmi, Minister of War and Marine

Hafez Hassan, Minister of Public Works

Fawzi al-Mutei, Minister of Agriculture