

Foundation Agreement
Annex II, Attachment 1

**Constitutional Law on the Elaboration and
Adoption Of Constitutional Laws**

Whereas Article 1.2 of the Foundation Agreement provides that the attached legislation shall apply upon entry into force of the Foundation Agreement , and

Whereas Article 2.2 of the Foundation Agreement provides that the constituent states shall cooperate and co-ordinate with each other and with the federal government through, inter alia, Constitutional Laws approved by the federal Parliament and both constituent states legislatures, and

Whereas under Article 16.1 of the Constitution, wherever expressly provided for in the Constitution, legislative matters may be regulated in a manner binding upon the federal government and the constituent states through Constitutional Laws, and such Constitutional Laws shall be approved by the federal Parliament and both constituent states legislatures in accordance with procedures set down in a Constitutional Law, and

Whereas the Constitutional Law on the Elaboration and Adoption of Constitutional Laws is annexed to the Foundation Agreement, thus forming an integral part thereof, as provided in Article 14 of the Foundation Agreement.

Therefore, it is hereby provided as follows:

Short title. 1. This Law may be cited as the Constitutional Law on Elaboration and Adoption of Constitutional Laws.

Interpretation. 2. In this Law, unless the context otherwise requires –

All references to institutions refer to the institutions as provided for in the Constitution of the United Cyprus Republic, including the institutions mentioned in part VII of the Constitution.

"Attorney-General" means the Federal Attorney-General;

"Chambers" means the two Chambers of the federal Parliament, namely the Senate and the Chamber of Deputies;

"constituent state Attorney-General" means the Attorney-General of either constituent state.

"constituent state Parliament" means a constituent state legislature.

"Constitutional Bill" means a Bill for the enactment and adoption of a Constitutional Law or for a repeal or amendment of a Constitutional Law;

"Constitutional Laws" means Constitutional Laws, as referred to in Article 2.2 of the Foundation Agreement and in Article 16 of the Constitution;

"Cyprus" means the United Republic of Cyprus;

"Deputy Attorney-General" means the Federal Deputy Attorney-General of United Cyprus Republic;

"Foundation Agreement" means the Foundation Agreement attached to the "Commitment to submit the Foundation Agreement to Approval at Separate Simultaneous Referenda in Order to Achieve a Comprehensive Settlement of the Cyprus Problem";

"Gazette" means the Official Gazette of the United Cyprus Republic.

"Member of the Presidential Council" " means the Member of the Presidential Council responsible for the Department of the federal government having, for the time being, responsibility in respect of an area of competence of the federal government;

Basic
Constitutional
principles.

3.-(1) Constitutional Laws shall be approved by the federal Parliament and both constituent state legislatures in accordance with the procedure set down in this Law.

(2) Constitutional Laws shall have precedence over any other federal or constituent state laws and shall be binding upon all persons, authorities and organs of the federal government and of the constituent states.

Preparation of
Constitutional
Bills.

4.-(1) A Constitutional Bill can be initiated in the Presidential Council or in the Senate or in the Chamber of Deputies.

(2) Either constituent state, through its executive or legislative head may take the initiative for submitting to the Presidential Council or Senate or Chamber of Deputies a request for the preparation and submission of a Constitutional Bill in accordance with the provisions of this Law.

(3) A Constitutional Bill shall be initiated in the Senate or the in the Chamber of Deputies when a minimum of 10 Senators or Deputies respectively sponsor a bill.

Drafting of a
Constitutional
Bill initiated by
Presidential
Council

5.-(1) If a Constitutional Bill is initiated by the Presidential Council, the drafting of the Constitutional Bill will be undertaken by the Attorney-General, assisted by the Deputy Attorney-General, upon and in accordance with a decision of the Presidential Council.

(2) Within the context of a decision made under sub-section (1), the Presidential Council may authorize the competent Member of the Presidential Council to set up a Special Committee to co-operate with the Attorney-General, assisted by the Deputy Attorney-General, in preparing the Constitutional Bill and to this effect and under his instructions to carry out any meetings, discussions, consultations or hearings, as he may think proper.

(3) In preparing the Constitutional Bill, the Attorney-General shall consult and co-operate with the constituent state Attorneys-General and the competent ministries or departments of the constituent states

and for this purpose the Attorney-General may set up a consultative committee. The Attorney-General may convene joint meetings of the Special Committee envisaged under sub-section (2) and the consultative committee.

(4) In the process of finalizing the Constitutional Bill, those in charge of drafting the Bill may hear submissions by interested groups and/or persons.

(5) Before submission to the Presidential Council for approval, the final draft of the Constitutional Bill shall undergo legal vetting by the Attorney-General and the Deputy Attorney-General.

(6) Before submission to the federal Parliament and to both constituent states legislatures, the final draft of the Constitutional Bill shall be submitted by the Attorney-General to the Presidential Council for approval.

(7) If the Deputy Attorney-General does not agree with the final draft submitted to the Presidential Council by the Federal Attorney-General, he has the right to submit his opinion and options to the Presidential Council.

Drafting of a
Constitutional
Bill initiated by
Parliament

6. (1) When a Bill is sponsored as specified in Article 4 subsection (3), the relevant Chamber will establish a Drafting Committee.

(2) The Drafting Committee of the Senate shall consist of six

Senators, equally hailing from two Constituent States. The Drafting Committee shall reach its decisions by simple majority.

(3) The Drafting Committee of the Chamber of Deputies shall consist of six Deputies, with at least two Deputies hailing from each constituent state. The Drafting Committee shall reach its decisions by simple majority.

(4) In drafting the Bill, the Drafting Committee of the Senate or the Chamber of Deputies may request the assistance of the relevant Member of the Presidential Council and his/her Department, the Attorney-General, who may, in turn, consult and cooperate with the constituent state Attorneys-General and the competent Ministries or Departments of the constituent states.

(5) In the process of finalizing the Constitutional Bill, the Drafting Committee may hear submissions by interested groups and/or persons.

Consideration by
Parliament.

7.-(1) The final draft submitted by the Presidential Council or the Drafting Committee of either Chamber shall be published in the Gazette and then submitted for consideration in the Parliament.

(a) The Chamber of Deputies shall refer the Constitutional Bill to its competent Committee, hereinafter referred to as "the

Chamber of Deputies Committee", for consideration.

- (b) The Chamber of Deputies Committee shall consist of six Deputies, with at least two Deputies hailing from each Constituent State. The Chamber of Deputies Committees shall reach its decision by simple majority.
- (c) The Chamber of Deputies Committee may, in accordance with Chamber of Deputies Parliamentary Rules in force for the time being, invite and hear the comments and representations of the Attorney-General and the Deputy Attorney-General, the Member of the Presidential Council responsible for the competent federal Department and the Special Committee set up under sub-section (2) of section 5 the constituent state Attorneys-General, the relevant constituent states' departments and agencies, which co-operated in the drafting of the Constitutional Bill, pursuant to sub-section (3) of section 5 and any interested groups or persons.
- (d) At the end of the discussion process, the Chamber of Deputies Committee shall draft a detailed report describing the purpose and scope of the Constitutional Bill and the reasons for its recommendation:

If the Chamber of Deputies Committee recommends any amendments to the Constitutional Bill, such amendments must be specifically noted in the report, together with the reasons therefore.

- (e) The Constitutional Bill, together with the report of the Chamber of Deputies Committee, shall be placed before the plenary session of the Chamber of Deputies for a public debate.
 - (f) At the end of the debate, the plenary session of the Chamber of Deputies shall decide on the approval of the Constitutional Bill with or without the amendments, if any, recommended by the Chamber of Deputies Committee or introduced by a Deputy during the plenary session by simple majority of the members present and voting.
 - (g) A copy of the Constitutional Bill, as originally placed before the Chamber of Deputies and in the form in which it was approved by the Chamber of Deputies, shall be promptly submitted to the Senate for consideration.
- (3) (a) Upon submission of the Constitutional Bill to the Senate, the Senate shall refer it to its competent Committee, hereinafter referred to as the "Senate Committee" for consideration.

- (b) The “Senate Committee” shall consist of six Senators, equally hailing from each Constituent State. The Senate Committee shall reach its decision by simple majority.
- (c) The Senate Committee may, in accordance with the Senate Parliamentary Rules in force for the time being, invite and hear the comments and representations of the Attorney-General and the Deputy Attorney-General, the Member of the Presidential Council responsible for competent federal Department and the Special Committee set up under sub-section (2) of section 5, the constituent state Attorneys-General, the relevant constituent states’ departments and agencies which co-operated in the drafting of the Constitutional Bill, pursuant to sub-section (3) of section 5 and any interested social groups or persons.
- (d) At the end of the discussion process, the Senate Committee shall draft a detailed report describing the purpose and scope of the Constitutional Bill and the reasons for its recommendation.
- (e) In case the Senate Committee in its report recommends any amendments to the Constitutional Bill, or any new amendments other than those introduced by the Chamber of Deputies, or recommends the rejection of any amendments

made by the Chamber of Deputies, it shall give detailed reasons for each recommendation made.

(f) The Constitutional Bill, together with the Report of the Senate Committee, shall be placed before the plenary session of the Senate for a public debate.

(g) At the end of the debate, the plenary session shall decide on the Constitutional Bill, as approved by the Chamber of Deputies, and on any amendments recommended by the competent Senate Committee or introduced by a Senator during the plenary session. Such decision must be taken by simple majority of the Senators present and voting, including one quarter of Senators present and voting from each constituent state.

Difference resolving conference of both Chambers.

8.-(1) A Constitutional Bill shall be approved in identical content by both Chambers of Parliament.

(2) Where the plenary session of the Senate decides to approve the Constitutional Bill without any of the amendments introduced by the Chamber of Deputies, or to introduce new amendments, the Constitutional Bill shall be returned to the Chamber of Deputies.

(3) If the Chamber of Deputies, in a plenary session, does not agree, by simple majority, to adopt the amendments introduced by the

Senate, a conference between the two Chambers shall immediately be convened to resolve the disagreement over the proposed amendments and a Committee of conferees shall be appointed by the two Chambers to this effect.

(4) The Committee of conferees shall consist of two groups, one consisting of six members of the Senate appointed by the]Senate Committee, with three members hailing from each constituent state and the other consisting of six members of the Chamber of Deputies, appointed by the]Chamber of Deputies Committee, with at least two members hailing from each constituent state

(5) The appointment by the Senate Committee under sub-section 4 shall be made by simple majority. The appointment by the Chamber of Deputies' Committee under sub-section 4 shall be made by simple majority vote.

(6) The conferees are strictly limited in their consideration to matters in disagreement between the two Chambers. They may not strike out or amend any part of the Constitutional Bill that was not amended by either Chamber, nor may they insert new matter that is beyond the scope of the differences between the two Chambers.

(7) The meetings of the Conferees shall be open to the public, unless both Chambers otherwise determine.

(8) The conferees shall strive to resolve the differences and reach agreement on the resolution of the issues referred to them. The conferees shall strive to reach an agreement within 7 working days by consensus. Failing this, each group shall decide by majority vote and shall submit their recommendations to their respective Chambers in a report made in duplicate, signed by a majority of the conferees appointed by each Chamber.

(9) The conference Committee's report is presented before each Chamber and it must be accepted or rejected as an entirety, without amendments. The same voting rules apply as regards the voting of the Constitutional Bill before each Chamber.

(10) Upon acceptance of the conference Committee's report by both Chambers, the agreed text of the Constitutional Bill shall be deemed to have been approved by both Chambers of Parliament and is submitted for approval to the both constituent state parliaments.

Procedure for approval by the legislature of the constituent states.

9. The Parliaments of the Constituent States shall decide by simple majority of those present and voting at all stages of the procedure.

Promulgation. 10.-(1) Upon approval by both constituent states Parliaments, the Constitutional Law is transmitted to the Presidential Council for promulgation by publication in the Gazette.