CONSTITUTION OF THE PORTUGUESE REPUBLIC

SEVENTH REVISION [2005]

TITLE III

Assembly of the Republic

CHAPTER I

Status, role and election

Article 147

(Definition)

The Assembly of the Republic shall be the assembly that represents all Portuguese citizens.

Article 148

(Composition)

The Assembly of the Republic shall possess a minimum of one hundred and eighty and a maximum of two hundred and thirty Members, as laid down by electoral law.

Article 149

(Constituencies)

1. Members shall be elected for constituencies that shall be geographically defined by law. The law may create plurinominal and uninominal constituencies and lay down the nature and complementarity thereof, all in such a way as to ensure that votes are converted into seats in accordance with the proportional representation system and using d'Hondt's highest-average rule.

2. With the exception of the national constituency, if any, the number of Members for each plurinominal constituency in Portuguese territory shall be proportional to the number of citizens registered to vote therein.

Article 150

(Eligibility)

Save such restrictions as electoral law may lay down in relation to local

incompatibilities or the exercise of certain offices, all Portuguese citizens who are registered to vote shall be eligible for election.

Article 151

(Nominations)

1. Nominations shall be submitted by political parties as laid down by law. Parties may submit such nominations individually or in coalition and their lists of candidates may include citizens who are not registered members of any of the parties in question.

2. No one shall be a candidate for more than one constituency of the same nature, with the exception of the national constituency, if any. No one may appear on more than one list.

Article 152

(Political representation)

1. The law shall not limit the conversion of votes into seats by requiring a minimum national percentage of votes cast.

2. Members shall represent the whole country and not the constituencies for which they are elected.

Article 153

(Beginning and end of term of office)

1. Members' terms of office shall commence upon the first sitting of the Assembly of the Republic following elections thereto and shall end upon the first sitting following the subsequent elections thereto, without prejudice to the suspension or termination of any individual mandate.

2. Electoral law shall regulate the filling of vacancies that arise in the Assembly and, in cases in which there are important grounds for doing so, the temporary substitution of Members.

Article 154

(Incompatibilities and prevention from exercise of office)

1. Members who are appointed to the Government shall not exercise the office of Member until they leave the Government, and shall be temporarily substituted in accordance with the previous Article.

2. The law shall lay down any other incompatibilities.

3. The law shall regulate cases and situations in which Members shall require the Assembly of the Republic's authorisation in order to be jurors, arbiters, experts or witnesses.

Article 155

(Exercise of the office of Member)

1. Members shall exercise their mandates freely and shall be guaranteed the conditions needed to perform their functions effectively, particularly those needed to maintain the indispensable contact with registered electors and those needed to ensure that the latter are regularly kept informed.

2. The law shall regulate the circumstances under which the absence of Members from official acts or proceedings that do not concern the Assembly of the Republic, due to Assembly sittings or missions, shall constitute valid grounds for adjourning the said acts or proceedings.

3. Public bodies shall possess the duty, as laid down by law, to cooperate with Members in the performance of their functions.

Article 156

(Members' powers)

Members shall have the following powers:

a) To submit draft amendments to the Constitution;

b) To submit Member's bills, draft amendments to the Rules of Procedure, draft resolutions, particularly in relation to referenda, and draft decisions, and to request that they be scheduled for debate;

c) To take part and speak in parliamentary debates, as laid down by the Rules of Procedure;

d) To question the Government about any of its acts or those of the Public Administration, and to obtain answers within a reasonable period of time, save the provisions of the law concerning state secrets;

e) To request and obtain from the Government or the governing bodies of any public entity, such information and documents and official publications as the Member or Members in question may deem useful to the exercise of their mandate;

f) To request the formation of parliamentary committees of inquiry;

g) Those laid down by the Rules of Procedure.

Article 157

(Immunities)

1. Members shall not be civilly or criminally liable for or subject to disciplinary proceedings in relation to their votes or the opinions they express in the performance of their functions.

2. Members shall not appear as makers of declarations or defendants without the Assembly's authorisation. In the event of strong evidence of the commission of a

serious crime punishable by imprisonment for a maximum term of more than three years, the Assembly shall obligatorily authorise a Member's appearance as defendant.

3. No Member may be detained, arrested or imprisoned without the Assembly's authorisation, save for a serious crime punishable by the type of prison term referred to in the previous paragraph and in flagrante delicto.

4. In the event that criminal proceedings are brought against any Member and he is definitively charged, the Assembly shall decide whether or not he is to be suspended so that the proceedings can take their course. In the event of a crime of the type referred to in the previous paragraphs, the Assembly shall obligatorily suspend the Member.

Article 158

(Rights and privileges)

Members shall enjoy the following rights and privileges:

a) Deferment of military, civic and civil defence service;

b) Freedom of movement and the right to a special passport during official trips abroad;

c) A special identity card;

d) Such allowances as the law may lay down.

Article 159

(Duties)

Members shall possess the following duties:

a) To attend plenary sittings and any committees to which they belong

b) To perform such offices in the Assembly and such functions as they are appointed to upon proposals by their respective parliamentary groups;

c) To take part in voting.

Article 160

(Loss and resignation of seat)

1. Members shall lose their seat in the event that:

a) They become subject to any of the disqualifications or incompatibilities laid down by law;

b) They do not take up their seat in the Assembly, or they exceed the number of absences laid down by the Rules of Procedure;

c) They register as members of a party other than that for which they stood for election;

d) They are convicted by a court of any of the special crimes for which political officeholders may be held liable, which they commit in the exercise of their functions and for which they are sentenced to such loss, or they are convicted of participating in organisations that are racist or display a fascist ideology.

2. Members may resign their seat by means of a written declaration.

CHAPTER II

Responsibilities

Article 161

(Political and legislative responsibilities)

The Assembly of the Republic shall be responsible for:

a) Passing amendments to the Constitution in accordance with Articles 284 to 289;

b) Passing the political and administrative statutes of the autonomous regions and the laws governing the election of the members of their Legislative Assemblies;

c) Making laws on all matters, save those that are the exclusive responsibility of the Government under this Constitution;

d) Granting the Government authorisations to legislate;

e) Granting the Legislative Assemblies of the autonomous regions the authorisations provided for in Article 227(1)b;

f) Granting generic amnesties and pardons;

g) Upon proposals from the Government, passing the laws on the Major Options of the National Plans and the State Budget;

h) Authorising the Government to contract and grant loans and engage in other lending operations, apart from floating debt operations, laying down the general terms and conditions governing such loans and lending operations, and setting the upper limit for guarantees to be given by the Government in any given year;

i) Passing treaties, particularly those that entail Portugal's participation in international organisations, friendship, peace, defence, the rectification of borders or military affairs, as well as international agreements that address matters which are the exclusive responsibility of the Assembly, or which the Government deems fit to submit to the Assembly for consideration;

j) Proposing to the President of the Republic that important issues of national interest be submitted to referendum;

1) Authorising and confirming declarations of a state of siege or a state of emergency;

m) Authorising the President of the Republic to declare war or to make peace;

n) Pronouncing, as laid down by law, on such matters awaiting decision by European Union bodies as concern the sphere of its exclusive legislative responsibility;

o) Performing such other functions as this Constitution and the law may allocate to it.

Article 162

(Responsibility to scrutinise)

In the performance of its scrutiny functions the Assembly of the Republic shall be responsible for:

a) Scrutinising compliance with this Constitution and the laws and considering the actions of the Government and the Public Administration;

b) Considering the manner in which a declaration of a state of siege or a state of emergency has been applied;

c) Considering executive laws, save those made under the Government's exclusive legislative responsibility, and considering the regional legislative decrees provided for in Article 227(1)b, both for the purpose of determining whether they should be amended or cease to be in force;

d) Receiving the accounts of the state and such other public bodies as the law shall lay down. Such accounts shall be submitted by 31 December of the following year, together with the opinion of the Audit Court and the other items needed to consider them;

e) Considering reports on the execution of National Plans.

Article 163

(Responsibilities in relation to other bodies)

In relation to other bodies the Assembly of the Republic shall be responsible for:

a) Witnessing the President of the Republic's installation;

b) Consenting to the President of the Republic's absence from Portuguese territory;

c) Promoting the bringing of proceedings against the President of the Republic for crimes committed in the performance of his functions, and deciding whether to suspend members of the Government in the case provided for in Article 196;

d) Considering the Government's Programme;

e) Voting on motions of confidence or no confidence in the Government;

f) As laid down by law, supervising and considering Portugal's participation in the process of constructing the European Union;

g) Under the proportional representation system, electing five members of the Council of State and those members of the Supreme Council of the Public Prosecutor's Office whom the Assembly is responsible for appointing;

h) By a majority that is at least equal to two thirds of all Members present and greater than an absolute majority of all the Members in full exercise of their office, electing ten judges to the Constitutional Court, the Ombudsman, the President of the Economic and Social Council, seven members of the Supreme Judicial Council, the members of the media regulatory body and the members of all other constitutional bodies, appointments to which are the responsibility of the Assembly of the Republic by law;

i) As laid down by law, supervising the involvement of military contingents and security forces abroad.

Article 164

(Exclusive responsibility to legislate)

The Assembly of the Republic shall possess exclusive responsibility to legislate on the following matters:

a) Elections to bodies that exercise sovereign power;

b) Rules to be used in referenda;

c) The organisation, operation and proceedings of the Constitutional Court;

d) The organisation of national defence, the definition of the duties derived therefrom and the basic general elements of the organisation, operation, re-equipping and discipline of the Armed Forces; e) Rules governing states of siege and states of emergency;

f) The acquisition, loss and re-acquisition of Portuguese citizenship;

g) The definition of the limits of territorial waters, the exclusive economic zone and Portugal's rights to the adjacent seabed;

h) Political associations and parties;

i) The basic elements of the education system;

j) The election of members of the Legislative Assemblies of the autonomous regions;

1) The election of local government officeholders and other elections conducted by direct, universal suffrage, as well as elections to the remaining constitutional bodies;

m) The status and role of the officeholders of bodies that exercise sovereign power and local government officeholders, as well as of the officeholders of the remaining constitutional bodies and of all those who are elected by direct, universal suffrage;

n) Without prejudice to the powers of the autonomous regions, the creation, abolition and modification of local authorities and the rules governing them;

o) Restrictions on the exercise of rights by full-time military and militarised personnel on active service and by members of the police forces and security services;

p) The rules governing the appointment of members of European Union bodies, with the exception of the Commission;

q) The rules governing the Republic's intelligence system and state secrets;

r) The general rules governing the drawing up and organisation of the budgets of the state, the autonomous regions and local authorities;

s) The rules governing national symbols;

t) The rules governing the finances of the autonomous regions;

u) The rules governing the police forces and security services;

v) The rules governing the organisational, administrative and financial autonomy of the President of the Republic's support services.

Article 165

(Partially exclusive responsibility to legislate)

1. Unless it also authorises the Government to do so, the Assembly of the Republic shall possess exclusive responsibility to legislate on the following matters:

a) People's status and legal capacity;

b) Rights, freedoms and guarantees;

c) The definition of crimes, sentences, security measures and the preconditions therefore, and the laying down of criminal procedure;

d) The general rules for punishing disciplinary infractions, and those governing administrative offences and the applicable proceedings;

e) The general rules governing requisitions and expropriations in the public interest;

f) The basic elements of the social security system and the national health service;

g) The basic elements of the rules for protecting nature, the ecological balance and the cultural heritage;

h) The general rules governing rural and urban rentals;

i) The creation of taxes and the fiscal system, and the general rules governing duties and other financial payments to public bodies;

j) The definition of sectors of ownership of the means of production, including that of basic sectors in which private businesses and other bodies of a similar nature shall be forbidden to act;

1) The means and forms of intervention, expropriation, nationalisation and privatisation of and in relation to means of production and soils in the public interest, together with criteria for setting compensation in such cases;

m) The rules governing economic and social development plans and the composition of the Economic and Social Council;

n) The basic elements of the agricultural policy, including the setting of the maximum and minimum limits for farming units;

o) The monetary system and the standard for weights and measures;

p) The organisation and responsibilities of the courts and the Public Prosecutors' Office and the status and role of the respective judges, as well as the organisation and responsibilities of non-judicial conflict settlement bodies;

q) The status and role of local authorities, including the rules governing local finances;

r) Participation in local government by residents' organisations;

s) Public associations, guarantees available to users of the Public Administration, and the Public Administration's civil liability;

t) The basic elements of the rules governing, and the scope of, the Public Administration;

u) The basic general elements of the status of public companies and public foundations;

v) The definition of, and the rules governing, property in the public domain;

x) The rules governing means of production that are integrated into the cooperative and social sector of ownership;

z) The basic elements of town and country and urban planning;

aa) The rules governing municipal police forces and the form in which they are created.

2. Laws that grant authorisation to legislate shall define the object, purpose, extent and duration of such authorisation, which may be extended.

3. Without prejudice to their use in partial stages, authorisations to legislate shall not be used more than once.

4. Authorisations shall lapse upon the resignation or removal of the Government to which they were granted, at the end of the legislature, or upon the dissolution of the Assembly of the Republic.

5. Authorisations granted to the Government by the Budget law shall comply with the provisions of this Article and, when they address fiscal matters, shall only lapse at the end of the fiscal year to which they refer.

Article 166

(Form of acts)

1. The acts provided for in Article 161a shall take the form of constitutional laws.

2. The acts provided for in Articles 164a to f, h, j, the first part of l, q and t and 255 shall take the form of organisational laws

3. The acts provided for in Article 161b to h shall take the form of laws.

4. The acts provided for in Article 163d and e shall take the form of motions.

5. The remaining acts of the Assembly of the Republic shall take the form of resolutions, as shall those of the Standing Committee provided for in Article 179(3)e and f.

6. Resolutions shall be published regardless of their enactment.

Article 167

(Initiative in relation to legislation and referenda)

1. The power to initiate legislation and referenda shall lie with Members, parliamentary groups and the Government, and also, subject to the terms and conditions laid down by law, with groups of registered electors. The power to initiate legislation in relation to the autonomous regions shall lie with the respective Legislative Assembly.

2. No Member, parliamentary group, Legislative Assembly of an autonomous region or group of registered electors shall submit bills or draft amendments which, during the then current financial year, involve an increase in the state's expenditure or a decrease in its revenues as set out in the Budget.

3. No Member, parliamentary group or group of registered electors shall submit draft referenda which, during the then current financial year, involve an increase in the state's expenditure or a decrease in its revenues as set out in the Budget.

4. Bills and draft referenda that are definitively rejected may not be resubmitted in the same legislative session, unless a new Assembly of the Republic is elected.

5. Bills and draft referenda that are not put to the vote in the legislative session in which they are submitted shall not require resubmission in the following legislative sessions, unless the legislature itself comes to an end.

6. Government bills and draft referenda shall lapse upon the resignation or removal of the Government.

7. Government bills that are initiated by Legislative Assemblies of the autonomous regions shall lapse at the end of the respective legislature, save in the event that their general principles have already been passed, in which case they shall only lapse upon the end of the legislature of the Assembly of the Republic.

8. Without prejudice to the bills and draft referenda to which they refer, unless they are withdrawn, parliamentary committees may submit replacement texts therefore.

Article 168

(Discussion and voting)

1. The discussion of bills shall comprise a debate on the general principles and another on the details.

2. Voting shall comprise a vote on the general principles, another on the details and a final overall vote.

3. In the event that the Assembly so decides, texts that are passed on the general principles shall be put to the vote on the details in committee, without prejudice to the Assembly's power to mandate the Plenary to put the details to the vote, or to the final overall vote by the Plenary.

4. The details of laws on the matters provided for in Articles 164a to f, h, n and o and 165(1)q shall obligatorily be put to the vote by the Plenary.

5. When put to the overall final vote, organisational laws shall require passage by an absolute majority of all the Members in full exercise of their office. The same majority shall be required for passage of the details of provisions concerning the regions' territorial borders, as provided for in Article 255.

6. Passage of the following shall require a majority that is at least equal to two thirds of all Members present and greater than an absolute majority of all the Members in full exercise of their office:

a) The law governing the media regulatory body;

b) The rules governing the provisions of Article 118(2);

c) The law that regulates the exercise of the right provided for in Article 121(2);

d) The provisions of the laws that regulate the matters referred to in Articles 148 and 149, and those concerning the system and method for electing the bodies provided for in Article 239(3);

e) The provisions that regulate the subject matter of Article 1640;

f) Those provisions of the political and administrative statutes of the autonomous regions that set out the matters which are covered by the autonomous regions' power to legislate.

Article 169

(Parliamentary consideration of legislation)

1. Unless passed under the Government's exclusive responsibility to legislate, upon a motion made by ten Members within thirty days of their publication, excluding periods in which the Assembly of the Republic's proceedings are suspended, executive laws may be subjected to consideration by the Assembly of the Republic with a view to causing them to cease to be in force or amending them.

2. Once a motion to consider an executive law issued under the terms of an authorisation to legislate has been made and if one or more amendments are proposed,

the Assembly may suspend the force of all or part of the executive law until either the law that amends it is published, or all the proposed amendments are rejected.

3. Such suspensions shall expire after ten plenary sittings, if the Assembly has not pronounced itself by then.

4. In the event that the executive law is to cease to be in force, it shall so cease on the day on which the respective resolution is published in the *Diário da República*, whereupon the executive law in question shall not be republished during the same legislative session.

5. In the event that a motion to consider has been made and the Assembly has not pronounced on the result of such consideration, or in the event that the Assembly has decided to make amendments, but has not put the respective law to the vote by the end of the then current legislative session, and on condition that at least fifteen plenary sessions have passed, the consideration process shall be deemed to have lapsed.

6. Proceedings concerning the consideration of executive laws shall enjoy priority under the terms of the Rules of Procedure

Article 170

(Emergency proceedings)

1. Upon the initiative of any Member, or parliamentary group, or the Government, the Assembly of the Republic may declare any bill or draft resolution to be the object of emergency proceedings.

2. Upon the initiative of the Legislative Assembly of the autonomous region in question, the Assembly may also declare any regional government bill to be the object of emergency proceedings.

CHAPTER III

Organisation and proceedings

Article 171

(Legislatures)

1. Each legislature shall last for four legislative sessions.

2. In the event of the dissolution of the Assembly, the newly elected Assembly shall commence a new legislature, the duration of which shall be extended at the beginning by such time as is needed to complete the period that corresponds to the legislative session that was in progress at the date of the election.

Article 172

(Dissolution)

1. The Assembly of the Republic shall not be dissolved during the six months following its election, during the last six months of the President of the Republic's term of office, or during a state of siege or a state of emergency.

2. Failure to comply with the provisions of the previous paragraph shall render the dissolution decree nugatory.

3. Dissolution of the Assembly shall not prejudice the continuation of its Members' term of office, or the responsibilities of the Standing Committee, until the first sitting of the Assembly following the subsequent election.

Article 173

(Sitting following elections)

1. The Assembly of the Republic shall sit by right on the third day following the calculation of the general results of its election, or, in the case of elections called because a legislature is due to reach its term and the said third day falls before the said legislature reaches its term, on the first day of the following legislature.

2. In the event that such date falls when the Assembly is not in full session, it shall sit for the purposes of Article 175.

Article 174

(Legislative sessions, full sessions and calling)

1. Legislative sessions shall last for one year commencing on 15 September.

2. Without prejudice to suspensions decided by a two-thirds majority of all Members present, the Assembly of the Republic's normal parliamentary term shall be from 15 September to 15 June.

3. Following a Plenary decision to extend the normal parliamentary term, or on the initiative of the Standing Committee, or, in the event that the said Committee is unable to function and there is a dire emergency, on the initiative of more than half of all the Members, the Assembly may conduct proceedings outside the term set out in the previous paragraph.

4. The President of the Republic may also call the Assembly on an extraordinary basis in order to address specific matters.

5. When the Assembly so decides under the same terms as those set out in (2) above, committees may conduct proceedings regardless of whether the Assembly's Plenary is in full session.

Article 175

(Internal responsibilities of the Assembly)

The Assembly of the Republic shall be responsible for:

a) Drawing up its Rules of Procedure, as laid down by this Constitution;

b) Electing its President and the remaining members of the Bureau by absolute majority of all the members in full exercise of their office. The four Vice-Presidents shall be elected upon proposals from the four largest parliamentary groups;

c) Forming the Standing Committee and the remaining committees.

Article 176

(Order of business of plenary sittings)

1. The President of the Assembly of the Republic shall set the order of business in accordance with the priority set out in the Rules of Procedure and without prejudice to the right of appeal to the Assembly's Plenary, or to the power provided to the President of the Republic under Article 174(4).

2. The Government and parliamentary groups may request that priority be given to matters of national interest that require urgent resolution.

3. Every parliamentary group shall possess the right to set the order of business of a certain number of sittings in accordance with criteria to be laid down by the Rules of Procedure, in which respect the position of minority parties and parties that are not represented in the Government shall always be safeguarded.

4. Legislative Assemblies of autonomous regions may request that priority be given to matters of regional interest that require urgent resolution.

Article 177

(Attendance by members of the Government)

1. Ministers shall possess the right to attend the Assembly of the Republic's plenary sittings, at which they may be assisted or substituted by their Secretaries of State, and both shall possess the right to speak, all as laid down by the Rules of Procedure.

2. Sittings shall be scheduled at which members of the Government shall be present in order to respond to Members' questions and requests for clarification. Such sittings shall take place at the minimum intervals laid down by the Rules of Procedure and on dates that shall be set by agreement with the Government.

3. Members of the Government may ask to participate in committee proceedings, and shall appear before committees when asked to do so.

Article 178

(Committees)

1. The Assembly of the Republic shall have such committees as may be provided for by the Rules of Procedure, and may form ad hoc committees of inquiry or for any other given purpose.

2. Committees shall be composed in proportion to the number of seats each party holds in the Assembly of the Republic.

3. Petitions addressed to the Assembly shall be considered by a committee or committees formed especially for the purpose, which may hear other committees with responsibility for the matter in question and in all cases may ask any citizen to testify.

4. Without prejudice to their formation in accordance with the normal provisions, and up to a limit of one per Member and per legislative session, parliamentary committees of inquiry shall obligatorily be formed when a motion is made to that effect by one fifth of all the Members in full exercise of their office.

5. Parliamentary committees of inquiry shall possess the investigative powers of the judicial authorities.

6. The chairmanships of the various committees shall be divided between the parliamentary groups in proportion to the number of each group's Members.

7. Representatives of the Legislative Assembly of the autonomous region in question may participate in committee meetings at which regional legislative proposals are discussed, as laid down by the Rules of Procedure.

Article 179

(Standing Committee)

1. Outside periods in which the Assembly of the Republic is in full session, during periods in which it is dissolved, and in the remaining cases provided for by this Constitution, the Assembly of the Republic's Standing Committee shall be in session.

2. The Standing Committee shall be chaired by the President of the Assembly of the Republic and shall also be composed of the Vice-Presidents and of Members nominated by each of the parties, each in proportion to the number of seats it holds in the Assembly.

3. The Standing Committee shall be responsible for:

a) Scrutinising compliance with this Constitution and the laws and monitoring the activities of the Government and the Public Administration;

b) Exercising the Assembly's powers in relation to Members' mandates;

c) Taking steps to call the Assembly whenever necessary;

d) Preparing the opening of legislative sessions;

e) Consenting to the President of the Republic's absence from the country;

f) Authorising the President of the Republic to declare a state of siege or a state of emergency, to declare war or to make peace.

4. In the case provided for in subparagraph f) of the previous paragraph, the Standing Committee shall take steps to call the Assembly as soon as possible.

Article 180

(Parliamentary groups)

1. The Members elected for each party or coalition of parties may form a parliamentary group.

2. Each parliamentary group shall possess the following rights:

a) To take part in Assembly committees in proportion to the number of its Members, and to appoint its representatives on such committees;

b) To be consulted when the order of business is set, and to appeal to the Plenary against that order of business;

c) To cause the holding of emergency debates on issues of urgent current public interest, which the Government shall attend;

d) In each legislative session, to cause the holding of two debates on a matter of general or sectoral policy, by calling on the Government to attend the Assembly;

e) To ask the Standing Committee to take steps to convene the Plenary;

f) To move the formation of parliamentary committees of inquiry;

g) To initiate legislation;

h) To make motions rejecting the Government's Programme;

i) To make motions of no confidence in the Government;

j) To be regularly and directly informed by the Government as to the situation and progress of the main matters of public interest.

3. Each parliamentary group shall possess the right to dispose of places in which to work at the Seat of the Assembly, together with technical and administrative staff of its choice, as laid down by law.

4. Members who do not belong to any parliamentary group shall be ensured certain minimum rights and guarantees, as laid down by the Rules of Procedure.

Article 181

(Assembly staff and specialists)

The Assembly and its committees shall be assisted in their work by a permanent body of technical and administrative staff, and by specialists on assignment or under temporary contracts. The number of such staff and specialists shall be the that which the President considers necessary.