

# **Section I            Legislative Authority**

## **Article 1**

Legislative authority shall be held by a Council of Representatives that shall be elected through a direct secret public ballot, based on the elections law issued by the General National Congress within two weeks from the adoption of the amendment. The state shall guarantee suitable representation of women in the Council.

## **Article 2**

The Council of Representatives shall convene for its first session which shall be chaired by its eldest representative. The youngest representative shall act as his rapporteur. The session shall convene within two weeks from announcing the election results based on a call by the Chairman of the General National Congress. The Members of the Council of Representatives shall take the following oath in a public session: "I swear by Almighty God to loyally safeguard the sovereignty and territorial integrity of this land, to honour the Constitutional Declaration and the law, to fully look after the interests of the people, and to seek to realize the principles and objectives of the 17 February Revolution."

## **Article 3**

The Council of Representatives shall elect a Speaker of the Council of Representatives and two Deputy Speakers in its first session.

## **Article 4**

The Council of Representatives shall formulate its own bylaws within a period of one month from its first session according to the unanimous agreement of the absolute majority of its members and the bylaws shall be published in the Official Gazette.

## **Article 5**

The term of the Council of Representatives commences from the date of its first session and ends once the new constitution is effective. Under no circumstances shall the term of the Council of Representatives exceed eighteen months, commencing from the first session of the Constituent Assembly responsible for drafting the constitution, provided that its term is not extended by a referendum.

## **Article 6**

The Council of Representatives shall hold the legislative authority and undertake issuing laws during the interim period and grant or withdraw confidence in the Cabinet, approve the overall budget of the State, oversee the executive authority and ratify the general policy submitted by the government.

## **Article 7**

Proposed laws shall be presented by an endorsement of at least ten Representatives. Proposed bills shall be presented by the Cabinet. The Prime Minister shall be responsible for presenting new bills for the ratification of international treaties and financial laws. Bill drafts shall have priority in being considered.

## **Article 8**

A Member of the Council of Representatives shall represent the People as a whole and members of his or her constituency shall not limit this representation by imposing any conditions or restrictions. Voting is a personal right of the Member and others shall not be vested in it.

## **Article 9**

The sessions of the Council of Representatives shall not be deemed valid unless attended by the absolute majority of the Members.

## **Article 10**

Sessions of the Council of Representatives shall be convened in public and its deliberations shall be recorded in meeting minutes that shall be published according to its bylaws. The Council may convene in a closed session at the request of its Speaker, the President of the State, the Prime Minister, or at the request of one third of the members. The broadcasting of the sessions in media outlets shall be in accordance with the conditions detailed in the internal bylaws.

## **Article 11**

Membership of the Council of Representatives shall not be combined with membership of the Cabinet. A Member of the Council shall not be a member in committees or directorates of companies, or public or consultative agencies or institutions.

## **Article 12**

While taking into consideration the internal bylaws of the Council, Members of the Council of Representatives shall not be held accountable for opinions expressed in the Council or any of its subcommittees.

## **Article 13**

Every Member of the Council shall enjoy parliamentary immunity and unless caught in flagrante delicto, shall not be imprisoned or prosecuted except by permission from the Council. If caught while committing a crime the Speaker of the Council of Representatives should be informed within forty-eight hours.

## **Article 14**

Parliamentary investigative committees shall be formed at the request of the President of the State or at the request of one third of the Members of the Council of Representatives. Fact-finding committees cannot be formed to investigate incidents that are under judicial investigation as long as investigations are in progress. The mission of every fact-finding committee is concluded upon the initiation of a judicial investigation in the incidents that necessitated its formation. The proceedings of the fact-finding committee are concluded with the submission of its report to the Council.

## **Article 15**

The Council of Representatives shall not deliberate any proposed or draft law before it is examined by the specialized committees in accordance with the internal bylaws.

## **Article 16**

The headquarters of the Council of Representatives shall be in the city of Benghazi. It may hold meetings outside its official headquarters.

## **Article 17**

If a member's seat in the Council of Representatives becomes vacant, its placement is made by election within the period of one month from the day the Council reports the vacancy to the Government. The new member's mandate shall expire with the termination of the Council's term.

## **Article 18**

Every Member of the Council of Representatives is entitled to address questions or interpellations to the Prime Minister or to any minister according to the manner specified by its internal bylaws. Debate on an interpellation shall take place at least seven days after the date of its submission, except in cases of urgency.

## **Article 19**

Within seven days of passing a law, the President of the State may request through a memorandum that the Council of Representatives reconsider the newly passed law. The Council shall debate the law de novo. Should the Council re-pass the law it shall be published without the need for re-issuance.

## **Article 20**

Legislations are effective after fifteen days from the date of their publication in the Official Gazette. This period may be reduced or extended by a special provision.

## **Article 21**

A candidate for membership of the Council of Representatives must be a Libyan citizen, enjoying full civil and political rights, and 25 years old or older at the time of candidacy, in addition to any other provisions specified by the Elections Law.

## **Article 22**

The Council of Representatives shall enjoy administrative and financial independence within the framework of the Overall State Budget. The expenditure of the Council is subject to the evaluation of an independent external legal audit or to be selected in conjunction with the Central Bank of Libya and for a one-year term.

## **Article 23**

The Prime Minister shall submit a draft Overall State Budget Law at least 60 days before the start of the fiscal year to be examined and approved and it shall be put to vote on a chapter-by-chapter basis, provided that the Budget is issued with a law that includes the specifics of the fiscal year, provisions

for institutional budgets, public bodies and their accounts, provisions for the transfer of any funds from one section of the approved Budget to another, and provisions for settling any additional or emergency expenses that were not included in the approved expenditures.

## **Article 24**

If the issuing of the Budget law is delayed, 1/12 of the proposed Budget may be disbursed.

## **Article 25**

The government shall not contract a public loan or any commitment entailing expenditure except with the approval of the Council of Representatives.

## **Article 26**

No strategic privileges shall be granted to foreign investments except after the approval of a majority of two-thirds of the members of the Council of Representatives.

## **Article 28**

Membership in the Council of Representatives is revoked by resignation, death, lack of eligibility or inability of the Member to perform his or her duties. Membership is also revoked if a Member has lost confidence, status or any of the membership requirements that were prerequisites for his or her election, or if he or she has violated the duties of the membership. The decision to revoke membership shall be taken with the approval of the absolute majority of the Council.

## **Article 29**

If the Council decides to withdraw confidence from the government with the agreement of a majority of its members it is deemed resigned and continues to run the affairs of government as a caretaker until a new government is appointed. If the decision is particular to one of the ministers he is deemed resigned. The Council of Representatives shall not examine a motion to withdraw confidence except upon the request of one quarter of the Representatives of the Council. This request shall not be deliberated except after eight days commencing from the date of its submission. Votes shall be counted at least two days after deliberations are concluded.

## **Article 30**

The Council of Representatives shall lay down its internal bylaws that shall specifically include therein:

1. The quorum of Council.
2. The operational procedures of the Council and the process of setting agendas according to priorities.
3. The procedure by which voting is conducted.
4. The authority of the Speaker and his two deputies.
5. The mechanism for submitting proposals or interpellations to the Prime Minister or the ministers.
6. Forming subcommittees of the Council and specifying their mandate.
7. Decisions related to breaching of the order of a session, misconduct, absence, and attendance.
8. Procedures for withdrawing parliamentary immunity.
9. Procedures for submitting resignations and deciding on them.

## **Article 31**

The Council of Representatives shall not be dissolved except by holding a referendum called by the President of the State. In case the dissolution is rejected, the President shall resign and a new President of the State shall be elected within 30 days.

# Section II      Executive Authority

## Article 32

The executive authority is composed of the President of the State and the Prime Minister.

## Article 33

The President of the State is the symbol of the state's unity. He looks after the interests of the people, safeguards the sovereignty and territorial integrity of the country, observes the balance between the authorities, and exercises his powers in the manner prescribed in this Declaration.

## Article 34

The President of the State shall have the following mandates:

1. Representing the State in its foreign relations.
2. Appointing the Prime Minister and assigning him the task of forming the Cabinet.
3. Acting as the Commander-in-Chief of the Libyan Army.
4. Appointing and dismissing the Chief of Intelligence Services after the approval of the Council of Representatives.
5. Appointing ambassadors and representatives of Libya in international organizations based on suggestions from the Minister of Foreign Affairs.
6. Appointing high-ranking officials and dismissing them from their offices after consulting the Prime Minister.
7. Approving the representatives of other states and foreign institutions in Libya.
8. Passing laws that have been approved by the Council of Representatives.
9. Signing agreements and international treaties provided that the Council of Representatives ratifies them.
10. Declaring a state of emergency, state of war or peace and adopting exceptional measures after approval of the National Defense and Security Council provided that they must be submitted to the Council of Representatives to be ratified within ten days.
11. Heading the Cabinet meetings when he attends its sessions.
12. Dismissing the Prime Minister from his office after consulting the Speaker of the Council of Representatives and dismissing ministers after consulting with the Prime Minister.
13. Any other purviews stipulated by the Constitutional Declaration and the law.

## **Article 35**

The President of the State may address the Council of Representatives either directly or indirectly or through messages delivered on his behalf and are not subject to deliberation.

## **Article 36**

If the President of the State is temporarily unable to carry out his duties, he may delegate some of his presidential purviews to the Prime Minister for a period not exceeding 30 days, except the purview related to clause (9) Article (34). The President shall notify the Council of Representatives with regard to this matter.

## **Article 37**

In the event that the Presidential office becomes vacant, due to resignation, death, permanent disability or any other reason, the Prime Minister shall temporarily assume the presidential responsibilities provided that a new president is elected within a period of 30 days from the announcement of the vacancy by the Speaker of the Council For the President of the State to resign, a written resignation must be presented to the Speaker of the Council of Representatives.

## **Article 38**

A charge of high treason against the President of the State is to be based on a motion signed by at least one-third of the members of the Council of Representatives. The decision to transfer the case to the Prosecutor General is to be issued only by a two-thirds majority of the members of the Council. As soon as an impeachment decision has been issued, the President of the Republic shall cease all work; this shall be considered an obstacle preventing the President from carrying out presidential duties until a verdict is reached. The President of the State shall be tried before the Supreme Court en banc; the prosecution is to be carried out before the Supreme Court by the Prosecutor General. The decisions of the court are final and may not be appealed against in any way. In the case of conviction, the President of the State shall be relieved of his office, without prejudice to other penalties.



## **Article 39**

A presidential candidate must meet the following conditions:

1. Must be a Libyan citizen, Muslim and born to Libyan parents.
2. Must not carry any other citizenship of any other country.
3. Must not be married to a non-Libyan.
4. On the day of nomination, cannot be younger than 40 Gregorian years.
5. Must provide a document of financial disclosure of his immovable and movable property inside and outside Libya as well as those of his spouse and his underage offspring.
6. The candidate must be endorsed by no less than 5,000 citizens according to the law.
7. Any other conditions as stipulated by the law.

## **Article 40**

The finances of the President of the State shall be stipulated by the law; the President shall not receive any other salary or remuneration, nor engage in any other profession or any commercial, financial or industrial activity throughout the presidential term, nor is the President allowed to buy or rent state property, nor prosecute the State, nor conclude a contract with the State as vendor, supplier or contractor. If the President should receive, in person or through an intermediary, cash or in-kind gifts, such gifts shall go into the State Treasury. All of the above is subject to regulation by law.

## **Article 41**

The President of the State shall take the following oath before the Supreme Court and in the presence of the leadership of the General National Congress, in a public session: "I swear by Almighty God to loyally safeguard the sovereignty and territorial integrity of this land, to honour the Constitutional Declaration and the law, to fully look after the interests of the people, and to seek to realize the principles and objectives of the 17 February Revolution."

## **Article 42**

The President of the Republic shall enjoy judicial immunity throughout his presidential term. All limitation and prescription acts shall be suspended and procedures shall be continued after the President completes his functions. While taking into consideration Article (38), the president shall not be held accountable for his actions while performing his duties.

## **Article 43**

During the transitional stage the President of the State shall be elected through a direct secret public ballot. The election shall be by the votes of the absolute majority of electors and shall be held at the same time as the elections of the Council of Representatives and in accordance with a law that the General National Congress shall pass within two weeks from the date of adopting this Amendment. In the event of failure of any of the candidates to achieve an absolute majority in the first round, a second round shall be organized during the two weeks following the announcement of the final results of the first round. The two candidates having won the highest number of votes during the first round shall run in the second round.

## **Article 44**

The Cabinet consists of the Prime Minister, one or more deputies to the Prime Minister and the ministers and is charged with administering the local and foreign affairs of the state. The Prime Minister shall supervise the proceedings of the Cabinet and direct the performance of its functions in consultation with the President of the State in relation to matters pertaining to the ministries of Foreign Affairs and Defense.

## **Article 45**

With the exception of the mandates assigned to the President, the Prime Minister is tasked with exercising executive authority, administering the affairs of the State, and ensuring that the regular operation of state institutions and public structures is in accordance with the effective laws, and especially with the following:

1. Setting the priorities of government work in the transitional phase.
2. Proposing the general policy of the State in consultation with the President and overseeing the implementation thereof after its adoption.
3. Proposing draft laws.
4. Preparing the Overall State Budget and the final account of the state.
5. Issuing regulations, decisions, and rules in accordance with the law, and monitoring their implementation.
6. Negotiating international agreements and treaties.

## **Article 46**

A person appointed to the position of Prime Minister or the position of a minister must be:

1. A Libyan citizen, enjoying civil and political rights,
2. Over the age of 30 for the position of Prime Minister and 25 for the position of a minister.
3. Must not carry any other citizenship of any other country.
4. Cannot be married to a non-Libyan.
5. Must provide a financial disclosure of his immovable and movable property inside and outside Libya and those of his spouse and his underage offspring.

## **Article 47**

The Prime Minister and the ministers shall take the following oath before the President of the State and during a public session: "I swear by Almighty God to loyally safeguard the sovereignty and territorial integrity of this land, to honour the Constitutional Declaration and the law, to fully look after the interests of the people, and to seek to realize the principles and objectives of the 17 February Revolution."

## **Article 48**

The Prime Minister is specifically vested with:

1. Proposing the formation of the Cabinet to the President for his approval, and then presenting it to the Council of Representatives to obtain confidence.
2. Issuing the decisions adopted by the Cabinet.
3. Appointing deputy ministers based on the suggestions of the pertaining ministers.

## **Article 49**

The Prime Minister and the ministers are collectively responsible for the general policy of the State before the Council of Representatives. Every minister shall be held accountable for the operations of his ministry.

## **Article 50**

The Prime Minister shall present his written resignation to the President of the State and a minister shall present his resignation to the Prime Minister. As a consequence of the resignation of the Prime Minister the entire government is resigned. The outgoing government shall continue with its ongoing functions until a new Cabinet is formed.

# **Section III      General Provisions**

## **Article 51**

Financial dealings with members of the Council of Representatives, the President of the State, the Prime Minister, and ministers shall be stipulated by a draft law presented by the Cabinet and ratified by the Council of Representatives, within a period not exceeding one month commencing from their taking the oath, while taking into consideration the responsibilities they are tasked with and the average public incomes

## **Article 52**

Local administrative organization shall be based on the principle of decentralization and within a framework of national unity. Governorates and municipalities shall administer their functions and financial allocations by law in order to ensure the decentralization of services, transparency of expenditure, the sovereignty of state resources with the aim of reaching balanced and sustainable development in the entire country.

## **Article 53**

In accordance with the law, the state shall exclusively establish the army and security institutions to serve public interest. The army shall be committed to not compromising the constitutional system. Army officers, non commissioned officers, and soldiers shall be prohibited from engaging in political work. No individual, institution, body, or group shall establish armed brigades or formations, or military or paramilitary forces or organizations outside the legitimacy of the state and in accordance with the provisions of the law.

## **Article 54**

The National Security and Defense Council shall be established under the chairmanship of the President of the State and the membership of the Speaker of the Council of Representatives, the Prime Minister, the ministers of Defense, Foreign Affairs, Interior, Finance, and the Army Chief of Staff, and the Chief of the General Intelligence Service. The Council adopts strategies for establishing security and stability in the country; taking the necessary measures to contain and face disasters and crises of all kinds; and identifying sources of threat to national security, whether at home or abroad. The law shall stipulate the mandates of the Council and its regulations.

## **Article 55**

This Declaration shall not be annulled neither shall any provision in it be amended except by a decision issued by the Council of Representatives and with the agreement of a two-thirds majority.

## **Article 56**

All clauses in the Interim Constitutional Declaration contrary to provisions of this Amendment are annulled.

## **Article 57**

This Amendment is effective from the date of its issuance and shall be published in the National Gazette in accordance with the established procedures and in different media outlets.

### **Source (Arabic) version:**

<http://www.cecly.ly/index.php/com-phocadownload-file-rating/ct-menu-item-13/2014-03-04-17-47-27>

### **Source (English) unofficial translation:**

<http://www.scribd.com/doc/211195792/FebCommittee-Section-I-Legislative>

<http://www.scribd.com/doc/211195814/FebCommittee-Section-II-Executive>

<http://www.scribd.com/doc/211195799/FebCommittee-Section-III-General-Provisions>

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