

CONSTITUTION OF LUXEMBOURG

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The original ICL-edition has been amended up to and including the amendments of 12 July 1996 and 12 Jan 1998. The 1998 amendment changed Articles 33, 73, 80, 83bis, 95bis, 95ter, and 115. The integrity of this consolidated edition was last checked by Mr. Stephane Jacoby on the Status Date above.}

Chapter I The State, its Territory, and the Grand Duke

Article 1 [Independent State]

The Grand Duchy of Luxembourg is a democratic, free, independent, and indivisible State.

Article 2 [Boundaries]

The boundaries and chief towns of judicial or administrative districts and of cantons and communes may only be changed pursuant to a law.

Article 3 [Hereditary Crown]

The Crown of the Grand Duchy is hereditary in the Nassau family in accordance with the Pact of 30 June 1783, Article 71 of the Treaty of Vienna of 9 June 1815, and Article 1 of the Treaty of London of 11 May 1867.

Article 4 [Grand Duke]

The person of the Grand Duke is inviolable.

Article 5 [Majority and Oath of the Grand Duke]

(1) The Grand Duke of Luxembourg attains his majority on the completion of eighteen years of age. On assuming the reins of government, he shall take the following oath as soon as possible, in the presence of the Chamber of Deputies or of a deputation appointed by it:

(2) "I swear to observe the Constitution and the laws of the Grand Duchy of Luxembourg, to maintain the national independence and integrity of the territory, as well as public and individual liberties."

Article 6 [Succession of Minors]

If on the death of the Grand Duke his successor is a minor the regency shall be exercised in accordance with the Family Pact.

Article 7 [Inability]

(1) If the Grand Duke finds he is unable to reign, the regency shall be ensured as in the case of minority.

(2) Should the Throne become vacant, the Chamber shall make temporary arrangements for the regency. A new Chamber, to be summoned with double the customary number of members within thirty days, shall take the final steps to fill the vacancy.

Article 8 [Oath of the Regent]

(1) On taking up his functions the Regent shall take the following oath:

(2) "I swear to be faithful to the Grand Duke; I swear to observe the Constitution and the laws of the country."

Chapter II Luxembourgers and Their Rights

Article 9 [Citizenship, Political Rights]

(1) The status of Luxembourger shall be acquired, retained, and lost in accordance with the rules determined by civil law.

(2) The Constitution and the other laws relating to political rights determine what conditions in addition to this status are necessary for the exercise of these rights.

(3) By way of derogation from the preceding paragraph, the law may confer the exercise of political rights to non-Luxembourgers.

Article 10 [Naturalization]

(1) Naturalization is granted by the legislature.

(2) The law determines the effects of naturalization.

Article 11 [Basic Rights]

(1) There is no distinction of orders in the State.

(2) Luxembourgers are equal before the law; they alone are eligible for civil and military service, save as the law may in particular cases otherwise provide.

(3) The State guarantees the natural rights of the individual and of the family.

(4) The law guarantees the right to work and assure to every citizen the exercise of this right.

(5) The law organizes the social security, health protection, and rest of workers and guarantee the freedom of trade unions.

(6) The law guarantees freedom of trade and industry, the exercise of the professions and of agricultural labor, subject to any restrictions that may be imposed by the legislature.

Article 12 [Individual Freedom]

Individual freedom shall be guaranteed. No one may be prosecuted except for the cases and according to the procedure laid down by the law. Except in flagrante delicto, no one may be arrested without the reasoned order of the judge served at the time of arrest or within twenty four hours at the latest.

Article 13 [Legal Judge]

No one may be deprived, against his will, of the Judge assigned to him by the law.

Article 14 [Nulla Poena Sine Lege]

No penalty may be fixed or applied except in pursuance of the law.

Article 15 [Home]

The home is inviolable. No domiciliary visit may be made except in cases and according to the procedure laid down by the law.

Article 16 [Property, Compensation]

No one may be deprived of his property except on grounds of public interest in cases and in the manner laid down by the law and in consideration of prior and just compensation.

Article 17 [No Confiscation]

Confiscation of property as a penalty may not be instituted.

Article 18 [Abolished Penalties]

The death penalty on political grounds and civil death and branding are hereby abolished.

Article 19 [Freedom of Religion]

Freedom of religion and of public worship as well as freedom to express one's religious opinions are guaranteed, subject to the repression of offenses committed in the exercise of such freedoms.

Article 20 [No Forced Religion]

No one may be forced to take part in any way whatsoever in the acts and ceremonies of a religion or to observe its days of rest.

Article 21 [Civil Marriage]

Civil marriage must always precede the nuptial benediction.

Article 22 [State and Church]

The State's intervention in the appointment and installation of heads of religions, the mode of appointing and dismissing other ministers of religion, the right of any of them to correspond with their superiors and to publish their acts and decisions, as well as the Church's relations with the State shall be made the subject of conventions to be submitted to the Chamber of Deputies for the provisions governing its intervention.

Article 23 [Education, Health]

(1) The State ensures that every Luxembourger receives primary education which is compulsory and provided free of charge. Medical and social assistance is regulated by the law.

(2) The State sets up secondary educational establishments and the necessary courses of higher education. It also establishes free vocational training courses.

(3) The law determines the means of supporting State education and the conditions under which it is to be supervised by the Government and the communes; it also regulates all educational matters and creates a fund for the exceptionally gifted.

(4) Every Luxembourger is free to pursue his studies in the Grand Duchy or abroad and to attend universities of his own choosing, subject to the provisions of the law concerning admission to employment and the exercise of certain callings.

Article 24 [Expression]

Freedom of speech in all matters and freedom of the press is guaranteed, subject to the repression of offenses committed in the exercise of these freedoms. No censorship may ever be introduced. Security may not be demanded of writers, publishers, or printers. Stamp duty on native journals and periodicals is hereby abolished. No publisher, printer, or distributor may be prosecuted if the author is known, if he is a Luxembourger, and resident in the Grand Duchy.

Article 25 [Assembly]

Luxembourgers have the right to assemble peaceably and unarmed in compliance with the laws governing the exercise of this right which may not require prior authorization. This provision does not apply to open-air political, religious, or other meetings which are fully governed by laws and police regulations.

Article 26 [Association]

Luxembourgers enjoy freedom of association. This right shall not be made subject to any prior authorization.

Article 27 [Petition]

Everyone has the right to address petitions signed by one or more persons to the public authorities. Only constituted authorities have the right to address petitions collectively.

Article 28 [Correspondence]

(1) The secrecy of correspondence is inviolable. The law determines the agents responsible for the violation of the secrecy of correspondence entrusted to the postal services.

(2) The law determines the guarantee to be afforded to the secrecy of telegrams.

Article 29 [Language]

The law shall regulate the use of languages in administrative and judicial matters.

Article 30 [Proceedings Against Public Officials]

No prior authorization is required for instituting proceedings against public officials for their administrative acts, except as provided for in respect of members of the Government.

Article 31 [Punishment of Public Officials]

Public officials, to whatever order they may belong, members of the Government excepted, may be deprived of their office, honors, and pensions only in the manner laid down by law.

Chapter III Sovereign Power

[Section 0 General Provision]

Article 32 [Sovereign Power]

(1) The sovereign power resides in the Nation.

(2) The Grand Duke exercises it in compliance with this Constitution and the laws of the country.

(3) He shall have no powers other than those formally vested in him by the Constitution and the special laws passed pursuant to the Constitution, without prejudice to Article 3.

Section 1 The Grand Duke's Prerogative

Article 33 [Executive Power]

The Grand Duke is the head of the State, the symbol of its unity and the guarantee of national independence. He exercises the executive power in conformity with the Constitution and the laws of the country.

Article 34 [Sanctioning and Promulgation of Laws]

The Grand Duke sanctions and promulgates the laws. He makes his resolve known within three months of the vote in the Chamber.

Article 35 [Appointments]

(1) The Grand Duke appoints to civil and military posts, in compliance with and subject to any exceptions made by the law.

(2) No office remunerated by the State may be created other than in pursuance of a legislative provision.

Article 36 [Regulations and Orders]

The Grand Duke enacts the regulations and orders necessary for carrying laws into effect, but he may never suspend the laws themselves or dispense with their enforcement.

Article 37 [Treaties]

(1) The Grand Duke concludes treaties. These do not come into effect until they have been sanctioned by law and published in the manner laid down for the publication of laws.

(2) The treaties referred to in Chapter III, Section 4, Article 49a, are sanctioned by a law voted under the conditions laid down in Article 114 (5).

(3) Secret treaties are abolished.

(4) The Grand Duke enacts the regulations and orders necessary for carrying the treaties into effect in accordance with the procedure governing measures for the execution of laws and with the effects attaching to such measures, without prejudice to matters reserved to the law by the Constitution.

(5) No cession, exchange, or adjunction of territory is effected except pursuant to a law.

(6) The Grand Duke commands the armed force; he declares war and the cessation of hostilities after having been authorized by a vote in the Chamber taken under the conditions laid down in Article 114 (5).

Article 38 [Pardon]

The Grand Duke has the right to remit or reduce penalties awarded by the judges, except as provided for in respect of members of the Government.

Article 39 [Minting Money]

The Grand Duke has the right to mint money in pursuance of the law.

Article 40 [Awarding Titles and Nobility]

The Grand Duke has the right to bestow titles of nobility without being able to attach any privilege to them.

Article 41 [Awarding Orders]

The Grand Duke confers civil and military orders, while complying with the provisions of the law.

Article 42 [Prince]

(1) The Grand Duke may have Himself represented by a Prince of the blood, who shall bear the title of Lieutenant of the Grand Duke and reside in the Grand Duchy.

(2) This representative shall take an oath to observe the Constitution before entering upon the exercise of his powers.

Article 43 [Remuneration]

(1) The Civil List is fixed at three hundred thousand gold francs a year.

(2) It may be changed by law at the beginning of each reign. The budget law may allocate each year to the Sovereign Household the sums needed to cover representation expenses.

Article 44 [Residence]

The Grand Ducal Palace in Luxembourg and the Chateau de Berg are reserved for the residence of the Grand Duke.

Article 45 [Countersignature]

All provisions of the Grand Duke require the countersignature of a responsible member of the Government.

Section 2 Legislature

Article 46 [Chamber of Deputies]

Each law requires the assent of the Chamber of Deputies.

Article 47 [Proposing Bills]

(1) The Grand Duke addresses to the Chamber the proposals or bills of law he wishes to submit for adoption.

(2) The Chamber has the right to propose Government Bills to the Grand Duke.

Article 48 [Authoritative Interpretation]

The interpretation of laws by way of authority may only be effected through the law.

Section 3 Judiciary

Article 49 [Judgments]

- (1) Justice is rendered in the name of the Grand Duke by the courts and the tribunals.
- (2) Judgments and decisions are enforced in the name of the Grand Duke.

Article 49bis [International Institutions]

The exercise of the powers reserved by the Constitution to the legislature, executive, and judiciary may be temporarily vested by treaty in institutions governed by international law.

Chapter IV Chamber of Deputies

Article 50 [Representation]

The Chamber of Deputies represents the country. Deputies vote without referring to their constituents and may have in view only the general interests of the Grand Duchy.

Article 51 [Parliamentary Democracy, Election, Referendum]

- (1) The Grand Duchy of Luxembourg is ruled by a system of parliamentary democracy.
- (2) The organization of the Chamber is regulated by law.
- (3) The Chamber is composed of 60 deputies. A law passed under the provisions of Article 114 (5) sets the number of deputies to be elected in each of the constituencies.
- (4) The election is direct.
- (5) Deputies are elected by straightforward universal suffrage on the party-list system, in accordance with the rules of proportional representation, the principle of the smallest electoral quota, and the rules to be determined by the law.
- (6) The country is divided into four electoral districts: the South (Esch/Alzette and Capellen), the Center (Luxembourg and Mersch), the North (Diekirch, Redange, Wiltz, Clervaux and Vianden) and the East (Grevenmacher, Remich and Echternach).
- (7) The electors may be requested to pronounce themselves by way of a referendum in cases and under conditions to be determined by law.

Article 52 [Qualifications]

(1) To qualify as an elector it is necessary:

1. to be a Luxembourger, man or woman;
2. to enjoy civil and political rights;
3. to have completed 18 years of age.

(2) To these three qualifications shall be added those determined by the law. No tax qualification may be imposed.

(3) To be eligible it is necessary:

1. to be a Luxembourger, man or woman;
2. to enjoy civil and political rights;
3. to have completed 21 years of age;
4. to be resident in the Grand Duchy.

(4) No other condition of eligibility may be imposed.

Article 53 [Non-Qualification]

(1) The following may not be electors nor eligible:

1. persons sentenced to criminal punishment;
2. persons sentenced for minor offenses depriving them of the right to vote;
3. persons of full age under guardianship.

(2) No other exclusion clause may be foreseen.

(3) The right to vote may be restored to persons sentenced by penal courts by the way of reprieve.

Article 54 [Incompatibilities]

(1) The deputy's mandate is incompatible with:

1. the duties of member of the Government;
2. those of member of the Council of State;
3. those of member of the judiciary;
4. those of member of the Audit Chamber;
5. those of district commissioner;
6. those of State collector or accounting officer;
7. those of career soldier on active service.

(2) Officials involved in a case of incompatibility have the right to choose between the mandate confided to them and their duties.

(3) A deputy called upon to perform the duties of member of the Government and who relinquishes these duties is automatically reinstated as first substitute on the list on which he was elected. The same applies to the substitute deputy who, called upon to perform the duties of member of the Government, renounces the deputy's mandate devolving upon him in the course of these duties. In the event of a contest between two or more rightful claimants, reinstatement shall follow the order of the number of votes polled in the elections.

Article 55 [Other Incompatibilities]

The incompatibilities referred to in the preceding article do not preclude the law from stipulating others in the future.

Article 56 [Term]

Deputies are elected for a term of five years.

Article 57 [Oath of Deputies]

(1) The Chamber verifies the credentials of its members and settles any disputes arising on the subject.

(2) On taking up office, deputies shall take the following oath:

"I swear to be faithful to the Grand Duke and to obey the Constitution and the laws of the State."

(3) This oath is to be taken at a public sitting before the President of the Chamber.

Article 58 [Government Incompatibility]

A deputy appointed by the Government to a salaried post which he accepts immediately ceases to sit in the Chamber and does not resume his functions except by virtue of a new election.

Article 59 [Two Votes]

All Bills are submitted to a second vote unless the Chamber, in agreement with the Council of State, otherwise decides at a public sitting. There shall be an interval of at least three months between the two votes.

Article 60 [President of the Chamber]

At each session, the Chamber appoints its president and vice-presidents and sets up its Bureau.

Article 61 [Publicity]

Sittings of the Chamber are held in public, except where otherwise provided in the rules of procedure.

Article 62 [Majority]

(1) Resolutions require an absolute majority of votes. Should the votes be equally divided, the measure under discussion is rejected.

(2) The Chamber may not pass a resolution unless the majority of its members are present.

Article 63 [Voting by Role Call]

Voting on Bills as a whole always takes place by roll call.

Article 64 [Right of Inquiry]

The Chamber has the right of inquiry. The exercise of this right is regulated by the law.

Article 65 [Article by Article Voting]

A Bill may be passed by the Chamber only after it has been voted article by article.

Article 66 [Amendments]

The Chamber has the right to amend and divide the articles and amendments proposed.

Article 67 [Petitions]

- (1) Petitions to the Chamber may not be presented in person.
- (2) The Chamber has the right to refer to members of the Government any petitions addressed to it. Members of the Government shall provide explanations of their contents whenever the Chamber so requests.
- (3) The Chamber does not concern itself with any petition that has private interests in view, unless it is aimed at redressing grievances stemming from unlawful acts of the Government or the authorities, or unless the decision to intervene lies within the competence of the Chamber.

Article 68 [Indemnity]

No deputy may be prosecuted or investigated on account of opinions expressed or votes cast by him in the course of his duties.

Article 69 [Immunity]

No deputy can be prosecuted or arrested in a repressive matter in the course of a session, without the Chamber's authorization, unless caught in the act of committing a serious offence. None of its members may be imprisoned for debt during the session without the same authorization. The detention or prosecution of a deputy is suspended during and throughout the session if the Chamber so demands.

Article 70 [Rules of Procedure]

The Chamber determines in its rules of procedure the manner in which it exercises its powers.

Article 71 [Place of Sittings]

The sittings of the Chamber are held in the place of residence of the administration of the Grand Duchy.

Article 72 [Sessions]

- (1) The Chamber meets each year in ordinary session at the time specified in the rules of procedure.
- (2) The Grand Duke may summon the Chamber to an extraordinary session; he is required to do this if a third of the deputies so request.
- (3) Every session is opened and closed by the Grand Duke in person, or in his name by an authorized representative appointed for the purpose.

Article 73 [...]

{ Abolished on 12 Jan 1998. The old provision read: "The Grand Duke may adjourn the Chamber. Such adjournment, however, may not exceed a period of one month nor be repeated during the same session without the Chamber's consent."
}

Article 74 [Dissolution]

The Grand Duke may dissolve the Chamber. New elections are held at the latest within three months of the dissolution.

Article 75

Members of the Chamber of Deputies receive, in addition to their travelling expenses, an allowance of which the law determines the amount and conditions.

Chapter V Government of the Grand Duchy

Article 76 [Organization of Government]

The Grand Duke regulates the organization of his Government, which shall consist of at least three members.

Article 77 [Ministers]

The Grand Duke appoints and dismisses the members of Government.

Article 78 [Responsibility]

Members of the Government are responsible.

Article 79 [No Intermediate Authority]

There is no intermediate authority between the members of Government and the Grand Duke.

Article 80 [Government and Parliament]

- (1) Members of the Government have access to the Chamber and must be heard at their request.
- (2) The Chamber may require their presence.

Article 81 [No Relief of Responsibility]

In no case shall an oral or written order of the Grand Duke relieve a member of the Government of responsibility.

Article 82 [Accusation]

The Chamber has the right to accuse members of the Government. A law shall determine the cases of responsibility, the penalties to be inflicted, and the procedure to be followed as regards either the accusation admitted by the Chamber or the action brought by the injured parties.

Article 83 [No Pardon for Ministers]

The Grand Duke may not pardon a condemned member of the Government except at the request of the Chamber.

Chapter V bis Council of State

Article 83bis [Council of State, Litigation Committee]

(1) The Council of State is called to express its views on bills and proposition of law and amendments that might be proposed thereto, as well as on all other matters deferred to it by the Government or by the laws. On articles voted on by the Chamber pursuant to Article 65, it gives its opinion within the time limits set by the law.

(2) The organization of the Council of State as well as the way its prerogatives are carried out, are regulated by law.

Chapter VI Judiciary

Article 84 [Civil Rights Jurisdiction]

Disputes over civil rights lie exclusively within the jurisdiction of the courts.

Article 85 [Political Rights Jurisdiction]

Disputes over political rights lie within the jurisdiction of the courts except as otherwise provided by law.

Article 86 [No Extraordinary Jurisdiction]

No court or jurisdiction in contentious matters may be set up, except by virtue of a law. No extraordinary commissions or courts may be set up, under whatever name.

Article 87 [Superior Court of Justice]

The organization of a Superior Court of Justice is provided for by law.

Article 88 [Publicity]

Hearings in court shall be public unless such publicity is a threat to good order and morality, in which case the court so declares by ruling.

Article 89 [Judgments]

All judgments shall be reasoned. They are pronounced in public court session.

Article 90 [Appointment of Judges]

Justices of the Peace and judges of the courts are appointed directly by the Grand Duke. Members of the Superior Court of Justice and presidents and vice-presidents of the district courts are appointed by the Grand Duke on the advice of the Superior Court of Justice.

Article 91 [Term, Sanctions]

(1) Justices of the peace, district court judges, and members of the Superior Court of Justice are appointed for life. None of them may be deprived of his post or suspended save by a judicial decision. None of these judges may be transferred except by way of a new appointment and with his consent.

(2) In the event of infirmity or misconduct, however, he may be suspended, dismissed, or transferred, under the conditions laid down by the law.

Article 92 [Salaries]

The salaries of members of the judiciary are fixed by law.

Article 93 [Incompatibility]

Except where otherwise provided by law, no judge is allowed to accept salaried functions from the Government unless he performs them free of charge, without prejudice, however, to cases of incompatibility determined by law.

Article 94 [Military Tribunals, Labor and Social Security Jurisdiction]

(1) Special laws regulate the organization of military tribunals, their duties, and the rights, obligations, and terms of office of their members.

(2) The law also regulates the organization of the jurisdictions pertaining to labor and social security matters, their duties, the mode of appointment, and the terms of office of their members.

Article 95 [General and Local Decisions]

Courts and tribunals may apply general and local decisions and regulations only in so far as these comply with the laws. The Superior Court of Justice settles disputes as to competence, in accordance with the procedure laid down

by the law.

Article 95bis [Administrative courts]

- (1) Jurisdiction in administrative matters belongs to the Administrative Tribunal and the Administrative Court. These courts also have jurisdiction in tax matters in the cases and under the conditions determined by the law.
- (2) The law may create other administrative jurisdictions.
- (3) The Administrative Court constitutes the supreme court of the administrative order.
- (4) The attributions and the organisation of the administrative courts are regulated by the law.
- (5) The magistrates of the Administrative Court and the Administrative Tribunal are nominated by the Grand-Duke. The nomination of the members of the Administrative Court as well as of the president and the vice-presidents of the Administrative Tribunal are made, except concerning the initial nominations, upon the opinion of the Administrative Court.
- (6) The provisions of Articles 91, 92, and 93 are applicable to the members of the Administrative Court and of the Administrative Tribunal.

Article 95ter [Constitutional Court]

- (1) The Constitutional Court decides, by way of arr, on the conformity of the laws with the Constitution.
- (2) The Constitutional Court is seized, in a prejudicial manner, pursuant to the modalities to be determined by the law, by any court to decide on the conformity of the laws, save the laws approving treaties, to the Constitution.
- (3) The Constitutional Court is composed of the President of the Superior Court of Justice, the President of the Administrative Court, two counselors of the Cour de Cassation and five magistrates nominated by the Grand Duke, upon the joint opinion of the Superior Court of Justice and Administrative Court. The provisions of Articles 91, 92, and 93 apply to them. The Constitutional Court comprehends a chamber sitting with five magistrates.
- (4) The organisation of the Constitutional Court and the manner in which it exercises its attributions are regulated by the law.

Chapter VII Public Force

Article 96 [Armed Forces]

All matters connected with the armed forces are regulated by the law.

Article 97 [Gendarmerie]

The organization and the powers of the forces in charge of public order are

settled by law.

Article 98 [Civil Guard]

A civil guard, whose organization is regulated by the law, may be formed.

Chapter VIII Finances

Article 99 [Taxation]

No tax may be imposed for the benefit of the State except pursuant to a law. No loan to be borne by the State may be contracted without the consent of the Chamber. No real property of the State may be alienated, unless such alienation is authorized by a special law. However, a general law may fix a limit up to which no special authorization is requested. Every purchase by the State of significant real property, every significant commitment of funds in large infrastructure or important building plans, must be authorized by a special law. A general law sets the thresholds from which this authorization is requested. No commitment may burden the State budget further than one fiscal year, except by a special law. No communal charge or tax may be introduced except with the consent of the communal council. A law determines the exceptions shown by experience to be necessary as regards communal taxes.

Article 100 [Renewing Taxation]

Taxes for the benefit of the State are voted annually. Legislation introducing them remains in force for only one year unless renewed.

Article 101 [No Privilege or Exemption]

No privilege may be introduced in the matter of taxation. No exemption or abatement may be established except by law.

Article 102 [No Other Duties]

Save in cases formally excepted by law, no recompense may be demanded of citizens or public establishments except in the form of taxes for the benefit of the State or of the commune.

Article 103 [Pension, Half-Pay, Gratuity]

No pension, half-pay, or gratuity charged to the Treasury may be granted except by law.

Article 104 [Accounts, Budget]

Each year, the Chamber passes the Accounts Bill and votes the budget. All revenue and expenditure of the State is shown in the budget and in the accounts.

Article 105 [Audit Chamber]

- (1) An Audit Chamber is required to audit and settle the accounts of the general administration and of all accountable to the Public Treasury.
- (2) The law regulates its organization, the exercise of its powers, and the method of appointing its members.
- (3) The Audit Chamber ensures that no budget item of expenditure is exceeded.
- (4) No transfer may be made from one section of the budget to another except by law.
- (5) Members of the Government may, however, within their own departments, transfer surpluses of one item to another item in the same section, provided that they justify their action before the Chamber of Deputies.
- (6) The Audit Chamber draws up the accounts of the different administrations of the State and is required to collect for this purpose all the information and vouchers necessary. The general account of the State shall be submitted to the Chamber of Deputies together with the Audit Chamber's comments.

Article 106 [Salaries of Priests]

The salaries and pensions of ministers of religion shall be borne by the State and regulated by the law.

Chapter IX Communes

Article 107 [Local Authorities]

- (1) Communes form autonomous authorities, on a territorial basis, possessing legal personality and administering their patrimony and own interests.
- (2) In each commune there is a communal council directly elected by the inhabitants; the conditions to be elector or eligible will be fixed by law.
- (3) The council draws up a yearly budget and closes the accounts. It issues communal regulations, except in case of emergency. It may impose taxes, with the Grand Duke's approval. The Grand Duke may dissolve the council.
- (4) The commune is administered under the authority of the corporate body of the major and the aldermen who must be chosen among the communal councilors. The conditions of nationality to be fulfilled by the members of the corporate body of major and aldermen will be determined in a law passed under the provisions of Article 114 (5).
- (5) Supervision of the communal administration is ruled by law. Certain decisions of communal authorities have to be authorized by the supervision authority or may be cancelled or suspended should they be illegal or contrary to the public interests, without prejudice to the powers of the law courts or administrative tribunals.

Article 108 [Registration Authority]

The preparation of birth, marriage, and death certificates and the keeping of the registers shall lie exclusively within the competence of the communal authorities.

Chapter X General Provisions

Article 109 [Capital, Seat of Government]

The city of Luxembourg is the capital of the Grand Duchy and the seat of the Government. The seat of the Government may be moved only temporarily and then only for serious reasons.

Article 110 [Oath]

(1) No oath may be imposed, except pursuant to the law, which determines in what form it is to be taken.

(2) All civil public officials, before entering upon their duties, take the following oath:

"I swear allegiance to the Grand Duke and obedience to the Constitution and the laws of the State. I promise to fulfill my duties with integrity, exactitude, and impartiality."

Article 111 [Rights of Foreigners]

Every foreigner on the territory of the Grand Duchy shall enjoy the protection afforded to persons and property, except as otherwise provided by the law.

Article 112 [Promulgation of Laws]

No law or general or communal administrative decision or regulation shall come into force until it has been published in the form determined by the law.

Article 113 [No Suspension]

No provision of the Constitution may be suspended.

Article 114 [Constitutional Amendment]

(1) The legislature has the right to declare the need to amend any constitutional provision it specifies.

(2) Following such declaration, the Chamber automatically dissolves.

(3) A new Chamber convenes in accordance with Article 74.

(4) This Chamber decides, by common consent with the Grand Duke, on the points to be amended.

(5) In such a case, the Chamber shall not proceed to the vote unless at least three-quarters of its members are present, and no amendment may be adopted

unless it is backed by at least two-thirds of the votes.

Article 115 [No Amendment During Regency]

During a regency, no amendment can be made to the Constitution concerning the constitutional prerogatives of the Grand Duke, his status as well as the order of succession.

Chapter XI Transitory and Additional Provisions

Article 116 [Accusation of Ministers]

Until provided for by a law, the Chamber of Deputies has discretionary power to accuse a member of the Government, and the Superior Court shall try him in general assembly, specifying the offence and determining the penalty. The penalty may not, however, exceed that of confinement, without prejudice to cases expressly provided for by the penal laws.

Article 117 [Conflicting Old Law]

From the day the Constitution enters into force, all laws, decrees, decisions, regulations, and other acts in conflict with it are abolished.

Article 118 [Conversion of Death Penalty]

The death penalty, abolished in political matters, shall be replaced by the penalty immediately below it, until such time as this matter has been covered by the new law.

Article 119 [Provisions Concerning Religions]

Pending the conclusion of the conventions referred to in Article 22, the current provisions concerning religions shall remain in force.

Article 120 [Old Law]

Until the laws and regulations provided for by the Constitution have been promulgated, the laws and regulations at present in force continue to be applied.

Article 121 [...]

{ Abolished on 31 March 1989 }