

INTERIM CONSTITUTION OF CZECHOSLOVAKIA NOVEMBER 13, 1918

37/1918 Coll.

LAW

of 13 November 1918

on the Provisional Constitution

On the National Assembly

§ 1. The National Committee shall be extended to 256 members in the manner and pursuant to rules of composition applicable for establishment of the National Committee. This body shall be referred to as the National Assembly.

§ 2. This method and rules of composition shall apply also for supplementing the National Assembly, when a member abandons [the Assembly].

§ 3. A member of the National Assembly is no longer he:

a) who lost his legal capacity,

b) who, after being sentenced for a crime that results in the loss of eligibility into municipalities in the Czech lands, was stripped of his membership by the decision of the National Assembly. The National Assembly decides by a two-thirds majority of the present members.

§ 4. The National Assembly shall exercise the legislative power for the state as a whole as well as for its parts, and shall supervise the executive power until the House of Representatives elected in accordance with the Constitution shall convene.

§ 5. The National Assembly shall adopt its standing order; until then the standing order adopted by the National Committee on 9 November 1918 shall apply.

§ 6. One- third of the Deputies constitutes a quorum of the National Assembly. The concurrence of a simple majority of the Deputies present is required for the adoption of a resolution. The presence of two- thirds of all Deputies and the concurrence of two- thirds of the Deputies present is required for amending this Law, the Law on Basic Rights of Citizens and the Law of 9 November 1918 on Personal Immunity of Members of the National Assembly, for election of the President of the Republic and, finally, for the adoption of a resolution declaring a state of war.

On the President of the Republic

§ 7. The head of state is the President of the Republic, who is elected by the National Assembly at the presence of two- thirds of all Deputies by a two- thirds majority of the Deputies present.

The President remains in the office until a new head of state shall be elected according to the final Constitution.

§ 8. If the President of the Republic tarries abroad or the office of the Presidency becomes vacant, the execution of his functions shall appertain to the Government, which may invest the Prime Minister with the specific functions.

§ 9. The President of the Republic may never be criminally prosecuted.

§ 10. The President of the Republic:

- a) shall represent the state in its relation with other states;
- b) shall be the commander- in- chief of the armed forces;
- c) shall receive ambassadors;

d) shall declare war pursuant to the resolution of the National Assembly and shall lay before the National Assembly for approval peace treaties which have been concluded;

e) shall appoint military officers, state officials and judges of the sixth class upward;

f) may pardon or commute sentences as well as legal consequences of the crime, conviction or sentence, and may order that a criminal proceeding not be instituted or, if it has been instituted, that it be discontinued.

The executive power exercised by the President of the Republic requires the countersignature of a designated responsible member of the Government.

§ 11. The President of the Republic shall have the right to return any bill passed by the National Assembly within eight days from its adoption for reconsideration. Should the National Assembly reaffirm the initial resolution, the bill shall become law.

§ 12. The President of the Republic shall take an oath before the National Assembly on his honor and conscience that he will look to the welfare of the Republic and its people, and to abide by the laws.

On Pronouncing Judgments

§ 13. Judgments and decisions shall be given in the name of the Republic.

On the Executive and Decretory Power

§ 14. The executive and decretory power shall be vested with the 17- member Government, the Prime Minister and members (ministers) of which shall be elected by the National Assembly.

The Government shall choose from among the members a deputy Prime Minister, who shall substitute the Prime Minister.

§ 15. The Prime Minister and members of the Government shall take an oath before the National Assembly on their honor and conscience that they will conscientiously and impartially perform their duties and abide by the laws of the Republic.

No member of the Government shall be a member of the board of directors or controllers of any joint- stock company or a representative of any limited liability company that are subject to the income tax of enterprises, which require public bookkeeping.

§ 16. The Government shall be responsible to the National Assembly, which may recall the Government by expressing a lack of confidence in the Government, if more than half of its members are present and if a simple majority of those present is obtained.

Every motion for a vote of lack of confidence shall be signed by not less than a one fourth of deputies and shall be first referred to a committee.

§ 17. The Government shall be seated in Prague. It shall be competent to act as a body if no less than ten of its members are present, including the Prime Minister or his deputy.

The Government shall decide in session:

- a) on Government draft bills for the National Assembly;
- b) on all matters of a political nature;
- c) on appointments of state officials, so far as such appointments do not fall within the jurisdiction of the central authorities or the President of the Republic.

§ 18. The Government shall determine as to which member of the Government (minister) shall direct and be responsible for particular authorities established for providing the highest state administration.

§ 19. Bills must be promulgated within eight days after their adoption by the National Assembly, with the exception laid down in

the first sentence of § 11. The law shall be signed by the President of the Republic, the Prime Minister and the member of the Government, whose office is entrusted with its execution.

If the President of the Republic tarries abroad or the office of the Presidency is vacant, the Prime Minister may sign on behalf of the President.

The Government decree shall be signed by the Prime Minister and no less than nine ministers.

§ 20. All the executive acts so far adopted by the presidium of the National Committee are approved.

§ 21. This Law shall enter into effect on the day of its promulgation.

Dr. Frant. Soukup, m.p.

Jiří Stříbrný, m.p.

Ant. Švehla, m.p.

Dr. Alois Rašín, m.p.

Dr. Vavro Šrobár, m.p.

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- A proper reference to this Constitutional Law is: “Law No. 37/1918 Coll., on the Provisional Constitution”
 - m.p. = manu propria = in own hand