

ACTES LEGISLATIFS \* LEGISLATIVE ACTS

DROIT POLONAIS CONTEMPORAIN  
POLISH CONTEMPORARY LAW  
1995 N°1-4(105-108)  
PL ISSN 0070-7325

**CONSTITUTIONAL LAW OF 23 APRIL 1992  
ON THE PROCEDURE FOR PREPARING AND ENACTING  
A CONSTITUTION FOR THE REPUBLIC OF POLAND**

**As published in *Dziennik Ustaw*, No. 67, item 336\***

**And as further amended by *Dziennik Ustaw* of 1994, No. 61, item 251**

**Article 1**

1. A Constitution for the Republic of Poland passed by the Sejm and Senate jointly convened as the National Assembly shall be adopted by the Nation in a constitutional referendum.
2. The Marshal of the Sejm, in consultation with the Marshal of the Senate, shall order the convention of the National Assembly to prepare and pass a Constitution.
3. The Marshal of the Sejm and the Marshal of the Senate, as his substitute, shall preside over the debates of the National Assembly.
4. The principles and methods of the work of the National Assembly, convened for the passing of a Constitution, shall be determined by Standing Orders adopted by the Assembly.

**Article 2**

1. The right to introduce statutes related to the submission of the draft Constitution to the National Assembly, shall be vested in:
  - 1) The Constitutional Committee set up according to the provisions of this Act,
  - 2) any group of 56 members of the National Assembly,
  - 3) the President of the Republic of Poland.
2. The subjects specified in Article 1, paras. 2 and 3, shall have the right to submit draft Constitutions within 6 months from the day on which the Constitutional Committee was created pursuant to Article 1, para. 1.

**Article 2a**

1. The right to introduce statutes, referring to the submission of the draft Constitution to the National Assembly, shall also be vested in any group of citizens who shall have obtained support for their bill from at least 500,000 persons holding the full electoral franchise to the Sejm.
2. Exercise of the right to introduce statutes, as referred to in para. 1, shall be permitted within 3 months from the day of the coming into force of this Act.

\* Translated by the Biuro Studiów i Ekspertyz Kancelarii Sejmu.

### **Article 2b**

1. The submission of a bill, as referred to in Article 2a, para. 1, shall be made in writing by a proxy designated in a written statement signed by the first 15 voters supporting such draft Constitution.
2. The list of citizens supporting the submission of the draft Constitution, including identifiable surnames, names, age, addresses of residence and numbers of identity cards or passports of persons who give evidence of their support by signing the list, shall be annexed thereto; each side of the list shall display the following statement: "I support the draft Constitution of the Republic of Poland submitted by the group of citizens whose proxy is..." surname and name of the proxy.
3. In the event of justified doubts about the validity of the submission of the required number of signatures, as referred to in Article 2a, para. 1, the Constitutional Committee of the National Assembly shall require the National Electoral Commission to state, not later than on the 7th day thereafter, if the statutorily required number of signatures has been collected.
4. If, after the procedure referred to in para. 3, the number of properly submitted signatures supporting the draft Constitution is found to be smaller than that statutorily required, the Constitutional Committee of the National Assembly shall refuse to accept the draft Constitution. The resolution to this effect, together with reasons given, shall be submitted to the proxy.
5. The resolution, as referred to in para. 4, may be appealed by the proxy to the Supreme Court within 3 days from the date of its delivery. The Supreme Court shall, by a bench of 3 judges, examine the appeal in non-litigious proceedings within a period of 7 days. There shall be no legal recourse against the decision of the Supreme Court.

### **Article 2c**

1. The principles on which the Constitution shall be based, may be submitted to referendum.
2. The subject, principles and methods of holding such referendum shall be specified by statute.

### **Article 3**

1. The Sejm, following receipt of the draft Constitutions, shall institute debate on the fundamental constitutional issues indicated by the Constitutional Committee.
2. The Constitutional Committee may, at any time, table a motion to institute a debate on selected constitutional issues.

### **Article 4**

1. A Constitutional Committee of the National Assembly, hereinafter referred to as "the Constitutional Committee", shall be set up, composed of 46 deputies appointed by the Sejm and 10 senators appointed by the Senate.
2. The Constitutional Committee shall appoint the chairman and the vice-chairman of the Committee from its members, one being a deputy and the other a senator.
3. Authorized representatives of the President, Council of Ministers and Constitutional Tribunal shall participate in the sittings of the Constitutional Committee and have the right to table motions.
4. The Constitutional Committee shall enact Standing Orders for the assistance of its work.

### **Article 5**

1. The Constitutional Committee shall pass resolutions by a simple majority vote in the presence of at least half of the total number of its members, subject to paras. 2 and 3.
2. The approval of the draft Constitution by the Committee, submitted on its own initiative, shall be done by an absolute majority of votes in the presence of at least half of the total number of its members.
3. The approval by the Committee of the report on bills submitted to it by the National Assembly, including the unified text of a draft Constitution, shall be done by a two-thirds majority of votes in the presence of at least half of the total number of its members.

### **Article 6**

The National Assembly may, after debate held during the first reading, reject the draft Constitution or refer it back to the Constitutional Committee.

### **Article 7**

1. The second reading shall consist of:
  - 1) introduction of the report, the consolidated text of the draft Constitution, by the Constitutional Committee to the National Assembly,
  - 2) conduct of the debate and tabling of amendments to the bill,
  - 3) voting.
2. The National Assembly may refer back the report of the Constitutional Committee specifying therewith the date of submission of the additional report.
3. Adoption of amendments and passing of a Constitution at the second reading shall be done by two-thirds majority vote in the presence of at least half of the total number of members of the national Assembly.
4. In the event of failure to pass the Constitution at the second reading, the National Assembly may again refer back the bill to the Constitutional Committee.

### **Article 8**

1. The Marshal of the Sejm, as the Chairman of the National Assembly, shall send the Constitution passed in the second reading to the President and shall order its public announcement.
2. The National Assembly shall consider the Constitution in a third reading, if the President, within 60 days from the day of its referral, submits amendments to its text. The adoption of the amendments submitted by the President shall be done by an absolute majority of votes in the presence of at least half of the total number of members of the National Assembly.
3. Passing of the Constitution at the third reading shall be done by a two-thirds majority of votes in the presence of at least half of the total number of members of the National Assembly.

### **Article 9**

1. The President shall order the Constitution to be submitted to a referendum within the 14 days from the date of its passing by the National Assembly at a third reading; in the case of lack of submission of proposals for amendments within the time-period referred to in Article 8, para. 2, within 14 days of the expiry of that date.

2. The President shall choose a non-working day as the date of referendum and no later than 4 months from the day on which the holding of the referendum was ordered.

#### **Article 10**

1. The right to participate in the referendum shall be vested in every citizen of the Republic of Poland who holds a full electoral franchise to the Sejm.,
2. The citizens shall vote in the referendum on official ballot papers for or against the Constitution subject to the referendum.
3. The method of holding the constitutional referendum shall be specified by statute.

#### **Article 11**

1. The approval of a Constitution by referendum shall have taken place when the majority of voters participating in the vote have voted in favour of it.
2. The President shall sign a Constitution approved by referendum and shall order its immediate promulgation in the Journal of Laws of the Republic of Poland [*Dziennik Ustaw Rzeczypospolitej Polskiej*].

#### **Article 12**

1. Amendments to the Constitution of the Republic of Poland of 22 July 1952 [*Dziennik Ustaw* of 1976, No. 7, item 36; of 1980, No. 22, item 81; of 1982, No. 11, item 83; of 1983, No. 39, item 175; of 1987, No. 14, item 82; of 1988, No. 19, item 129; of 1989, No. 19, item 101, and No. 7, item 444; of 1990, No. 16, item 94; No. 16, item 171 and No. 67, item 397, and of 1991: No. 41, item 176 and No. 119, item 514) shall be done in accordance with Article 106 of this Constitution.
2. The final provisions of the Constitution, as referred to in para. 1 shall be understood as transitional provisions.

#### **Article 12a**

Draft Constitutions submitted on the basis, and under the procedure, of this Law shall be considered by the Constitutional Committee of the National Assembly regardless of what term of office of the Sejm or the Senate they were submitted.

#### **Article 13**

This Law shall enter into the force 14 days after its promulgation.

**Translation: Jolanta Karolczak**

**Verification: Andrew Caldwell M.A., of the Middle Temple, barrister**