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# THE CONSTITUTIONAL ACT

of 17th October, 1992

with

**CONSTITUTIONAL PROVISIONS  
CONTINUED IN FORCE**



*Poland  
Constitution*

*92*

# THE CONSTITUTIONAL ACT

of 17th October, 1992

on the mutual relations  
between the legislative and executive  
institutions of the Republic of Poland  
and on local self-government

with

## CONSTITUTIONAL PROVISIONS CONTINUED IN FORCE

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**THE  
CONSTITUTIONAL  
ACT**

**of 17th October, 1992**

**on the mutual relations  
between the legislative and executive institutions  
of the Republic of Poland  
and on local self-government**

(Journal of Laws  
of the Republic of Poland  
of 23rd November 1992, No. 84, item 426)

For the purpose of improving the activity of the supreme authorities of the State, pending the passing of a new Constitution of the Republic of Poland, it is enacted as follows:

Chapter 1  
GENERAL PRINCIPLES

Article 1

The State organs of legislative power shall be the Sejm and the Senate of the Republic of Poland, executive power shall be the President of the Republic of Poland and the Council of Ministers, and judicial power shall be independent courts.

Article 2

1. Deputies and Senators, persons who are members of the Council of Ministers, as well as other persons who hold offices or perform public functions on behalf of the State, as specified in the Constitutional Act, are forbidden to engage in any activity inconsistent with exercising a mandate, office or function within the scope and under penalties determined by law.
2. Persons mentioned in para. 1 shall provide at the beginning and at the end of their term of office, or before entering into and after leaving office, a statement concerning their financial situation.

Chapter 2  
THE SEJM AND THE SENATE

Article 3

1. The Sejm shall be composed of 460 Deputies chosen by secret ballot in general, equal, direct and proportional elections.
2. The Senate shall be composed of 100 Senators chosen by voivodeship\* for the term of the Sejm, by secret ballot, in free, general and direct elections.

Article 4

1. The term of the Sejm shall be 4 years beginning with the date of its election.
2. The President of the Republic of Poland shall order the elections to the Sejm and the Senate to be held on a day which is not a day of work and which shall be within the month prior to expiry of the current term of office.
3. The Sejm may be dissolved by its own resolution carried by a two-thirds majority vote of the number of Deputies required by law.
4. In cases specified by this Act, the President may, after consultation with the Marshal of the Sejm and the Marshal of the Senate, dissolve the Sejm.
5. The term of office of the Sejm and the Senate shall expire on the day of proclamation of such resolution of

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\* Voivodeship — a unit of central governmental administration covering a specified geographical area. At present, there are 49 such voivodeships in Poland.



the Sejm, or of the order of the President on a dissolution of the Sejm.

6. In the event of dissolution of the Sejm by the President, or by virtue of a resolution of the Sejm, the President shall order the elections on a day which is not a day of work and which shall be no sooner than 3 months and no later than 4 months after expiry of the term of office of the Sejm.

#### Article 5

The validity of elections or any complaint laid against the validity of the election of a Deputy shall be adjudicated upon by the Supreme Court.

#### Article 6

A Deputy shall be a representative of the whole Nation. He\* shall not be bound by any instruction of the electorate nor shall he be subject to recall.

#### Article 7

1. A Deputy shall not be held accountable for his activities resulting from the exercise of his mandate within the period of such mandate or after its expiry, unless he has violated the personal rights of other persons.

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\* Whenever the male term is used in the text, it should be understood to refer also to the female.

2. A Deputy shall be neither criminally liable, nor arrested nor detained without the authorization of the Sejm given by a two-thirds majority vote in the presence of at least half of the total number of Deputies.

#### Article 8

The office of a Deputy shall not be held jointly with the office of a Senator, nor with any of the following offices: a judge of the Constitutional Tribunal, a judge of the Tribunal of State, the President of the National Bank of Poland, the Commissioner of Citizens' Rights, the President of the Supreme Chamber of Control, an ambassador or a voivode.

#### Article 9

1. The Sejm shall conduct debates during sittings.
2. The first sitting of the newly elected Sejm shall be summoned by the President within 30 days following its election.

#### Article 10

1. The Sejm shall elect from amongst its members a Marshal, Deputy Marshals and members of Committees.
2. The Marshal and Deputy Marshals shall constitute the Presidium of the Sejm. The Presidium shall summon sittings of the Sejm and shall supervise its activities.
3. The term of office of the Marshal and Deputy Marshals of the Sejm shall expire upon the inaugural sitting of the Sejm elected to a new term of office.

## Article 11

The Sejm may appoint a Committee in order to examine a particular matter, which shall, under the procedure specified in the Code of Criminal Procedure, have the right to conduct examinations of persons summoned by it.

## Article 12

1. The debates of the Sejm shall be open to the public. The Sejm may resolve by an absolute majority vote upon the holding of a debate in secret should this be required in the interests of the State.
2. The Prime Minister, members of the Council of Ministers, as well as Ministers of State may address a sitting of the Sejm regardless of the order of speakers during the session, at any time they wish to do so.

## Article 13

The Sejm shall pass statutes by majority vote, requiring the presence of at least half of the total number of Deputies, unless constitutional statutes provide otherwise. The same procedure shall be applied by the Sejm in the adoption of other resolutions, unless the provisions of statutes and resolutions of the Sejm provide otherwise.

## Article 14

The detailed organization and procedure of the work of the Sejm shall be defined by Rules of Procedure adopted by the Sejm.

## Article 15

1. The right to introduce legislation shall belong to Deputies, to the Senate, to the President and to the Council of Ministers.
2. The Council of Ministers, upon introducing a bill, shall indicate the financial consequences of the bill and shall enclose drafts of basic acts designed to effect its implementation.
3. The right to propose amendments to bills during their consideration by the Sejm shall belong to the person who has introduced the bill, to Deputies and to the Council of Ministers. The Marshal of the Sejm, by his own initiative or upon a motion of the Council of Ministers, may refuse to order a vote upon an amendment which has not previously been referred to the relevant Committee.
4. The person who has introduced a bill may, during the course of its consideration, withdraw it at any time prior to the conclusion of the first reading of the bill. In the event of withdrawal of a bill, the Sejm shall decide on further procedure with respect to it.

## Article 16

1. The Council of Ministers may, in well-founded instances, declare a bill introduced by itself as urgent.
2. The Rules of Procedure of the Sejm shall define the modifications in the legislative procedure when a bill is declared urgent.
3. The Marshal of the Sejm shall refuse to order a vote upon an amendment related to an urgent bill, which has not been previously referred to the relevant Committee.

4. The periods, concerning the procedure applicable to an urgent bill, specified in Article 17, para. 2 and Article 18, para. 2, shall be reduced to 7 days.

#### Article 17

1. A statute adopted by the Sejm shall be submitted to the Senate by the Marshal of the Sejm.
2. The Senate may, within 30 days, adopt a statute, introduce amendments to its text or reject it. If, within the period of 30 days following the submission of the statute, the Senate fails to adopt an appropriate resolution, the statute shall be considered passed.
3. Any amendments by the Senate, imposing a burden upon the State Budget, shall be required to indicate a source of finance therefor.
4. A resolution of the Senate rejecting a statute, or an amendment proposed by a resolution of the Senate, shall be considered accepted unless the Sejm rejects it by an absolute majority vote.

#### Article 18

1. A statute adopted by the Sejm and the Senate shall be submitted by the Marshal of the Sejm to the President for signature.
2. The President shall sign a statute within 30 days following its submission and shall order its promulgation in the Journal of Laws of the Republic of Poland.
3. The President may refuse to sign a statute and refer it to the Sejm for its reconsideration, giving reasons therefor. If the said statute is repassed by the Sejm, by

a two-thirds majority vote, the President shall, within 7 days, sign the statute and shall order its promulgation in the Journal of Laws of the Republic of Poland, unless he refers it to the Constitutional Tribunal according to para. 4.

4. The President may, before signing a statute, refer it to the Constitutional Tribunal for an adjudication upon its conformity to the Constitution. The reference by the President to the Constitutional Tribunal shall suspend the time allowed for signing a statute. The President cannot refuse to sign a statute which has been judged, by the Constitutional Tribunal, as conforming to the Constitution.

#### Article 19

1. A referendum may be held in cases of particular interest to the State.
2. The right to order a referendum shall belong to:
  - (1) the Sejm, by its own resolution, carried by an absolute majority vote, or,
  - (2) the President, with the consent of the Senate, passed by an absolute majority vote.
3. The result of a referendum shall be binding when more than a half of the total number of persons eligible to vote have taken part in it.
4. The principles and the methods of holding a referendum shall be established by statute.

#### Article 20

The revenues and expenditures of the State for a calendar year shall be specified in the Budget. In particular cases,

the revenues and expenditures for a period shorter than a year may be specified in an interim budget.

#### Article 21

1. The Council of Ministers shall be obliged to submit to the Sejm a draft Budget in sufficient time to allow for its adoption before the beginning of a fiscal year, and, in particular cases, before the end of the first quarter of a year. The said time period and the requirements for a draft budget shall be established by statute.
2. Within a period of 20 days following the submission of the Budget passed by the Sejm, the Senate may resolve upon adopting it or introducing amendments thereto.
3. The Council of Ministers shall, in the event of a failure to pass a Budget or an interim Budget, conduct its finances pursuant to the draft Budget.
4. If the Budget has not been passed within a period of three months following the submission of a draft fulfilling the requirements of budgetary law, the President may dissolve the Sejm.

#### Article 22

1. The Council of Ministers shall be obliged to submit to the Sejm a report upon the implementation of the Budget and reports on the implementation of other financial plans of the State adopted by the Sejm within a period of 6 months following the end of a fiscal year.
2. The Sejm shall perform an assessment of the implementation of the Budget and other financial plans of the State within a period of 2 months following the receipt of the report and shall resolve upon the

granting of approval to the Council of Ministers, after receiving the opinion of the Supreme Chamber of Control, presented by its President.

3. In the event of such approval not being given, the Council of Ministers shall resign.

### Article 23

1. Upon application by the Council of Ministers, with reasons given, the Sejm may by statute, affirmed by an absolute majority vote, authorize the Council to issue regulations which shall have the force of statute.
2. The statute authorizing the Council of Ministers to issue regulations having the force of statute shall specify the subject of such regulations and the time period during which the authorization shall be in force.
3. Whilst the statute granting authorization to the Council of Ministers to issue regulations which have the force of statute is in effect, the right to introduce statutes within the scope mentioned in para. 2 shall belong exclusively to the Council of Ministers.
4. The statute shall not authorize the Council of Ministers to issue regulations which have the force of statute concerning: changes to the Constitution, election of a President, election of the Sejm, the Senate and local self-government organs, the State Budget, personal freedoms and rights of citizens, their political freedoms and rights, as well as rights and duties resulting from employment contracts and social security insurance, and also any consent to the ratification of international agreements mentioned in Article 33, para. 2 of this Act.



5. The President shall sign a regulation which has the force of statute, submitted to him by the Council of Ministers, and shall order its promulgation in the Journal of Laws of the Republic of Poland.
6. The President may, before signing such regulation having the force of statute, refer it to the Constitutional Tribunal for an adjudication upon its conformity to the Constitution.
7. The President may refuse to sign a regulation which has the force of statute and shall return it to the Council of Ministers within a period of 14 days. A regulation which has the force of statute, returned by the President, may be introduced to the Sejm by the Council of Ministers, in the form of a bill.

#### Article 24

1. The Sejm may declare a state of war only upon a military attack launched against the Republic of Poland, or in the event that an international agreement imposes an obligation of joint defence against an act of aggression. In cases when the Sejm is not in session, a state of war may be declared by the President.
2. The terms, legal effects and the mode of implementation of such a declaration of a state of war shall be established by statute.

#### Article 25

1. A Deputy may address an interpellation or a question to the Prime Minister or to an individual member of the Council of Ministers.

2. An interpellation shall be submitted in writing and shall be answered within a period of 21 days. If the interpellator is not satisfied with the response, he may move to the Marshal of the Sejm for an additional answer and may request that it be given at a sitting of the Sejm.
3. Questions shall be submitted orally, during each sitting of the Sejm, to be answered immediately.
4. Detailed principles of submitting interpellations and questions, and the method of answering them shall be defined by Rules of Procedure of the Sejm.

#### Article 26

Articles 5-10 and Articles 12-14 shall apply, respectively, to the Senate and Senators.

#### Article 27

In cases specified in the Constitutional Act, the Sejm and the Senate sitting jointly, presided over by the Marshal of Sejm, shall constitute the National Assembly.

## Chapter 3

### THE PRESIDENT OF THE REPUBLIC OF POLAND

#### Article 28

1. The President of the Republic of Poland shall be the supreme representative of the Polish State in internal and international relations.
2. The President shall ensure observance of the Constitution, safeguard the sovereignty and security of the State, the inviolability and integrity of its territory, as well as upholding international treaties.

#### Article 29

1. The President shall be elected by the Nation.
2. The President shall be elected, by secret ballot, in general, equal and direct elections by an absolute majority of valid votes.
3. If no candidate has gained an absolute majority, a second ballot shall be held on the fourteenth day following the first ballot. The two candidates who have gained, sequentially, the largest number of votes in the first ballot, and have not withdrawn their candidature, shall take part in the second ballot. The person who gains the largest number of valid votes shall be considered elected.
4. The President shall be elected for a term of five years, and may be re-elected President only for one more term.
5. Only a person who is a citizen of the Republic of Poland, holding a full electoral franchise and who

has attained the age of 35 years, may be elected President.

6. The term of office of the President shall commence on the date of his inauguration.
7. The election of the President shall be ordered by the Marshal of the Sejm no sooner than 4 months and no later than 3 months before the expiry of the term of office of the serving President, or within 14 days after the office comes vacant, specifying the date of the election which shall be on a day no later than 2 months following the day of his order. The election shall be held on a day which is not a day of work.

### Article 30

1. The President shall succeed to office upon making the following oath in the presence of the National Assembly:

"Assuming, by the will of the Nation, the office of the President of the Republic of Poland, I do solemnly swear to be faithful to the provisions of the Constitution; I pledge that I will steadfastly guard the dignity of the Nation, the independence and security of the State, and also that the good of the Homeland and the prosperity of its citizens shall forever remain my supreme obligation."

The oath may be also made with the additional words "So help me, God."

2. Accession to office by a President elected before expiry of the term of the outgoing President shall follow on the next day after expiry of the serving President's term.

### Article 31

The President shall hold no other office and shall be neither a Deputy nor a Senator.

### Article 32

1. The President shall exercise general supervision in the field of international relations.
2. The President shall appoint and recall the plenipotentiary representatives of the Republic of Poland to foreign countries and shall receive the Letters of Credence and recall of foreign diplomatic representatives accredited to him.
3. Relations with foreign states, as well as with Polish diplomatic representatives abroad, shall be maintained through the appropriate minister dealing with foreign affairs.

### Article 33

1. The President shall ratify and denounce international treaties, and shall notify the Sejm and the Senate thereof.
2. Ratification and denunciation of international treaties relating to the borders of the State, to defensive alliances and to treaties which would burden the State with financial liabilities, or which would involve changes in legislation, shall require authorization by statute.

### Article 34

The President shall exercise general supervision with respect to the external and internal security of the State.

The advisory organ to the President in connection with such matters shall be the National Security Council.

### Article 35

1. The President shall be the Supreme Commander of the Armed Forces of the Republic of Poland.
2. The President, in agreement with the Minister of National Defence, shall appoint and dismiss the Chief of the General Staff of the Polish Army, and, on the motion of the Minister of National Defence, shall appoint and dismiss deputy chiefs of the General Staff, commanders of branches of the Armed Forces and commanders of military districts.
3. The President shall appoint a Commander-in-Chief for the period of war and may dismiss him.

### Article 36

1. In the event of State security being endangered by external forces, the President may introduce martial law in a part of or upon the whole territory of the Republic of Poland, and may also declare a partial or general mobilization.
2. The organization of the authorities of the State during a period of martial law, and other legal consequences of such declaration of martial law, shall be established by statute.

### Article 37

1. The President may, for a definite period of time but not longer than 3 months, introduce a state of emergency

in a part of or upon the whole territory of the State in the event of threats to its internal security or following upon natural calamity. This period may be extended only once by not longer than another 3 months with the consent of the Sejm.

2. Whilst a state of emergency exists, the Sejm shall not be dissolved, and its term of office shall not expire before 3 months following the date of termination of that state of emergency.
3. Neither the Constitution nor the electoral laws shall be changed during the period of a state of emergency.
4. The detailed terms, legal effects and the mode of implementation of a state of emergency shall be established by statute.

#### Article 38

1. The Prime Minister shall inform the President about fundamental matters concerning the activity of the Council of Ministers.
2. On matters of particular importance to the State, the President may summon sittings of the Council of Ministers and preside over them.

#### Article 39

The President may deliver a Message to the Sejm or to the Senate. Such Message shall not be a subject of debate.

#### Article 40

The President shall propose to the Sejm the appointment and recall of the President of the National Bank of Poland.

#### Article 41

The President shall grant and revoke Polish citizenship.

#### Article 42

The President shall appoint judges upon a motion of the National Council of the Judiciary.

#### Article 43

The President shall have the power of pardon.

#### Article 44

The President shall confer orders and decorations.

#### Article 45

1. In order to implement statutes and upon the basis of powers specified therein, the President shall issue regulations and executive orders.
2. The President shall issue executive orders within the scope of his statutory powers.

#### Article 46

Legal acts issued by the President, in order to be valid, shall be countersigned by the Prime Minister or by the appropriate minister who submitted the matter to the President.

#### Article 47

The provisions of Article 46 shall not apply to:



- (1) summoning of the first sitting of the newly elected Sejm and Senate;
- (2) dissolution of the Sejm;
- (3) proclamation of the election to the Sejm and to the Senate;
- (4) introduction of legislation;
- (5) signing and refusing to sign a statute or a regulation which has the force of statute;
- (6) making application to the Constitutional Tribunal for adjudication upon the conformity of a statute, or of a regulation which has the force of statute, to the Constitution;
- (7) nomination of the Prime Minister and appointment of the whole Council of Ministers;
- (8) accepting resignation of the Council of Ministers and obliging that body to continue with its duties;
- (9) summoning sittings of the Council of Ministers;
- (10) a preliminary motion to bring a person to constitutional accountability before the Tribunal of State;
- (11) submitting motions that an investigation be made by the Supreme Chamber of Control;
- (12) appointment and recall of the President of the Chief Administrative Court and of presidents of the Supreme Court;
- (13) the powers of the President, mentioned in Article 19, para. 2 (2) and in Articles 39-44 and 48.

#### Article 48

1. The President may appoint Ministers of State to

represent him in matters related to the exercise of his powers.

2. The executive office of the President shall be the President's Chancellory. The rules and regulations of the Chancellory shall be formulated by the President who shall also appoint and dismiss its Chief Officer.

#### Article 49

1. The office of the President shall become vacant before the term expires:
  - (1) upon his death;
  - (2) upon his resignation from office;
  - (3) upon the declaration by the National Assembly of his permanent incapacity to exercise the duties of President due to the state of his health. Such decision shall be taken by at least a two-thirds majority vote requiring the presence of at least half of the total number of members of the National Assembly;
  - (4) upon his recall from office following a decision of the Tribunal of State.
2. In the event of a vacancy in the office of President, then, until accession to the office by a new President, and also in the case of the President's temporary incapacity to exercise his duties, the Marshal of the Sejm shall act as President and, if he is not able to exercise this function, the Marshal of the Senate.
3. A person acting as President shall not dissolve the Sejm.

## Article 50

1. The President may be held accountable for an infringement of the Constitution and the laws, as well as for committing an offence, only by indictment before the Tribunal of State.
2. An indictment may be brought against the President upon the resolution of the National Assembly carried by at least a two-thirds majority vote of the total number of its members, on the motion of at least one-quarter of the total number of its members.
3. The President, upon being indicted, shall be suspended from executing all functions of his office. Article 49, paras. 2 and 3 shall apply, accordingly.

Chapter 4  
THE COUNCIL OF MINISTERS  
OF THE REPUBLIC OF POLAND  
(THE GOVERNMENT)

Article 51

1. The Council of Ministers shall conduct the internal affairs and the foreign policy of the Republic of Poland.
2. The Council of Ministers shall manage the entire governmental administration.

Article 52

1. The Council of Ministers shall make decisions in all matters relating to the policy of the State, which have not been reserved by this Constitutional Act or other statute to the President or to another organ of State administration or self-government.
2. The Council of Ministers, in particular:
  - (1) shall ensure the implementation of statutes;
  - (2) shall issue regulations which have the force of statutes, satisfying the requirements specified in Article 23 of this Act;
  - (3) shall direct, coordinate and control the work of all other organs of State administration, being responsible for their activity to the Sejm;
  - (4) shall protect, pursuant to statutes, the interests of the State Treasury;
  - (5) shall prepare the draft Budget and drafts of other financial plans of the State, and supervise their implementation, following their approval by the Sejm;

- (6) shall supervise local self-government and other forms of self-government within the limits and by means specified in the Constitutional Act and other statutes;
- (7) shall maintain the relations and shall conclude treaties with the governments of foreign states and with international organizations;
- (8) shall ensure the external and internal security of the State.

### Article 53

1. The Council of Ministers (the Government) shall be composed of:
  - (1) the Prime Minister as its chairman;
  - (2) Deputy Prime Ministers;
  - (3) Ministers;
  - (4) Chairmen of Commissions and Committees specified by law, who exercise functions of the main organs of State administration, appointed pursuant to the provisions of Articles 57-62.
2. In the event that a Deputy Prime Minister has not been appointed, his duties may be exercised by another minister.
3. The Council of Ministers shall act collectively. The organization and procedure of its work shall be established by statute.

### Article 54

1. For the purpose of implementing statutes, and pursuant to authorization provided thereunder, the Council of Ministers shall issue regulations.

2. The Council of Ministers shall pass resolutions within the scope of its constitutional powers.

#### Article 55

1. The Prime Minister shall direct the work of the Council of Ministers, and he shall coordinate and control the work of individual Ministers.
2. The Prime Minister shall be the chief officer of all employees of the governmental administration.
3. For the purpose of implementing statutes, and pursuant to authorization provided thereunder, the Prime Minister shall issue regulations.

#### Article 56

1. A Minister shall direct an appropriate branch of State administration. The scope of activity of a Minister shall be established by statute.
2. A Minister shall direct an appropriate branch of State administration with the assistance of secretaries of state and undersecretaries of state, appointed by the Prime Minister on the motion of a Minister.
3. For the purpose of implementing statutes, and pursuant to authorization provided thereunder, a Minister shall issue regulations and executive orders.
4. The Council of Ministers may, on the motion of the Prime Minister, annul a regulation or an executive order issued by a Minister.

#### Article 57

1. The President shall nominate the Prime Minister, and on his motion the President shall appoint the Council

of Ministers according to the composition proposed by the Prime Minister, within a period of 14 days following the first sitting of the Sejm or the acceptance of the resignation of the Council of Ministers. The appointment of the Prime Minister by the President shall be in conjunction with the appointment of the Council of Ministers.

2. The Prime Minister shall, within a period not longer than 14 days following appointment by the President, submit to the Sejm a programme of activity of the Council of Ministers together with a motion requiring a vote of confidence. The Sejm shall pass a vote of confidence by an absolute majority vote.

#### Article 58

In the event that a Council of Ministers has not been appointed pursuant to the provisions of Article 57, the Sejm shall choose the Prime Minister and a Council of Ministers composed as indicated by him, by an absolute majority vote within a period of 21 days. The President shall appoint a Government chosen by such means and accept its oath of office.

#### Article 59

In the event that the Council of Ministers has not been appointed pursuant to the provisions of Article 58, the President shall appoint the Prime Minister, and on the motion of the Prime Minister, shall appoint a Council of Ministers pursuant to the provisions of Article 57, provided that the Sejm has passed a vote of confidence by majority vote.

### Article 60

In the event that a Council of Ministers has not been appointed pursuant to the provisions of Article 59, the Sejm shall choose a Prime Minister and a Council of Ministers composed as indicated by him, by majority vote within a period of 21 days. The President shall appoint a Government chosen by such means and accept its oath of office.

### Article 61

The Prime Minister shall lay a motion to appoint the Ministers of Foreign Affairs, of National Defence and of Internal Affairs after consultation with the President.

### Article 62

In the event that a Council of Ministers has not been appointed pursuant to the provisions of Article 60, the President shall dissolve the Sejm or, within a period of 14 days, shall appoint the Prime Minister and the Council of Ministers for a period of not longer than 6 months. In the event that the Sejm has not passed a vote of confidence in this Government before the expiry of this period nor has passed a vote of no confidence pursuant to the provisions of Article 66, para. 4, the President shall dissolve the Sejm.

### Article 63

The Prime Minister and Ministers shall, in the presence of the President, make the following oath:



"Assuming this office of Prime Minister (Minister) I do solemnly swear to be faithful to the provisions of the Constitution, and that the good of the Homeland and the prosperity of its citizens shall forever remain my supreme obligation".

The oath may be also made with the additional words "So help me, God".

#### Article 64

The Prime Minister shall submit the resignation of the Government to the President in the following cases:

- (1) the convocation of the newly elected Sejm;
- (2) the resignation of the Council of Ministers or of the Prime Minister from office;
- (3) a vote of confidence has not been granted to the Council of Ministers by the Sejm;
- (4) a vote of no confidence has been passed by the Sejm.

#### Article 65

1. In the event that a Prime Minister has submitted the resignation of the Government for reasons specified in Article 64, subparas. (1)–(3), the President shall accept the resignation.
2. The President, upon accepting a resignation of the Government, shall oblige it to continue with its duties until a new Council of Ministers is appointed.

#### Article 66

1. The Sejm may resolve, by an absolute majority, upon a vote of no confidence in the Council of Ministers.

2. A motion for a vote of no confidence may be moved by at least 46 Deputies and shall be put to a vote no sooner than 7 days after it has been laid.
3. In the event that a vote of no confidence has not been passed, a subsequent motion of a like kind may be made after 3 months following the day of the vote upon the previous motion. This time limit shall not apply if the motion is laid by at least 115 Deputies.
4. The Sejm, having passed a vote of no confidence, may at the same time choose a new Prime Minister and oblige him to form a Government pursuant to the provisions of Article 58.
5. If the Sejm has passed a vote of no confidence, without at the same time choosing a new Prime Minister, the President shall accept the resignation of the Government or shall dissolve the Sejm.

#### Article 67

1. The Sejm may pass a vote of no confidence in an individual Minister. The provisions of Article 66, para. 1-3 shall apply, as the case may be.
2. A Minister, in whom a vote of no confidence has been passed by the Sejm, shall resign and the President shall accept his resignation.

#### Article 68

1. A Minister may resign from his office by offering his resignation to the Prime Minister.
2. Upon a motion by the Prime Minister, the President may effect changes in the office of individual Ministers.

## Article 69

1. A voivode is an officer of governmental administration and a representative of the Council of Ministers in a voivodeship.
2. The procedure of appointment and recall of voivodes, as well as their scope of activity, shall be established by statute.

Chapter 5  
LOCAL SELF-GOVERNMENT

Article 70

1. Local self-government shall be the basic form of organization of local public life.
2. Units of local self-government shall possess legal personality as communities of inhabitants in a particular area existing by force of law.
3. The right of ownership and other property rights vested in a unit of local self-government shall be the property of the community.
4. The commune shall be the basic unit of local self-government. Other types of units of local self-government shall be established by law.

Article 71

1. Local self-government shall concern itself, within the limits defined by law, with the performance of a substantial part of public tasks, except for those tasks which are, by statute, reserved exclusively to the competence of governmental administration.
2. Units of local self-government shall perform public tasks ascribed to them, in their own names and with their own responsibility, in order to satisfy the needs of the inhabitants.
3. Units of local self-government, within the limits defined by law, shall exercise powers of governmental administration. For this purpose, they shall be provided with appropriate financial resources.

4. Units of local self-government shall fulfil their tasks by means of their own constitutive and executive bodies, and shall, within the limits defined by law, be free to formulate their organizational structures.

#### Article 72

1. Elections to constitutive bodies of self-government shall be general and equal, and shall be done by secret ballot.
2. The inhabitants may take decisions by means of a local referendum. The requirements and procedures of holding a local referendum shall be established by law.

#### Article 73

1. The revenues of units of local self-government shall consist of their own revenues as well as subsidies and grants.
2. The sources of revenues for units of local self-government in the field of public tasks shall be guaranteed by law.

#### Article 74

The supervision of the activity of units of local self-government shall be defined by law.

#### Article 75

The principles governing association of units of local self-government and the representation of their interests to the State authorities shall be defined by law.

Chapter 6  
TRANSITIONAL AND FINAL PROVISIONS

Article 76

The provisions of Article 8 shall not apply to persons who take office before the day of coming into force of this Act.

Article 77

The Constitution of the Republic of Poland of 22nd July, 1952 (Dziennik Ustaw – Journal of Laws 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 75, item 444; of 1990, No 16, item 94; No 29, item 171 and No 67, item 397; of 1991, No 41, item 176 and No 119, item 514 and of 1992, No 75, item 367), shall cease to have effect except that the provisions of chapters 1, 4, 7 (with the exception of Article 60, para. 1), 8, 9 (with the exception of Article 94), 10 and 11 shall continue in force.

Article 78

This Act shall enter into force 14 days after its promulgation\*.

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\* The Act entered into force on Tuesday, 8th December, 1992.

# CONSTITUTIONAL PROVISIONS

Continued in Force pursuant to Article 77

**of the Constitutional Act of 17th October, 1992  
on the mutual relations between  
the legislative and executive institutions  
of the Republic of Poland  
and on local self-government**

repealing the Constitution of the Republic of Poland  
of 22nd July, 1952

(according to the state of law  
in force as of July 1993)

Chapter 1  
THE FOUNDATIONS OF THE POLITICAL  
AND ECONOMIC SYSTEM

Article 1

The Republic of Poland is a democratic state ruled by law and implementing the principles of social justice.

Article 2

1. Supreme power in the Republic of Poland shall be vested in the Nation.
2. The Nation shall exercise its power through its representatives elected to the Sejm and to the Senate. The exercise of such power may also be implemented by means of a referendum. The principles and the methods of holding a referendum shall be established by law.

Article 3

1. Observance of the laws of the Republic of Poland shall be the fundamental duty of every organ of State.
2. All the organs of State authority and administration shall work on the basis of compliance with the law.

Article 4

1. Political parties shall be formed voluntarily and shall be based upon the equality of all citizens of the Republic of Poland. Their purpose shall be to influence the formulation of the policy of the State by democratic means.



2. The Constitutional Tribunal shall adjudicate upon the inconsistency of the aims or activities of a political party with the Constitution.

#### Article 5

The Republic of Poland shall guarantee the participation of local self-government in the exercise of power and freedom of activity to other forms of self-government.

#### Article 6

The Republic of Poland shall guarantee freedom of economic activity regardless of the type of ownership; restrictions of this freedom may be imposed only by means of statute.

#### Article 7

The Republic of Poland shall protect ownership and the right of succession and shall guarantee comprehensive protection of personal property. Expropriation may be allowed exclusively for public purposes and for just compensation.

#### Article 8

The Armed Forces of the Republic of Poland shall safeguard the sovereignty and independence of the Polish Nation, its security and peace.

Articles 9 and 10 are repealed.

## Chapter 4

### THE CONSTITUTIONAL TRIBUNAL, THE TRIBUNAL OF STATE, THE SUPREME CHAMBER OF CONTROL, THE COMMISSIONER FOR CITIZENS' RIGHTS, THE NATIONAL COUNCIL OF RADIO BROADCASTING AND TELEVISION \*

#### Article 33a

1. The Constitutional Tribunal shall adjudicate upon the conformity to the Constitution of laws and other normative acts enacted by main and central State organs, and shall formulate universally binding interpretation of the laws.
2. Judgements of the Constitutional Tribunal on the non-conformity of laws to the Constitution are subject to examination by the Sejm.
3. Judgements of the Constitutional Tribunal on the non-conformity of other normative acts to the Constitution or laws are binding. The Constitutional Tribunal shall apply measures to remove any non-conformity.
4. Members of the Constitutional Tribunal shall be elected by the Sejm from among persons who are distinguished in knowledge of the law.
5. Members of the Constitutional Tribunal shall be independent and subject only to the Constitution.
6. The jurisdiction, organization and procedure of the Constitutional Tribunal shall be determined by law.

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\* The title of Chapter 4 in wording as specified by Article 1, para. 1 of the Act of 15th October, 1992 on Amendment of the Constitution of the Republic of Poland (Dziennik Ustaw - Journal of Laws of 1993, No 7, item 33) which entered into force on 13th February, 1993.

### Article 33b

1. The Tribunal of State shall adjudicate upon responsibility for infringements of the Constitution and laws by persons holding supreme State offices which are specified by law.
2. The Tribunal of the State may adjudicate upon the criminal responsibility of persons who are being prosecuted for reasons specified in paragraph 1 and for any offences committed in connection with their office.
3. The Tribunal of State is elected by the Sejm, from persons not being Deputies, for the period of the Sejm's term of office.
4. The First President of the Supreme Court shall be the Chairman of the Tribunal of State.
5. Judges of the Tribunal of State are independent and subject only to the laws.
6. The jurisdiction, organization and procedure of the Tribunal of State shall be determined by law.

### Article 34

1. The Supreme Chamber of Control is appointed to control the economic, financial and organizational-administrative activities of organs of state administration, enterprises and other organizational units subordinated to such organs, from the point of view of legality, economic efficiency, efficacy and integrity.
2. The Supreme Chamber of Control may also undertake, within the scope determined by law, control of

cooperative organizations and their unions, social organizations as well as units of the non-socialized economy.

#### Article 35

1. The Supreme Chamber of Control is subordinate to the Sejm.
2. The Supreme Chamber of Control shall present to the Sejm its comments upon the reports of the Council of Ministers concerning the implementation of the national social and economic plan as well as an assessment of the implementation of the State Budget.
3. The Supreme Chamber of Control shall annually present to the Sejm a report upon its activities.

#### Article 36

1. The President of the Supreme Chamber of Control is appointed and recalled by the Sejm, with the consent of the Senate.
2. The Supreme Chamber of Control acts collectively. The organization and mode of functioning of the Supreme Chamber of Control is determined by law.

#### Article 36a

1. The Commissioner for Citizens' Rights shall safeguard the observance of citizens' rights and freedoms specified in the Constitution and other legal provisions.
2. The Commissioner for Citizens' Rights shall be appointed by the Sejm, with the consent of the Senate, for a four-year term of office.

3. The mode of functioning of the Commissioner for Citizens' Rights shall be determined by law.

#### Article 36b \*

1. The National Council of Radio Broadcasting and Television shall safeguard the freedom of speech, citizens' rights to be informed and shall protect public interests in radio broadcasting and television.
2. Members of the National Council of Radio Broadcasting and Television shall be appointed by the Sejm, Senate and President.
3. On the basis of statutes and in order to implement them, the National Council of Radio Broadcasting and Television shall issue regulations and executive orders.
4. The principles relating to the appointment of members of the National Council of Radio Broadcasting and Television, to its organization and to the manner of its functioning shall be established by statute.

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\* Article 36b supplemented by Article 1, para. 2 of the Act of 15th October, 1992 on Amendment of the Constitution of the Republic of Poland (see footnote on p. 40).

Chapter 7  
THE COURTS.  
AND THE SYSTEM OF PUBLIC PROSECUTION

Article 56

1. The administration of justice in the Republic of Poland shall be carried out by the Supreme Court, the common courts and special courts.
2. Boards for the Adjudication of Misdemeanours shall judicially settle cases of misdemeanours.
3. The structure, jurisdiction and procedure of the Courts and the Boards for the Adjudication of Misdemeanours shall be defined by laws.

Article 57

The Courts shall pronounce judgements in the name of the Republic of Poland.

Article 58 is repealed.

Article 59

1. People's lay-judges shall take part in the hearing of cases and in the pronouncement of judgement, with the exception of instances defined by law.
2. When adjudicating upon cases in courts, the people's lay-judges shall have the same rights as professional judges.
3. People's lay-judges shall be elected. The rules and mode of election of the people's lay-judges of com-

mon and special courts and their terms of office shall be defined by law.

#### Article 60

1. [Repealed.]
2. Judges are irremovable except in instances specified by law.
3. The powers, composition and procedure of the National Council of the Judiciary shall be established by law.

#### Article 61

1. The Supreme Court shall be the main judicial organ and shall supervise the work of all other courts in respect of their adjudications.
2. The mode of exercising supervision by the Supreme Court shall be defined by law.
3. [Repealed.]
4. The First President of the Supreme Court shall be chosen from among the judges of the Supreme Court by the Sejm, which may recall him on the motion of the President of the Republic, but Presidents of the Supreme Court shall be appointed and may be recalled by the President of the Republic.

#### Article 62

Judges shall be independent and subject only to the laws.

### Article 63

1. Cases in all courts of the Republic of Poland shall be heard in public. The law may specify exceptions to this rule.
2. The accused shall be guaranteed the right to defence. The accused may have defence counsel, either of his own choice, or appointed by the court.

### Article 64

1. The Office of Public Prosecution shall safeguard observance of the law and the prosecution of offences.
2. The Office of Public Prosecution is subordinate to the Minister of Justice who holds the office of the Prosecutor General.
3. The method of appointment and recall of prosecutors as well as the principles of organization and procedure of the Office of Public Prosecution shall be defined by law.

Articles 65 and 66 are repealed.



Chapter 8  
THE FUNDAMENTAL RIGHTS AND DUTIES  
OF CITIZENS

Article 67

1. The Republic of Poland shall strengthen and extend the rights and freedoms of citizens.
2. Citizens of the Republic of Poland shall have equal rights irrespective of sex, birth, education, profession, nationality, race, religion, social status and origin.
3. It shall be the duty of the citizens of the Republic of Poland to conscientiously perform their duties toward the Homeland and contribute to its development.

Article 68

Citizens of the Republic of Poland shall have the right to work: that is, the right to employment paid in accordance with the quantity and quality of the work done.

Article 69

1. Citizens of the Republic of Poland shall have the right to rest and leisure.
2. The right to rest and leisure shall be assured to employees: by the statutory reduction of working time through the application of the eight-hour working day, shorter working time in cases specified by law, by statutory days free from work and by annual paid holidays.
3. The organization of holiday schemes, the development of tourism, health resorts, sports facilities, community

centres, clubs, recreation rooms, parks and other leisure time facilities shall provide opportunities for healthy and cultural recreation to an increasing number of working people in town and country.

#### Article 70

1. Citizens of the Republic of Poland shall have the right to health protection and to assistance in the event of sickness or inability to work.
2. This right shall be implemented to an increasing degree by:
  - (1) the development of social insurance to cover sickness, old age and inability to work, and by enlargement of various forms of social assistance;
  - (2) the development of State-organized protection of health and by the raising of health standards of the population, free medical assistance for all working people and their families, a steady improvement of safety conditions, protection and hygiene at work, extensive prevention and treatment of disease, and care for the disabled;
  - (3) the development of hospitals, sanatoria, out-patient clinics, medical aid centres, and sanitation facilities.

#### Article 71

Citizens of the Republic of Poland shall have the right to benefit from the natural environment and it shall be their duty to protect it.

## Article 72

1. Citizens of the Republic of Poland shall have the right to education.
2. The right to education shall be ensured to an increasing degree by:
  - (1) free education;
  - (2) universal and compulsory elementary education;
  - (3) universalization of secondary education;
  - (4) development of higher education;
  - (5) assistance from the State in raising the skills of citizens employed in industrial establishments and other places of employment in town and country;
  - (6) a scheme of State scholarships, the development of hostels, boarding schools and students' hostels, as well as other forms of material aid.

## Article 73

1. Citizens of the Republic of Poland shall have the right to benefit from cultural achievements and to creatively participate in the development of national culture.
2. This right shall be increasingly ensured by developing and making available to the working people of town and country: libraries, books, press, radio, cinemas, theatres, museums and exhibitions, houses of culture, clubs and recreation rooms; by comprehensively promoting and stimulating of cultural creative activity by the people and developing of creative talents.

## Article 74

The Republic of Poland shall foster the comprehensive development of science based on the achievements of the

most advanced thought of mankind and of progressive Polish thought, that is, science in the service of the Nation.

#### Article 75

The Republic of Poland shall concern itself with the development of literature and arts which express the needs and aspirations of the Nation, and which are in keeping with the best progressive traditions of Polish creativity.

#### Article 76

The Republic of Poland shall ensure comprehensive protection to the veterans of struggles for national and social liberation.

#### Article 77

The Republic of Poland shall extend special protection to the creative intelligentsia, that is, to those working in the field of science, education, literature and art, as well as to pioneers of technological progress, rationalizers and inventors.

#### Article 78

1. Women in the Republic of Poland shall have equal rights with men in all fields of public, political, economic, social and cultural life.
2. The equality of the rights of women shall be guaranteed by:
  - (1) equal rights with men to work and to be paid according to the principle "equal pay for equal

work", the right to rest and leisure, to social insurance, to education, to honours and decorations, and to hold public offices;

- (2) mother-and-child care, protection of expectant mothers, paid leave before and after confinement, the development of a network of maternity clinics, creches and nursery schools, the extension of a network of service establishments and canteens.
3. The Republic of Poland shall strengthen the position of women in society, especially of gainfully employed mothers and women.

#### Article 79

1. Marriage, motherhood and family shall be safeguarded and protected by the Republic of Poland. The State shall extend special protection to families with many children.
2. It shall be the parents' duty to bring up their children to become law-abiding citizens who are aware of their duties as citizens of the Republic of Poland.
3. The Republic of Poland shall ensure the implementation of rights and obligations in respect of alimony.
4. Children born outwith marriage shall have rights equal to those born within marriage.
5. The Republic of Poland, being mindful of the interests of the family, shall strive to improve housing conditions, and, in co-operation with citizens, shall develop and promote various forms of residential construction, especially those promoted by co-operative societies, and shall show care in the proper management of housing resources.

## Article 80

The Republic of Poland shall devote special attention to the education of youth and shall ensure it substantial opportunities for development and provide conditions for active participation of the younger generation in public, political, economic and cultural life, encouraging awareness in young people of their joint responsibility for the development of the Homeland.

## Article 81

1. Citizens of the Republic of Poland, irrespective of nationality, race or religion, shall enjoy equal rights in all fields of public, political, economic, social and cultural life. Infringement of this principle by any direct or indirect privileges or restrictions of rights by reference to nationality, race or religion shall be punishable.
2. The spreading of hatred or contempt, the provocation of discord, or humiliation of man on account of national, racial or religious differences, shall be prohibited.

## Article 82

1. The Republic of Poland shall guarantee freedom of conscience and religion to its citizens. The Church and other religious organizations shall freely exercise their religious functions. Citizens shall not be prevented from taking part in religious activities and rites. No one may be compelled to participate in religious activities or rites.

2. The Church shall be separate from the State. The principles of the relationship between State and Church, and the legal and property rights of religious organizations shall be defined by laws.

#### Article 83

The Republic of Poland shall guarantee its citizens freedom of speech, of the press, of assembly and gatherings, of processions and demonstrations.

2. [Repealed.]

#### Article 84

1. In order to promote political, social, economic and cultural activities, the Republic of Poland shall guarantee the right of association to its citizens.
2. Political organizations, trade unions, associations of working peasants, co-operative associations, youth, women's, sports and defence organizations, cultural, technical and scientific societies, as well as other social organizations - shall associate citizens in active participation in political, social, economic and cultural life.
3. It shall be prohibited to set up and to participate in associations whose objective or activities threaten the social and political system or the legal order of the Republic of Poland.

#### Article 85

Trade unions shall play an important public function in the Republic of Poland as mass organizations which take

part in the formulation and implementation of tasks of social and economic advancement of the country; the trade unions shall represent the interests and rights of working people, and shall be a school of civic activity and involvement in the creation of civic society.

#### Article 86

1. Citizens of the Republic of Poland shall participate in exercising social control, in consultations and discussions upon important issues concerning the development of the country, and may submit their suggestions.
2. Citizens shall have the right to approach all organs of the State with complaints and grievances.
3. Appeals, complaints and grievances of citizens shall be examined and settled without delay and justly. Those guilty of delay or an indifferent and bureaucratic attitude, shall be held accountable.

#### Article 87

1. The Republic of Poland shall guarantee to its citizens the inviolability of the person. A citizen may be deprived of his freedom only in cases specified by law. A detained person shall be set free unless a warrant of arrest issued by a court or by a prosecutor has been served on him within forty-eight hours beginning with the moment of his detention.
2. The inviolability of the home and the privacy of correspondence shall be protected by law. The home may be searched only in cases specified by law.
3. Property may be confiscated only in cases specified by law, and only by virtue of a final judgment of a court.



### Article 88

The citizens of other states and stateless persons may be granted asylum on the basis of principles specified by law.

### Article 89

Polish citizens staying abroad shall enjoy the protection of the Republic of Poland.

### Article 90

It shall be the duty of a citizen of the Republic of Poland to abide by the provisions of the Constitution and laws, to respect the principles of community life, and diligently discharge his duties toward the State.

### Article 91

It shall be the duty of every citizen of the Republic of Poland to safeguard public ownership and to strengthen it as the firm foundations of the State's development and a source of the wealth and power of the Homeland.

### Article 92

1. It shall be the sacred duty of every citizen to defend the Homeland.
2. Military service shall be an honourable patriotic duty of citizens of the Republic of Poland.

## Article 93

1. It shall be the duty of every citizen of the Republic of Poland to exercise vigilance against enemies of the Nation and carefully guard State secrets.
2. High treason, that is espionage, subversion of the Armed Forces, desertion to the enemy, shall be punished as the gravest of crimes and with the full severity of the law.

## Chapter 9

### THE PRINCIPLES OF ELECTIONS TO THE SEJM, TO THE SENATE AND TO THE PRESIDENCY

Article 94 is repealed.

#### Article 95

Every citizen who has attained the age of eighteen years, irrespective of sex, nationality and race, religion, education, length of residence, social origin, profession or financial status shall have the right to vote.

#### Article 96

Every citizen who has attained the age of twenty one years shall be qualified to be elected to the Sejm and Senate, provided he has been permanently resident on the territory of the Republic of Poland for a period of at least 5 years.

#### Article 97

Women shall possess all electoral rights on equal terms with men.

#### Article 98

Citizens serving in the Army shall possess all electoral rights on equal terms with civilians.

#### Article 99

Electoral rights shall be denied to persons pronounced incapable of legal actions by a final decision of a court given on the grounds of mental illness or mental deficiency and denied also to persons who are deprived of public or electoral rights by a final decision of a court.

#### Article 100

Candidates to the Sejm, to the Senate and for the Presidency shall be nominated by political and social organizations and the electorate.

#### Article 101

It shall be the duty of Deputies of the Sejm and of Senators to report to their electors on their work and on the activity of the body to which they have been elected.

#### Article 102

The procedure for the nomination of candidates and for holding elections of Deputies, Senators and President shall be defined by laws.

## Chapter 10

### THE COAT-OF-ARMS, COLOURS, NATIONAL ANTHEM AND CAPITAL OF THE REPUBLIC OF POLAND

#### Article 103

1. The image of a crowned white eagle upon a red field shall be the coat-of-arms of the Republic of Poland.
2. White and red shall be the colours of the Republic of Poland.
3. "Dabrowski's Mazurka" shall be the national anthem of the Republic of Poland.
4. Details shall be specified by law.

#### Article 104

The coat-of-arms, colours and national anthem of the Republic of Poland shall enjoy respect and be objects of special protection.

#### Article 105

Warsaw, a city which embodies the heroic traditions of the Polish Nation, shall be the capital of the Republic of Poland.

Chapter 11  
PROCEDURE FOR  
AMENDING THE CONSTITUTION

Article 106

The Constitution may be amended only by a law passed by the Sejm of the Republic of Poland by a majority of at least two-thirds of the votes requiring the presence of at least half of the total number of Deputies.

