

CONSTITUTION OF SWEDEN

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{ Editor's Note

The frequency of ordinary elections has been changed from 3 to 4 years by Law No. 1469 of 1994 (see Chapter 3 Article 3). We have not yet verified if there were any other amendments between 1989 and 1998. }

Chapter 1 Basic Principles

Article 1

- (1) All public power in Sweden proceeds from the people.
- (2) Swedish democracy is founded on freedom of opinion and on universal and equal suffrage. It shall be realized through a representative and parliamentary polity and through local self-government.
- (3) Public power shall be exercised under the law.

Article 2

- (1) Public power shall be exercised with respect for the equal worth of all and for the freedom and dignity of the individual.
- (2) The personal, economic and cultural welfare of the individual shall be fundamental aims of public activity. In particular, it shall be incumbent upon the public administration to secure the right to work, housing and education, and to promote social care and social security and a good living environment.
- (3) The public administration shall promote the ideals of democracy as guidelines in all sectors of society. The public administration shall guarantee equal rights to men and women and protect the private and family lives of the individual.
- (4) Opportunities should be promoted for ethnic, linguistic and religious minorities to preserve and develop a cultural and social life of their own.

Article 3

The Instrument of Government, the Act of Succession and the Freedom of the Press Act are the fundamental laws of the Realm.

Article 4

- (1) The Parliament is the foremost representative of the people.
- (2) The Parliament enacts the laws, determines taxes and decides how public

funds shall be used. The Parliament shall examine the government and administration of the country.

Article 5

(1) The King or Queen who occupies the throne of Sweden in accordance with the Act of Succession shall be the Head of State.

(2) The provisions of this Instrument of Government which relate to the King shall relate also to the Queen if she is the Head of State.

Article 6

The Government rules the country. It is responsible to the Parliament.

Article 7

(1) There are primary and regional local government communes in Sweden. The decision-making power in the communes is exercised by elected assemblies.

(2) The communes may levy taxes in order to perform their tasks.

Article 8

Courts of law exist for the administration of justice, and central and local government administrative authorities exist for the public administration.

Article 9

Courts, public authorities and others performing functions within the public administration shall observe in their work the equality of all persons before the law and shall maintain objectivity and impartiality.

Chapter 2 Fundamental Rights and Freedoms

Article 1

(1) All citizens shall be guaranteed the following in their relations with the public administration: 1) freedom of expression: the freedom to communicate information and to express ideas, opinions and emotions, whether orally, in writing, in pictorial representations, or in any other way; 2) freedom of information: the freedom to obtain and receive information and otherwise acquaint oneself with the utterances of others;

3) freedom of assembly: the freedom to organize or attend any meeting for information purposes or for the expression of opinions or for any other similar purpose or for the purpose of presenting artistic work;

4) freedom to demonstrate: the freedom to organize or take part in any

demonstration in a public place;

5) freedom of association: the freedom to unite with others for public or private purposes; and 6) freedom of worship: the freedom to practice one's own religion either alone or in company with others.

(2) In the case of the freedom of the press the provisions of the Freedom of the Press Act shall apply. That act also contains provisions concerning the right of access to public documents.

Article 2

All citizens shall be protected in their relations with the public administration against all coercion to divulge an opinion in any political, religious, cultural or other similar connection. They shall furthermore be protected in their relations with the public administration against all coercion to participate in any meeting for the formation of opinion or in any demonstration or other expression of opinion or to belong to any political association, religious congregation or other association for opinions of the nature referred to in the first sentence.

Article 3

(1) No record about a citizen in a public register may be based without his consent solely on his political opinions.

(2) Citizens shall be protected to the extent determined in detail by law against any infringement of their personal integrity resulting from the registration of information about them by means of electronic data processing.

Article 4

There shall be no capital punishment.

Article 5

All citizens shall be protected against corporal punishment. All citizens shall likewise be protected against torture or any medical influence or intervention for the purpose of extorting or suppressing statements.

Article 6

All citizens shall be protected in their relations with the public administration against any physical violation also in cases other than those referred to in Articles 4 and 5. Citizens shall likewise be protected against physical search, house searches or other similar encroachments and against examination of mail or other confidential correspondence and against eavesdropping, telephone-tapping or recording of other confidential communications.

Article 7

(1) No citizen may be deported or refused entry to Sweden.

(2) No citizen who is resident in Sweden or who has been resident in Sweden may be deprived of his citizenship unless he becomes at the same time a national of another state, at his express consent or because he has taken employment in the public service. It may however be prescribed that children under the age of eighteen shall have the same nationality as their parents or of one of their parents. It may furthermore be prescribed that, in pursuance of an agreement with a foreign state, a person who has been a national also of the other state from birth, and who is permanently resident there, shall forfeit his Swedish nationality at or after the age of eighteen.

Article 8

All citizens shall be protected against deprivation of liberty in their relations with the public administration. They shall also in other respects be guaranteed freedom of movement within the Realm and freedom to depart Sweden.

Article 9

(1) Where a public authority other than a court has deprived a citizen of his liberty for committing a criminal offence or because he is suspected of having committed such an offence, he shall be entitled to have the matter tested before a court of law without undue delay. This shall not, however, apply where the issue concerns the transference to Sweden of responsibility for executing a penal sanction involving deprivation of liberty which has been imposed in another state.

(2) If, for reasons other than those referred to in Paragraph (1), a citizen has been forcibly taken into custody, he shall likewise be entitled to have the matter tested before a court of law without undue delay. In such a case, examination before a tribunal shall be equated with examination before a court of law, provided that the composition of the tribunal is governed by rules of law and it is laid down that the chairman of the tribunal must be currently, or shall have been previously, a permanent judge.

(3) If an examination under Paragraphs (1) and (2) has not been referred to an authority which is competent according to the provisions laid down therein, the examination shall be carried out by a court of general jurisdiction.

Article 10

(1) No penalty or other penal sanction may be imposed in respect of an act which was not subject to any penal sanction at the time it was committed. Neither may a more severe penal sanction be imposed than that which was prescribed when the act was committed. The provisions thus laid down with respect to penal sanctions apply likewise with respect to confiscation or any other special legal effects attaching to criminal offenses.

(2) No State taxes, charges, or fees may be levied except insofar as they were laid down in provisions which were in force when the circumstance arose which occasioned the liability for the tax, charge, or fee. Should the Parliament find that specific reasons so warrant, it may be provided under an Act of law that State taxes, charges, or fees shall be levied even although no such act had entered into force when the aforementioned circumstance occurred, provided that the Government or a Committee of the Parliament had submitted a proposal to this effect to the Parliament at the time concerned. For the purposes of the foregoing provision, any written communication from the Government to the Parliament

announcing that a proposal of this nature will be forthcoming shall be equated with a formal proposal. The Parliament may furthermore prescribe that exceptions shall be made from the provisions of the first sentence if it considers that this is warranted by specific reasons connected with war, the danger of war, or severe economic crisis.

Article 11

(1) No court may be set up to try an offence already committed, or for a particular dispute or otherwise for a particular case.

(2) Proceedings in the courts shall be open to the public.

Article 12

(1) The rights and freedoms referred to in Article 1 (0.1)–(0.5), in Articles 6, 8, and 11 (2) may be restricted by law to the extent provided for in Articles 13–16. After authorization in law, they may be restricted by statutory order in the cases referred to in Chapter 8, Article 7 (1.7), and in Chapter 8, Article 10. Freedom of assembly and the freedom to demonstrate may similarly be restricted also in the cases referred to in Article 14 (1), second sentence.

(2) The restrictions referred to in Paragraph (1) may be imposed only to achieve a purpose acceptable in a democratic society. The restriction may never exceed what is necessary having regard to the purpose which occasioned it, nor may it be carried so far as to constitute a threat to the free formation of opinion as one of the foundations of democracy. No restriction may be imposed solely on grounds of political, religious, cultural or other such opinions.

(3) Government bills of the nature referred to in Paragraph (1), or Government bills for the amendment or repeal of such legislation, shall, if not rejected by the Parliament, be held in suspense for a period of not less than twelve months from the date on which the first report of a Parliament Committee on the Bill was submitted to the Chamber of the Parliament, on a motion by no fewer than ten members. The above provision notwithstanding, the Parliament may approve the bill if no fewer less than five sixths of those voting concur.

(4) Paragraph (3) shall not apply to any bill prolonging the life of legislation for a period of up to two years. Nor shall the said paragraph apply to any bill concerned exclusively with 1) prohibition of the disclosure of matters of which a person may have acquired knowledge in the public service, or in the performance of official duties, when secrecy is called for having regard to interests under Chapter 2, Article 2 of the Freedom of the Press Act; 2) house searches and similar intrusions; or 3) deprivation of liberty imposed as a penal sanction for a specific act or omission.

(5) The Committee on the Constitution decides on behalf of the Parliament whether Paragraph (3) is applicable in respect of a specific bill.

Article 13

(1) Freedom of expression and freedom of information may be restricted having regard to the security of the Realm, the national supply, public safety and order, the integrity of the individual, the sanctity of private life, or the prevention and prosecution of crime. Freedom of expression may also be restricted in economic activities. Freedom of expression and freedom of information may otherwise be restricted only where particularly important reasons so warrant.

(2) In judging what restrictions may be made by virtue of Paragraph (1) particular regard shall be paid to the importance of the widest possible freedom of expression and freedom of information in political, religious, professional, scientific and cultural matters.

(3) The issuing of rules and regulations which govern in detail a particular manner of disseminating or receiving information without regard to its content shall not be deemed to restrict freedom of expression or freedom of information.

Article 14

(1) Freedom of assembly and the freedom to demonstrate may be restricted for the purpose of preserving public safety and order at the meeting or demonstration, or having regard to the circulation of traffic. These freedoms may otherwise be restricted only out of regard for the security of the Realm or for the purpose of combating an epidemic.

(2) Freedom of association may be restricted only in respect of organizations whose activities are of a military nature or the like, or which involve the persecution of a population group of a particular race, skin color, or ethnic origin.

Article 15

No Act of law or other statutory instrument may entail the discrimination of

any citizen because he belongs to a minority on grounds of race, skin color, or ethnic origin.

Article 16

No Act of law or other statutory instrument may entail the discrimination of any citizen on grounds of sex, unless the relevant provision forms part of efforts to bring about equality between men and women or relates to compulsory military service or any corresponding compulsory national service.

Article 17

Any trade union or employer or association of employers shall be entitled to take strike or lock-out action or any similar measure unless otherwise provided by law or arising out of an agreement.

Article 18 [Property, Expropriation]

Every citizen whose property is requisitioned by means of an expropriation order or by any other such disposition shall be guaranteed compensation for his loss on the bases laid down in law.

Article 19

Authors, artists and photographers shall own the rights to their works in accordance with provisions laid down in law.

Article 20

(1) A foreigner within the Realm shall be equated with a Swedish citizen in respect of 1) protection against all coercion to participate in any meeting for the formation of opinion or in any demonstration or other expression of opinion, or to belong to any religious congregation or other association (Article 2, second sentence); 2) protection of personal integrity in connection with electronic data processing (Article 3 (2)); 3) protection against capital punishment, corporal punishment and torture and against medical intervention aimed at extorting or preventing statements; 4) the right to have any deprivation of liberty on account of a criminal offence or on grounds of suspicion of having committed such an offence tested before a court of law (Article 9 (1) and (3)); 5) protection against retroactive penal sanctions and other retroactive effects of criminal acts and against retroactive taxes, charges or fees (Article 10); 6) protection against the establishment of a court to try a particular case (Article 11 (1)); 7) protection against discrimination on grounds of race, skin color, ethnic origin, or sex (Articles 15 and 16); 8) the right to take strike or lock-out action (Article 17); and 9) the right to compensation in cases of expropriation or other such disposition (Article 18).

(2) Unless otherwise provided by special rules of law, a foreigner within the Realm shall be equated with a Swedish citizen also in respect of 1) freedom of

expression, freedom of information, freedom of assembly, freedom to demonstrate, freedom of association, and freedom of worship (Article 1); 2) protection against all coercion to divulge an opinion (Article 2, first sentence); 3) protection against physical violations also in cases other than those referred to in Articles 4 and 5, against physical search, house searches, or other similar intrusions, and against violations of confidential communications (Article 6); 4) protection against deprivation of liberty (Article 8, first sentence); 5) the right to have any deprivation of liberty for reasons other than a criminal offence or suspicion of having committed such an offence tested before a court (Article 9 (2) and (3)); 6) public court proceedings (Article 11 (2)); 7) protection against violations on grounds of opinion (Article 12 (2), third sentence); and 8) the rights of authors, artists, and photographers to their works.

(3) With respect to the special provisions referred to in Paragraph (2), the provisions of Article 12 (3), (4), first sentence, and (5) shall apply.

Chapter 3 The Parliament

Article 1

- (1) The Parliament is appointed by free, secret and direct elections.
- (2) The Parliament consists of one chamber comprising three hundred and forty-nine members. Alternates shall be appointed for all members.

Article 2

- (1) Every Swedish citizen residing in Sweden is entitled to vote in Parliament elections. Provisions are laid down in law regarding the voting rights of Swedish citizens who are not resident in Sweden. No one who has not attained the age of 18 years on or before election day is entitled to vote.
- (2) Any question of whether a right to vote exists under Paragraph (1) shall be determined on the basis of a voters' roll drawn up before the election.

Article 3

Ordinary elections for the Parliament shall be held every fourth year.

Article 4

- (1) The Government may order an extra election to be held between ordinary elections. Extra elections shall be held within three months of the issue of such an order.
- (2) After an election for the Parliament has been held, the Government is

debarred from issuing an order for an extra election until three months have elapsed from the first meeting of the newly-elected Parliament. Nor may the Government issue an order for an extra election while ministers retain their posts, after having all been formally discharged, pending the assumption of office by a new Government.

(3) Provisions concerning an extra election in a particular case are set forth in Chapter 6, Article 3.

Article 5

(1) A newly-elected Parliament assembles on the fifteenth day after election day but no sooner than the fourth day after the result of the election has been declared.

(2) Each election is valid for the period running from the day on which the newly-elected Parliament convenes until the Parliament elected next - thereafter convenes. This period is the electoral period of the Parliament.

Article 6

(1) Sweden is divided into constituencies for the purpose of elections to the Parliament.

(2) The Parliament is made up of three hundred and ten permanent constituency seats and thirty-nine adjustment seats.

(3) The permanent constituency seats are distributed among the constituencies on the basis of a calculation of the relationship between the number of those entitled to vote in each constituency and the total number of persons entitled to vote in the entire country. This distribution between constituencies is fixed for three years at a time.

Article 7

(1) The seats are distributed between parties. Party is understood to mean any association or group of voters which appears in an election under a specific designation.

(2) Only a party which receives at least four per cent of the votes cast throughout the whole of the country is entitled to share in the distribution of seats. A party which receives fewer votes however participates in the distribution of the permanent constituency seats in any constituency where it receives at least twelve per cent of the votes cast.

Article 8

(1) The permanent constituency seats in each constituency are distributed proportionately between the parties on the basis of the result of the election in that constituency.

(2) The adjustment seats are distributed between the parties in such a way that the distribution of all the seats in the Parliament, other than those permanent constituency seats which have been allocated to a party with less than four per cent of the votes cast, is proportionate to the total number of votes cast respectively for the participating parties in the whole of the country. If, in the distribution of the permanent constituency seats, a party obtains more seats than correspond to the proportional representation for that party in the Parliament, then that party and the permanent constituency seats which it has obtained shall be disregarded in the distribution of the adjustment seats. After the adjustment seats have been distributed between the parties, they are allocated to constituencies.

(3) The odd number method is used to distribute the seats between parties, with the first divisor adjusted to 1.4.

Article 9

One member and one or more alternates for that member shall be appointed for each seat a party obtains.

Article 10

Only a person who is qualified to vote can be a member of the Parliament or an alternate member of the Parliament.

Article 11

(1) Appeals against elections for the Parliament may be lodged with an Election Review Committee appointed by the Parliament. A person who has been elected a member of the Parliament shall exercise his function regardless of any such appeal. If the result of the election is revised, a new member takes his seat as soon as the revised result has been announced. The foregoing applies equally to alternates.

(2) The Election Review Committee comprises a chairman, who must be currently, or have been previously, a permanent judge and who must not be a member of the Parliament, and six other members. The members are elected after each ordinary election, as soon as the result of the election becomes final, and serve until new elections for the Committee have been held. There is no right of appeal against a decision of the Committee.

Article 12

Further provisions regarding matters under Articles 2 to 11 and regarding the appointment of alternates for the members of the Parliament shall be laid down in the Parliament Act or other statute law.

Chapter 4 The Business of the Parliament

Article 1

The Parliament shall convene in session every year. Sessions shall be held in Stockholm, unless otherwise decided by the Parliament, or by the Speaker, having regard to the safety or liberty of Parliament.

Article 2

The Parliament shall designate a Speaker and a First, Second, and Third Deputy Speaker from among its members for each electoral period.

Article 3

(1) The Government and every member of the Parliament is entitled, in accordance with more detailed provisions in the Parliament Act, to introduce proposals on any matter which comes within the jurisdiction of the Parliament unless otherwise provided in the present Instrument of Government.

(2) The Parliament elects committees from among its members, in accordance with provisions laid down in the Parliament Act; among them a Committee on the Constitution, a Committee on Finance and a Committee on Taxation. Any matter raised by the Government or by a member of the Parliament shall be considered by a committee before being finally decided upon, unless otherwise provided in the present Instrument of Government.

Article 4

When a matter is raised for decision in the Chamber, each member of the Parliament and each member of the Government is entitled to state his opinion in accordance with the more detailed provisions laid down in the Parliament Act. Provisions concerning grounds for disqualification are contained in the Parliament Act.

Article 5

When a vote is taken in the Parliament, the opinion in which more than half of those present and voting concur shall constitute the decision of the Parliament, unless otherwise specifically provided in the present Instrument of Government or, in the case of matters relating to Parliament procedure, in a main provision of the Parliament Act. Provisions regarding the procedure to be followed in the case of a tied vote are laid down in the Parliament Act.

Article 6

Any member of the Parliament and any alternate for such a member may fulfil his mandate as a member notwithstanding any official duty or other similar obligation which may be incumbent upon him.

Article 7

(1) No member of the Parliament or alternate for such a member may resign his mandate without the Parliament's consent.

(2) When grounds exist, the Election Review Committee shall examine on its own initiative whether a particular member or alternate is competent under the provisions of Chapter 3, Article 10. Any person declared incompetent is relieved of his mandate thereby.

(3) A member or alternate member may be relieved of his mandate in cases other than those referred to in Paragraph (2) only if, by reason of a criminal act, he has proved himself manifestly unfit for the position. Any decision to this effect shall be taken by a court of law.

Article 8

(1) No one may bring an action against any person who holds a mandate, or has held a mandate, as a member of the Parliament, deprive him of his liberty, or prevent him from travelling within the country, on account of his actions or statements in the fulfillment of his mandate, unless the Parliament has given its consent by means of a decision in which no fewer than five sixths of those present and voting have concurred.

(2) If, in any other case, a member of the Parliament is suspected of having committed a criminal act, the relevant provisions of law relating to arrest, detention or remand are applicable only if he admits guilt or was caught in the act, or if the minimum penalty for the crime is not less than two years' imprisonment

Article 9

(1) While a member of the Parliament is acting as Speaker of the Parliament or is a member of the Government, his mandate as a member of the Parliament shall be exercised by an alternate member. The Parliament may prescribe in the Parliament Act that an alternate member shall replace a member of the Parliament while the latter is on leave of absence.

(2) The provisions of this chapter, Article 6 and 8 (1) regarding protection with respect to the exercise of a mandate as a member of the Parliament apply in like manner to the Speaker and his mandate.

(3) The provisions relating to a member of the Parliament shall apply also to an alternate exercising a mandate as member.

Article 10

Additional provisions concerning the business of the Parliament are laid down in the Parliament Act.

Chapter 5 The Head of State

Article 1

The Head of State shall be kept informed by the Prime Minister concerning the affairs of the Realm. When so required the Government shall convene in a special Cabinet meeting under the presidency of the Head of State.

Article 2

(1) Only a person who is a Swedish citizen and has attained the age of twenty-five years may serve as Head of State. The Head of State may not at the same time be a member of the Government or hold a mandate as Speaker or as a member of the Parliament.

(2) The Head of State shall consult the Prime Minister before travelling abroad.

Article 3

If by reason of illness, foreign travel, or any other cause the King is prevented from carrying out his duties, then that member of the Royal Family under the valid order of succession who is not prevented therefrom shall take over and perform the duties of the Head of State in the capacity of temporary Regent.

Article 4

(1) Should the Royal Family become extinct, the Parliament shall appoint a Regent to perform the duties of Head of State until further notice. The Parliament shall at the same time appoint a Deputy Regent.

(2) The same applies if the King dies or abdicates and the heir to the throne has not yet attained the age of twenty-five years.

Article 5

If the King has been continuously prevented for a period of six months from carrying out his duties, or has failed to carry them out, the Government shall notify the matter to the Parliament. The Parliament shall decide whether the King shall be deemed to have abdicated.

Article 6

(1) The Parliament may appoint someone, on the Government's recommendation, to serve as Temporary Regent when no one competent under Article 3 or 4 is in a position to serve.

(2) The Speaker, or, if he is prevented from attending, one of the Deputy Speakers, shall serve as Temporary Regent, on the Government's recommendation, when no other competent person is in a position to serve.

Article 7

The King cannot be prosecuted for his act or omissions. A Regent cannot be prosecuted for his act or omissions as Head of State.

Chapter 6 The Government

Article 1

The Government comprises the Prime Minister and other members of the Cabinet. The Prime Minister is appointed in the manner prescribed in Articles 2 to 4. The Prime Minister appoints the other members of the Cabinet.

Article 2

(1) When a Prime Minister is to be appointed, the Speaker shall summon for consultation one or more representatives from each party group in the Parliament. The Speaker shall confer with the Deputy Speakers and shall then submit a proposal to the Parliament.

(2) The Parliament shall proceed to vote on the proposal, no later than the fourth day thereafter, without preparation in committee. If more than half the members of the Parliament vote against the proposal, it is rejected. In all other circumstances it is approved.

Article 3

If the Parliament rejects the Speaker's proposal the procedure laid down in Article 2 shall be resumed. If the Parliament rejects the Speaker's proposal four times in succession, the procedure for appointing a Prime Minister is discontinued and resumed only after an election for the Parliament has been held. Unless ordinary elections must in any case be held within three months, an extra election shall be held within that same period.

Article 4

When the Parliament has approved a new Prime Minister, he shall inform the Parliament as soon as possible of the names of the members of his Government. Government changes hands thereafter at a special session of the Cabinet before the Head of State or, if he is prevented from being present, before the Speaker. The Speaker shall always be summoned to such a session. The Speaker issues letters of appointment for the Prime Minister on behalf of the Parliament.

Article 5

If the Parliament declares that the Prime Minister or any other Minister no longer enjoys its confidence, the Speaker shall discharge the Minister concerned. When the Government is in a position to order an extra election,

however, no decision shall be made to discharge the Minister if the Government issues an order for an extra election within one week from the declaration of no confidence.

Article 6

A Minister shall be discharged if he so requests, the Prime Minister by the Speaker, and any other member of the Government by the Prime Minister. The Prime Minister may also in other circumstances discharge another member of the Government.

Article 7

If the Prime Minister resigns or dies, the Speaker shall discharge the other members of the Government.

Article 8

If all the members of the Government have been discharged, they shall retain their posts until a new Government has taken office. If any Minister other than the Prime Minister has been discharged at his own request, he shall retain his post until a successor has taken office, if the Prime Minister so requests.

Article 9

(1) Only a person who has been a Swedish citizen for not less than ten years may be a Minister.

(2) A Minister may not undertake any public or private employment, nor may he undertake any commission or perform any function which is liable to impair public confidence in him.

Article 10

In the absence of the Speaker, a Deputy Speaker shall assume the duties incumbent upon the Speaker under the present chapter.

Chapter 7 The Business of the Government

Article 1

A Government Chancery shall exist for the preparation of Government business. This Chancery shall comprise ministries for different fields of activity. The Government distributes business between the ministries. The Prime Minister appoints the heads of the respective ministries from among the Ministers.

Article 2

In the preparation of Government business the necessary information and

opinions shall be obtained from the authorities concerned. Associations and private individuals shall be given an opportunity to express their views where necessary.

Article 3

Decisions concerning Government business shall be taken at Cabinet meetings. Government business relating to the implementation of statutory instruments or special Government decisions within the armed forces may however be approved by the head of the ministry responsible for such matters, under the supervision of the Prime Minister and to the extent laid down in law.

Article 4

The Prime Minister shall summon the other Ministers to attend Cabinet meetings and shall preside at such meetings. At least five Ministers shall be present at a Cabinet meeting.

Article 5

At Cabinet meetings the head of a ministry presents business falling within the purview of his ministry. The Prime Minister may, however, order an item or group of items belonging to a particular ministry to be presented by a Minister other than the head of the ministry concerned.

Article 6

Minutes shall be kept of Cabinet meetings. Dissenting opinions are to be recorded in the minutes.

Article 7

Laws and other statutes, Bills for submission to the Parliament, and any other despatches of Cabinet decisions must be signed by the Prime Minister or another Minister on behalf of the Government in order to be valid. The Government may, however, decree that in particular cases an official may sign a Government despatch.

Article 8

The Prime Minister may nominate one of the other Ministers to deputize for him in the event that he is unavoidably prevented from carrying out his duties himself. If a deputy has not been nominated by the Prime Minister, or if the deputy is also prevented from carrying out the duties of Prime Minister, these duties shall be assumed by that Minister among those in office who has been a member of the Government longest. Where two or more Ministers have been members of the Government for the same length of time the oldest shall have precedence.

Chapter 8 Laws and Other Regulations

Article 1

It follows from the provisions of Chapter 2 concerning Fundamental Rights and Freedoms that rules and regulations with a particular content may not be issued or may be issued only by means of an Act of law and that in certain cases draft legislation shall be dealt with in a particular way.

Article 2

(1) Provisions relating to the personal status of private subjects or to their mutual personal and economic relations shall be laid down by law.

(2) These provisions include inter alia:

- 1) provisions concerning Swedish citizenship;
- 2) provisions concerning the right to a family name, or concerning marriage and parenthood, wills and inheritance, or family affairs in general; and
- 3) provisions concerning the right to fixed and movable property, concerning contracts, and concerning companies, associations, communities and foundations.

Article 3

(1) Provisions concerning the relations between private subjects and the public administration which relate to obligations incumbent upon private subjects or which otherwise interfere in the personal or economic affairs of private subjects shall be laid down by law.

(2) These provisions include inter alia provisions concerning criminal acts and the legal consequences of such acts, provisions concerning taxes payable to the State, and provisions concerning requisitions and other such dispositions.

Article 4

Provisions concerning consultative referenda throughout the whole of the country and concerning the procedure for holding referenda on matters concerning the fundamental laws shall be laid down by an Act of law.

Article 5

Principles governing changes in the division of the country into local government communes, and governing the organization and working methods of the communes and local taxation shall be laid down by law. Provisions governing the powers and responsibilities of the communes in other respects shall likewise be laid down by law.

Article 6

(1) When the Parliament is not in session, the Finance and Taxation Committees may, when authorized by a law relating to taxes other than taxes on income, wealth, inheritance or gifts, and at the proposal of the Government, determine tax levels or bring into force or abolish taxes referred to in such a law. Such authority may include the right to distinguish between different kinds of activities and different parts of the Realm. The Finance and Taxation Committees shall exercise their decision-making right in joint session. Any decision shall be made on behalf of the Parliament by law.

(2) Any law approved by the Finance and Taxation Committees under Paragraph (1) shall be submitted by the Government to the Parliament within one month of the start of the next Parliament session. The Parliament shall examine the law and make its decision within one month thereafter.

Article 7

(1) Notwithstanding the provisions of Articles 3 and 5, the Government may, upon authorization by law, issue regulations by statutory instrument concerning matters other than taxes, provided that such regulations relate to any of the following matters: 1) the protection of life, health, or personal safety;

2) the residence or sojourn in Sweden of foreign nationals;

3) the import or export of goods, money or any other assets, manufacture, transport and communications, the granting of credits, business activities, rationing, or the design of buildings, plants, or human settlements;

4) game-shooting, fishing, animal protection, or the conservation of nature and the environment;

5) the circulation of traffic or public order;

6) education and vocational training;

7) prohibitions against the disclosure of matters of which a person has acquired knowledge in the public service or while performing compulsory national service.

(2) Authority of the nature referred to in Paragraph (1) does not confer the right to issue provisions regarding legal effects of criminal acts other than the imposition of fines. The Parliament may also prescribe, in a law which contains an authorization under Paragraph (1), legal effects other than the imposition of fines for contraventions of provisions laid down by the Government by virtue of such authority.

Article 8

The provisions of Articles 2, 3, or 5 notwithstanding, the Government may, upon authorization by law, issue regulations by statutory order regarding the granting of respites for meeting obligations.

Article 9

(1) The provisions of Article 3 notwithstanding, the Government may, upon authorization by law, issue regulations by statutory order concerning customs duties on the importation of goods.

(2) Upon authorization by the Parliament, the Government or any local government commune may issue regulations concerning charges or fees which shall otherwise be issued by the Parliament under Article 3.

Article 10

In any matter referred to in Article 7 (1) or 9, the Government may, upon authorization by law, prescribe by statutory order that one or more provisions of such a law shall come into force or cease to apply.

Article 11

Where under the present chapter the Parliament authorizes the Government to issue regulations in a particular matter, the Parliament may authorize the Government in such a context to delegate the power to issue regulations in the matter to an administrative authority or commune. In such a case the Parliament may also commission an administrative authority under the Parliament to issue such regulations.

Article 12

Regulations issued by the Government by virtue of an authorization under the present Instrument of Government shall be submitted to the Parliament for examination and approval if the Parliament so decides.

Article 13

(1) In addition to what follows from Articles 7 to 10 the Government may issue by statutory order 1) regulations concerning the enforcement of laws; and 2) regulations which under the fundamental laws are not to be issued by the Parliament.

(2) The Government may not by virtue of Paragraph (1) issue any regulations which concern the Parliament or its agencies. Nor may the Government by virtue of Paragraph (1.2) issue regulations which concern local taxation.

(3) The Government may delegate to a subordinate authority the task of issuing regulations in the relevant matter by means of a statutory order under Paragraph (1).

Article 14

The power conferred on the Government to issue regulations in a particular matter shall not prevent the Parliament from issuing regulations in the same matter by way of law.

Article 15

(1) A fundamental law shall be adopted by means of two decisions of identical wording. The second decision may not be taken until elections for the Parliament have been held throughout the country following the first decision, and the newly-elected Parliament has been convened. Not less than nine months shall furthermore elapse between the time when the matter was first submitted to the Chamber of the Parliament and the time of the election, unless the Constitutional Committee of the Parliament grants an exemption from this provision by means of a decision taken not later than the Committee stage, and in which no fewer than five sixths of the members concur.

(2) The Parliament may not adopt as a decision in suspense any Bill on a fundamental law which conflicts with any other draft legislation of the same nature which is held in suspense, unless the Parliament at the same time rejects the Bill it first adopted.

(3) A referendum shall be held on a decision held in suspense for an amendment of a fundamental law on a motion to this effect by no fewer than one tenth of the members of the Parliament, provided that no fewer than one third of the members vote in favor of the motion. Such a motion must be made within fifteen days from the date on which the Parliament adopted the Bill held in suspense. Such a motion shall not go for consideration by any Committee of the Parliament.

(4) The referendum shall be held simultaneously with the election for the Parliament referred to in Paragraph (1). All those entitled to vote in the election may declare in the referendum whether or not they accept the Bill on the fundamental law which is pending decision. The Bill shall be deemed to be rejected, if the majority of those taking part in the referendum vote against the proposal, and if the number of voters exceeds half the number of those who registered valid votes in the election. In all other cases the Parliament shall take up the Bill for final consideration.

Article 16

The Parliament Act shall be adopted as prescribed in Article 15 (1), first and second sentences, and (2). It may also be adopted by means of a single decision, provided that it is approved by no fewer than three fourths of those present and voting and by more than half the members of the Parliament. Supplementary provisions of the Parliament Act shall however be adopted in the same way as ordinary laws.

Article 17

No law shall be amended or repealed otherwise than by law. Articles 15 and 16 apply mutatis mutandis with respect to any amendment or abrogation of a fundamental law.

Article 18

(1) A Law Council composed of Justices of the Supreme Court and of Justices of the Supreme Administrative Court shall exist to pronounce on draft legislation. The opinion of the Law Council shall be solicited by the Government or, under provisions of the Parliament Act, by a Committee of the Parliament.

(2) The opinion of the Law Council shall be solicited before the Parliament takes a decision on a fundamental law concerning the freedom of the press; on any Act of law limiting the right of access to public documents; on any Act of law under Article 3 (2), 12 (1), 17, 19, or 20 (2), or on any Act of law amending or repealing such an Act; on any Act of law on local government taxation; on any Act of law under Articles 2 or 3; and on any Act of law under Chapter 11, if such an Act is important to private subjects or is important from the point of view of public interest. The foregoing provision shall not however apply, if obtaining an opinion from the Law Council would be without significance because of the nature of the matter, or would delay the handling of legislation in such a way as to cause serious detriment. If the Government submits draft legislation to the Parliament for the making of an Act of law in any matter referred to in the first sentence, and the opinion of the Law Council has not previously been obtained, the Government shall at the same time present its reasons therefor to the Parliament. Failure to obtain the opinion of the Law Council on draft legislation shall never prevent the application of the law.

(3) The Law Council's scrutiny shall relate to

- 1) the way in which the proposal relates to the fundamental laws and to the legal system in general;
- 2) the way in which the different provisions contained in the proposal relate to each other;
- 3) the way in which the proposal relates to the requirement for security before the law;
- 4) whether the proposal is framed in such a manner that the resulting law can be assumed to satisfy the above requirements; and
- 5) what problems are likely to arise in applying the law.

(4) Further provisions concerning the composition and working methods of the Law Council shall be set forth by law.

Article 19

Any Act of law which has been adopted shall be promulgated by the Government without delay. An Act containing provisions concerning the Parliament or its agencies which shall not be laid down in a fundamental law or in the Parliament Act may, however, be promulgated by the Parliament.

Laws shall be published as soon as possible. This applies equally to statutory instruments, unless otherwise laid down in law.

Chapter 9 Financial Power

Article 1

Provisions concerning the right to approve taxes and charges or fees due the State are set out in Chapter 8.

Article 2

(1) State funds may not be used in any way other than that determined by the Parliament.

(2) The Parliament approves the use of such funds for different purposes by adopting a budget in accordance with Articles 3 to 5. The Parliament may, however, decide that funds are to be employed in another manner.

Article 3

(1) The Parliament shall adopt a budget for the next following fiscal year or, if special reasons so warrant, for another budgetary period. In this context, the Parliament shall estimate revenue and make appropriations for specified purposes. Decisions taken in this connection shall be incorporated in a national budget.

(2) The Parliament may decide that a particular appropriation within the national budget shall be made for a period other than the budget period.

(3) When adopting a budget under the present article, the Parliament shall take into account the need of funds for the defence of the Realm in time of war danger of war, or other exceptional circumstances.

Article 4

If the budget cannot be finally adopted in accordance with Article 3 before the start of the budget period, the Parliament, or, if the Parliament is not in session, the Finance Committee, shall decide as necessary on appropriations to cover the period until a budget is adopted for the budget period concerned.

Article 5

The Parliament may revise its estimates of revenue for the current fiscal year, alter appropriations already made, and make new appropriations in a supplementary budget.

Article 6

The Government shall submit proposals for a national budget to the Parliament.

Article 7

In conjunction with consideration of the budget or in other contexts, the Parliament may establish guidelines for a particular activity of the state covering a period in excess of that for which appropriations have been made

for the activity concerned.

Article 8

The funds and other assets of the State shall be at the disposal of the Government. This provision shall not, however, apply to assets which are intended for the Parliament or its agencies or which have been put under special administration by law.

Article 9

The Parliament shall determine the principles for the administration and disposition of the property of the State to the extent that this is necessary. In this context, the Parliament may prescribe that measures of a particular nature may not be undertaken without the Parliament's consent.

Article 10

The Government may not take up loans or otherwise assume financial obligations on behalf of the State without authority from the Parliament.

Article 11

(1) The Finance Committee confers with the Minister appointed by the Government on negotiable matters affecting terms of employment applicable to state employees or which otherwise come within the scope of the Parliament to examine. The Committee approves agreements on such matters on the Parliament's behalf or, if the matter has been exempted from agreement, proposals for their regulation.

(2) In the case of employees of the Parliament or its agencies the provisions laid down in law apply instead of the provisions of Paragraph (1).

(3) The provisions of Paragraph (1) do not apply if the Parliament has decided otherwise in a particular case.

Article 12

(1) The Bank of Sweden is the central bank of Sweden and is responsible for currency and credit policy. It shall also promote a sound and efficient payments system.

(2) The Bank of Sweden is an authority under the Parliament.

(3) The Bank of Sweden is administered by eight Trustees. Seven of the Trustees are elected by the Parliament. These Trustees elect a Trustee to act also as Governor of the Bank for a five-year period. The Trustees elected by the Parliament elect a chairman from among their number. This chairman may not exercise any other commission or hold any office within the executive direction of the Bank. Rules concerning the Parliament's election of Trustees, concerning the direction of the Bank of Sweden in other respects, and concerning its operations are laid down in the Parliament Act and elsewhere in

law.

(4) A Trustee for whom the Parliament does not grant discharge of responsibility is thereby severed from his appointment. The Trustees elected by the Parliament may remove the chairman from office and the person who is a Trustee and the Governor of the Bank from his appointment.

Article 13

The Bank of Sweden alone shall have the right to issue banknotes and to determine their pattern and design. Further provisions concerning the monetary and payments systems shall be laid down by law.

Chapter 10 Relations with other States

Article 1

Agreements with other states or with international organizations shall be concluded by the Government.

Article 2

(1) The Government may not conclude any international agreement binding upon the Realm without Parliament approval, if the agreement presupposes the amendment or abrogation of a law or the enactment of a new law, or if it otherwise concerns a matter which is for the Parliament to decide.

(2) If in a case under Paragraph (1) a special procedure has been prescribed for the decision of the Parliament, the same procedure shall be followed in connection with the approval of the agreement.

(3) Nor may the Government in cases other than cases under Paragraph (1) without the approval of the Parliament conclude any international agreement which is binding upon the Realm, if the agreement is of major importance. The Government may, however, act without obtaining the Parliament's approval of the agreement if the interest of the Realm so requires. In such a case the Government shall confer instead with the Foreign Affairs Advisory Council before concluding the agreement.

Article 3

The Government may commission an administrative authority to conclude international agreements in matters in which such agreements do not require any action on the part of the Parliament or of the Foreign Affairs Advisory Council.

Article 4

The provisions of Articles 1 to 3 shall apply, *mutatis mutandis*, to the commitment of the Realm to any international obligation in any form other than

an agreement and to any denunciation of an international agreement or obligation.

Article 5

(1) Any right of decision-making which is directly based on the present Instrument of Government and which purports at the laying down of prescriptions, the use of State property or the conclusion or denunciation of international treaties or commitments may be entrusted, to a limited extent, to an international organization for peaceful cooperation of which Sweden is a member or is to become a member or to an international court of law. No right of decision-making relating to matters concerning the enactment, amendment, or repeal of a fundamental law, of the Parliament Act or of the Act concerning elections for the Parliament, or which regards a limitation of any of the rights and freedoms referred to in Chapter 2 may be thus delegated. The provisions relating to the enactment of fundamental laws shall apply in respect of any decision concerning such delegation. If a decision in accordance with such provisions cannot be held in suspense, the Parliament may approve a delegation of the right of decision-making by a majority of no fewer than five sixths of those present and voting and no fewer than three fourths of the total membership of the Parliament.

(2) Where it has been laid down in law that an international treaty shall have the force of Swedish law, the Parliament may prescribe by a decision taken in the order laid down in Paragraph (1) that any future amendment to the treaty, which is binding upon the Realm, shall apply also within the Realm .

(3) Any judicial or administrative function not directly based on the present Instrument of Government may be entrusted to another state, to an international organization, or to a foreign or international institution or community by means of a decision of the Parliament. The Parliament may likewise authorize the Government or any other public authority to decide on such a delegation of functions in a particular situation. Where the function concerned involves the exercise of public authority, the Parliament's decision shall be taken by a majority of no fewer than three fourths of those present and voting. A decision to delegate a function of this nature may also be taken in the manner prescribed for the enactment of a fundamental law.

Article 6

The Government shall keep the Foreign Affairs Advisory Council continuously informed of those matters relating to foreign relations which may be of importance to the Realm, and shall confer with the Council in these matters as often as is necessary. In all foreign policy matters of major importance, the Government shall if possible confer with the Council before making its decision.

Article 7

(1) The Foreign Affairs Advisory Council comprises the Speaker and nine other members to be elected by the Parliament from among its members. Further provisions concerning the composition of the Council are set forth in the Parliament Act.

(2) The Foreign Affairs Advisory Council is convened by the Government. The Government is obliged to convene the Council if no fewer than four Council members ask for consultations to take place on a particular matter. Meetings of the Council are presided over by the Head of State or, in his unavoidable absence, by the Prime Minister.

(3) A member of the Foreign Affairs Advisory Council and any person otherwise connected with the Council shall exercise caution in communicating to others what he has learnt in such a capacity. Whoever presides over a meeting of the Council may decide on an unconditional obligation to maintain silence.

Article 8

The head of the ministry responsible for foreign affairs shall be kept informed whenever a matter arises at another State authority which is of significance for relations with another state or international organization.

Article 9

(1) The Government may commit the country's defence forces, or any part of them, to battle in order to repel an armed attack upon the Realm. Swedish armed forces may otherwise be committed to battle or sent to another country only if

- 1) the Parliament has assented thereto;
- 2) it is permitted under a law which sets out the prerequisites for such action;
- 3) an obligation to take such action follows from an international agreement or obligation which has been approved by the Parliament.

(2) No declaration of war may be made without the consent of the Parliament, except in the event of an armed attack against Sweden.

(3) The Government may authorize the defence forces to use force in accordance with international law and custom to prevent a violation of Swedish soil in time of peace or during a war between foreign states.

Chapter 11 Judicial and General Administration

Article 1

(1) The Supreme Court is the highest court of general jurisdiction, and the

Supreme Administrative Court is the highest administrative court. The right to have a case tried by the Supreme Court or by the Supreme Administrative Court may be restricted by law. A person may serve as a member of the Supreme Court or the Supreme Administrative Court only if that person has been appointed a permanent justice of that court.

(2) A court other than the Supreme Court or the Supreme Administrative Court must be established by law. Provisions prohibiting the establishment of a court for a particular case are laid down in Chapter 2, Article 2 (1).

(3) There shall be at least one permanent judge in any court under Paragraph (2). However, with respect to courts which have been set up to try a definite group or definite groups of cases exceptions from this rule may be made by law.

Article 2

Neither a public authority nor the Parliament may determine how a court shall adjudicate a particular case or how a court shall in other respects apply a rule of law in a particular case.

Article 3

A legal dispute between private subjects may not be settled by an authority other than a court except by virtue of law. Provisions regarding judicial review of deprivation of liberty are laid down in Chapter 2, Article 9.

Article 4

Provisions concerning the functions of the courts relating to the administration of justice, the principal features of the organization of the courts, and legal proceedings shall be laid down by law.

Article 5

(1) A person appointed a permanent judge may be removed from his post only
1) if through a criminal act or through gross or repeated neglect of his official duties he has shown himself to be manifestly unfit to hold the office; or

2) if he has reached the relevant age of retirement or is otherwise under a legal obligation to retire on pension.

(2) If a permanent judge has been removed from his office through a decision made by an authority other than a court he shall be entitled to call upon a court to review the decision. This provision shall likewise apply to any decision as a result of which a permanent judge has been suspended or ordered to undergo medical examination.

(3) If organizational reasons so require, a person appointed a permanent judge may be transferred to any other judicial office of equal status.

Article 6

(1) The Justice Chancellor, the Chief Public Prosecutor, the central administrative boards, and the provincial governments are subordinate to the Government. Any other administrative authority of the State is subordinate to the Government, unless it is an authority under the Parliament under the terms of the present Instrument of Government or under the terms of some other law.

(2) Administrative functions may be entrusted to a local government commune.

(3) Administrative functions may be entrusted to a company, an association, a community, a foundation, or a private individual. If such a function involves the exercise of public authority, it shall be entrusted to such a body or person by law.

Article 7

Neither any public authority, nor the Parliament, nor the decision making body of a local government commune may determine how an administrative authority shall make its decision in a particular case concerning the exercise of public authority against a private subject or against a commune, or concerning the application of law.

Article 8

No judicial or administrative function may be performed by the Parliament except insofar as this is provided for by a fundamental law or by the Parliament Act.

Article 9

(1) Appointments to a post in a court or in an administrative authority under the Government shall be made by the Government or by an authority designated by the Government.

(2) When making appointments to posts within the State administration attention shall be directed only to objective factors such as merit and competence.

(3) Only a Swedish citizen may hold or exercise the functions of a judicial office, an office directly subordinate to the Government, a post or commission as head of an authority directly subordinate to the Parliament or to the Government, or as a member of such an authority or its board, a post in the Government Chancery immediately subordinate to a Minister or a post as a Swedish envoy. Also in other cases no one who is not a Swedish citizen may hold an office or carry out a commission, if the holder of such an office or commission is elected by the Parliament. Swedish nationality may otherwise be made a prerequisite of the right to hold or exercise an office or commission under the State or a local authority only if laid down in law or under conditions prescribed by law.

Article 10

Fundamental provisions concerning the legal status of civil servants in respects other than those covered in the present Instrument of Government shall be set forth by law.

Article 11

Judicial review of a case which is closed, and reinstatement of lapsed time, shall be granted by the Supreme Administrative Court when the case concerns a matter in respect of which the Government, an administrative court or an administrative authority is the highest instance. In all other cases, judicial review or reinstatement of lapsed time is granted by the Supreme Court or, insofar as this is prescribed by law, by another court which is not an administrative court.

Article 12

(1) The Government may grant exceptions from any provision of a statutory order, or from a provision issued by virtue of a decision by the Government, unless otherwise provided in an Act of law or in a decision on a budget appropriation.

(2) Further details concerning judicial review of a closed case and reinstatement of lapsed time may be laid down in law.

Article 13

(1) The Government may by exercising mercy remit or reduce a penal sanction or other legal effect of a criminal act, and may remit or reduce any other similar intervention affecting the person or property of a private subject made by a public authority.

(2) Where exceptional reasons so warrant, the Government may order that no further action be taken to investigate or prosecute a criminal act.

Article 14

If a court or any other public body considers that a provision conflicts with a provision of a fundamental law or with a provision of any other superior statute, or that the procedure prescribed was set aside in any important respect when the provision was introduced, the provision may not be applied. However, if the provision has been approved by the Parliament or by the Government, it may be set aside only if the fault is manifest.

Chapter 12 Parliamentary Control

Article 1

The Committee on the Constitution shall examine Ministers' performance of their duties and the handling of Government business. The Committee is entitled for this purpose to have access to the records of the decisions made in Cabinet matters and to all documents pertaining to such matters. Any other Parliament Committee and any member of the Parliament shall be entitled to raise in writing with the Committee on the Constitution any issue concerning a Minister's performance of his duties or concerning the handling of Cabinet business.

Article 2

It shall be incumbent upon the Committee on the Constitution to communicate to the Parliament, whenever reasons so warrant but at least once a year, any observations which the Committee may find worthy of attention in connection with its scrutiny. The Parliament may make representations to the Government as a result.

Article 3

A person who is currently or has been previously a Minister may be held accountable for a criminal act committed in the performance of his official duties only if he has grossly neglected his duties thereby. Such impeachment is a matter for decision by the Committee on the Constitution and the case shall be tried by the Supreme Court.

Article 4

- (1) The Parliament may declare that a particular Minister does not enjoy the confidence of Parliament. Such a declaration of no confidence requires the concurrence therein of more than half the members of the Parliament.
- (2) A motion for a declaration of no confidence shall be taken up for consideration only if it is introduced by no fewer than one tenth of the members of the Parliament. It shall not be taken up for consideration during the period between the date on which an ordinary election has been held or an extra election has been declared and the Parliament elected in such an election has convened. A motion which concerns a Minister holding office under the terms of Chapter 6, Article 8 after having been discharged may not be taken up for consideration in any circumstances.
- (3) A motion calling for a declaration of no confidence shall not be prepared in committee.

Article 5

Under provisions laid down in the Parliament Act, any member of the Parliament may submit an interpellation or put down a question for a Minister in any matter concerning the Minister's performance of his duties.

Article 6

(1) The Parliament shall elect one or more Ombudsmen to supervise under instructions laid down by the Parliament the application in public service of laws and other statutes. An Ombudsman may initiate legal proceedings in the cases indicated in these instructions.

(2) An Ombudsman may be present at the deliberations of a court or an administrative authority and shall have access to the minutes and other documents of any such court or authority. Any court or administrative authority and any State or local government official shall provide an Ombudsman with such information and reports as he may request. A similar obligation shall also be incumbent on any other person coming under the supervision of the Ombudsman. A public prosecutor shall assist an Ombudsman on request.

(3) Further provisions concerning the Ombudsmen are set forth in the Parliament Act.

Article 7

(1) The Parliament shall elect auditors from among its members to examine the activities of the State. The Parliament may decide that the auditors' scrutiny shall extend also to other activities. The Parliament draws up standing orders for the auditors.

(2) Under provisions set forth in law, the auditors may demand such documents, data, and reports as are necessary for their scrutiny.

(3) Further provisions concerning the auditors are set out in the Parliament Act.

Article 8

(1) Proceedings under penal law on account of a criminal act committed by a member of the Supreme Court or the Supreme Administrative Court in the exercise of his official functions shall be brought before the Supreme Court by a Parliamentary Ombudsman or by the Justice Chancellor.

(2) The Supreme Court shall likewise examine and determine whether, in accordance with the provisions laid down in this connection, a member of the Supreme Court or the Supreme Administrative Court shall be removed from office or suspended from duty, or shall be obliged to undergo a medical examination. Proceedings to this effect shall be initiated by a Parliamentary Ombudsman or by the Justice Chancellor.

Chapter 13 War and Danger of War

Article 1

If the country is at war or exposed to the danger of war, and the Parliament is not in session, the Government or the Speaker shall convene the Parliament. Whoever issues the notice convening the Parliament may decide that the Parliament shall meet at a place other than Stockholm. If the Parliament is in session, the Parliament, or the Speaker, may determine where it shall meet.

Article 2

(1) If the country is at war or exposed to the danger of war, a War Delegation appointed from among the members of the Parliament shall replace the Parliament if circumstances so warrant.

(2) If the country is at war, the order appointing the War Delegation to replace the Parliament is issued by the members of the Foreign Affairs Advisory Council according to detailed provisions set forth in the Parliament Act. If possible, the Prime Minister is to be consulted before the order is issued. If war conditions prevent the Council from convening, the order is to be issued by the Government. If the country is exposed to the danger of war, the order shall be issued by the members of the Foreign Affairs Advisory Council and the Prime Minister jointly. Such an order shall be effected only if the Prime

Minister and six members of the Council are in agreement thereon.

(3) The War Delegation and the Government may decide, either jointly or severally, that the Parliament shall resume its functions.

(4) Rules regarding the composition of the War Delegation are set forth in the Parliament Act.

Article 3

(1) While the War Delegation is acting in the Parliament's place, it shall exercise the powers otherwise vested in the Parliament. It shall not however take decisions under Article 12 (1.1), (2) or (4).

(2) The War Delegation determines its own working methods.

Article 4

If the country is at war, and if as a result the Government cannot carry out its duties, the Parliament may decide on the formation of a Government and may determine the Government's working methods.

Article 5

(1) If the country is at war, and if in consequence thereof neither the Parliament nor the War Delegation can carry out its duties, the Government shall assume these duties to the extent it considers necessary to protect the Realm and bring hostilities to an end.

(2) The Government may not by virtue of Paragraph (1) enact, amend, or repeal

any fundamental law, the Parliament Act, or any act concerning elections for the Parliament.

Article 6

(1) If the country is at war or is exposed to the danger of war, or if such exceptional conditions prevail as result from war or danger of war to which the country has been exposed, the Government may, with authority in law, issue regulations by statutory order in a particular matter which shall otherwise be set forth by law in accordance with fundamental law. If necessary in any other case having regard to defence preparedness, the Government may, with authority in law, decide by statutory order that any provisions set forth by law which relate to requisition or other such disposition shall be brought into force or cease to apply.

(2) In any law granting authority of the kind referred to in Paragraph (1), the conditions under which the authority may be used shall be scrupulously defined. Such authority does not empower the Government to enact, amend, or repeal a fundamental law, the Parliament Act, or any act concerning elections for the Parliament.

Article 7

In the event that the country is at war or is exposed to the imminent danger of war the provisions of Chapter 2, Article 12 (3) shall not apply. The same applies in any other circumstances in which the War Delegation is acting in the Parliament's place.

Article 8

If the country is at war or is exposed to the imminent danger of war, the Government may decide, upon authorization by the Parliament, that a function which devolves on the Government by virtue of a fundamental law shall be performed by some other authority. Such authority may not include any power under Article 5 or 6, unless it relates solely to a decision to the effect that a law in a particular matter shall begin to apply.

Article 9

The Government may agree a cease-fire without seeking the approval of the Parliament and without consulting the Foreign Affairs Advisory Council, if deferment of the agreement would endanger the country.

Article 10

(1) Neither the Parliament nor the Government may make decisions in occupied territory. Nor may any power vested in a person in his capacity as a member of

the Parliament or as a member of the Government be exercised in such territory.

(2) It shall be incumbent on any public body in occupied territory to act in the manner which best serves the defence effort and resistance activities, the protection of the civilian population and Swedish interests at large. In no circumstances may any public body make any decision or take any action which imposes on any citizen of the Realm the duty to render assistance to the occupying power in contravention of international law.

(3) Elections for the Parliament or for decision-making local government assemblies may not be held in occupied territory.

Article 11

If the country is at war, the Head of State should accompany the Government. Should he find himself in occupied territory or separated from the Government, he shall be deemed to be prevented from carrying out his duties as Head of State.

Article 12

(1) If the country is at war, elections for the Parliament may be held only at the Parliament's decision. If the Realm is exposed to the danger of war when ordinary elections are due to be held, the Parliament may decide to defer the elections. Such a decision shall be reconsidered within one year and at intervals thereafter not exceeding one year. Decisions under the present paragraph shall be effective only if no fewer than three fourths of the total membership of the Parliament concur therein.

(2) If any part of the country is under foreign occupation when elections are to be held, the Parliament shall approve whatever modification of the provisions of Chapter 3 is called for. No exceptions may however be made from the provisions of Chapter 3, Article 1 (1), 2, 6 (1), or 7 to 11. Any reference to the country or Realm in the provisions of Chapter 3, Article 6 (1), 7 (2) or 8 (2) shall apply instead to that part of the country for which elections are to be held. No fewer than one tenth of all the seats shall be adjustment seats.

(3) Ordinary elections not held at the time prescribed in consequence of the provisions of Paragraph (1) shall be held as soon as possible after the war ends or the danger of war subsides. It shall be incumbent upon the Government and the Speaker, either jointly or severally, to ensure that the necessary measures are taken.

(4) If, in consequence of the provisions of the present article, an ordinary election has been held at a time other than that at which it should otherwise have been held, the Parliament shall set the date of the next following ordinary election for that month during the third or fourth year following the first-named election in which an ordinary election was due to be held in accordance with the Parliament Act.

Article 13

If the country is at war or exposed to the danger of war, or if such exceptional conditions prevail as result from war or the danger of war, the decision-making powers of the local government assemblies shall be exercised in the manner prescribed by law.



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