

# **FUNDAMENTAL LAWS OF THE STATE**



**FUNDAMENTAL  
LAWS  
OF THE  
STATE**

**THE  
SPANISH  
CONSTITUTION**



**MADRID, 1967**

## TABLE OF CONTENTS

	<u>Page</u>
I. PREFACE .....	9
II. FUNDAMENTAL LAWS OF THE STATE .....	16
Law on the Principles of the National Movement .....	19
Statute Law of the Spanish People (Fuero de los Españoles) .....	27
Labour Law .....	41
Organic Law of the State .....	57
Constitutive Law of the Cortes (Parliament) .....	95
Law of Succession to the Headship of State .....	109
Law of the National Referendum .....	121
III. SOME ASPECTS OF THE SPANISH CONSTITUTION .....	126
1. Organs of the Government, Organization Charts .....	127
2. Requisites for election to principal offices under Government .....	145
3. Nomination Procedure .....	147
4. Duties and Responsibilities .....	157
5. Process of Democratization .....	167
6. Reference Chart of Spanish Constitutional Laws (By subject) .....	170
IV. ALPHABETICAL OUTLINE OF SUBJECT-MATTER .....	171
V. THE FUNDAMENTAL LAWS AS VISUALIZED BY FRANCO (COLLECTION OF MANIFIESTOS) .....	185
INDEX .....	217



His Excellency don Francisco Franco Bahamonde, Head of the Spanish State



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## **I. PREFACE**

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*Spain has an open constitutional system which was set up in 1938. It comprises a series of laws which by virtue of their nature, fall into the category of fundamental laws. This system originated with the Fuero del Trabajo (Labour Law) of 9th March, 1938, later amplified by the Constitutive Law of the Cortes of 17th July, 1942 (and amended by that of 9th March, 1946), the Fuero de los Españoles (Statute Law of the Spanish People), of 17th July, 1945; the Law of the National Referendum of 22nd October, 1945; the Law of Succession in the Headship of State of 26th July, 1947; the Law on the Principles of the National Movement of 17th May, 1958; and, finally, by the Organic Law of the State of 10th January, 1967. The designation of the cited dispositions as Fundamental Laws was effected by the Law of Succession in the Headship of State, in the case of those passed prior to that Law, and in the case of those passed subsequently, by the appropriate constitutional norms. The titles of the Fundamental Laws are sufficiently descriptive to give one an idea of the scope allowed the constitutional norms at the present time. Throughout the past thirty years, the Spanish State has been drafting and submitting to referendum a number of dispositions regulating all the basic aspects of national life. In effect, after the initial regulation of social and labour questions, the first of the Fundamental Laws of Spain, there followed the institution of the supreme*

organ for the participation of the people in the collective tasks of the State, through the Law of the Cortes. Then, the rights and duties of the Spanish people were given constitutional status in the Fuero de los Españoles (Statute Law of the Spanish People). Similarly, the Law of the National Referendum established a system of direct democracy which permits the intervention of the entire nation in any dispositions that may warrant such intervention. Finally, a disposition in respect of the mechanism of the succession was approved, which guarantees continuity on the death of the Caudillo (Franco). As an aggregate of all the foregoing dispositions, there was decreed in 1958 the Law on the Fundamental Principles of the National Movement. And lastly, the constitutional system was completed by the approval of the Organic Law of the State, which regulates the structure and the functions of the organs of Government.

The importance of these Laws, their scope and the transcendental nature of the factors governing them have demanded the highest degree of dexterity in their preparation. For this reason, the process of their formulation included a number of technical and political phases, culminating in their legalization by the people. The preparation of the Laws began at the technical level, with the collaboration of the most eminent Spanish specialists in each field of inquiry, holding office in the legal departments of the various Ministries. Each and every Law has been drafted with the utmost precision and care, the different Cabinet Ministers intervening directly in such drafting, thus contributing their experience and their political understanding, and ensuring a realistic assessment of the problems involved. But the most decisive participation was made by the Head of State, who has outlined both the objectives and the directives to be followed as the basic ideas inspiring every Law. The definitive texts

of the fundamental norms are a true reflection of the views of the Caudillo.

The technical perfection and the political timeliness of the different Fundamental Laws having been ensured, the Head of State brings them to the notice of the Cortes, the supreme organ of representation, which, after due perusal, approves their submission to the sanction of every Spaniard. The machinery of the national referendum, as a system of direct democracy, has twice been put in motion in Spain. The first occasion was in 1947, with the promulgation of the Law of Succession in the Headship of State, which regulated the fundamental questions inherent in the future of the country and established the fundamental character of the Laws passed before that date. Thus, the 1947 Referendum constitutes a ratification of all the norms of a constitutional nature which became manifest in Spain up to that moment.

The second occasion was in December, 1966, with the approval of the Organic Law of the State, together with all the amendments to the other Fundamental Laws. The Government was thereby authorized to publish in a revised version all the major dispositions existing before that date. This new Referendum represents a definitive confirmation of the Spanish Constitution. These two events, in which the counsel of the nation was sought, and whose overwhelming positive result is unquestionable, are in themselves an indication of the most absolute support and the irrefutable affirmation of the Spanish people that they are in agreement with the fundamental legislation as passed.

Furthermore, the majority and almost unanimous "yes" in both Referenda is tantamount to a vote of confidence for the Head of State, who has proved his ability to interpret faithfully the interests and the wishes of the Spanish people when the time came to propose the Fundamental Laws to the nation. It is only this synchronization of the

thoughts of the Caudillo with the ideals and aspirations of the Spanish people that can explain the sweeping majority of votes obtained in the Referenda of 1947 and 1966.

Perhaps one of the reasons behind the popular consensus obtained by the Referenda and the Fundamental Laws lies in the openness and comprehensiveness of their nature. As the Caudillo has said on many occasions, Spain is in a perennial process of constitution. But this inception of the Spanish Constitution, this possibility of expansion and of adaptation to the demands of the moment, does not affect her stability or her permanency. On the contrary, the Fundamental Laws have a mission in the future. Proof of this is that in the Law of Succession in the Headship of State, which enumerates the Fundamental Laws, it is stipulated that their derogation or modification is subject to not only the approval of the Cortes, but to a National Referendum. This express mandate signifies that the Fundamental Laws are intended to have a degree of continuity throughout the period of their efficacy as a basic element for the orderly development of the social life of the people.

The sense of open constitution in the Fundamental Laws is an outgrowth of the concept of the Regime that the principal norms must at all times be in keeping with the special characteristics and needs of the nation, and must take into account the mentality and attitudes of the Spanish people. It follows, therefore, that a reforming mechanism must be prepared for the expansion and perfecting of such laws. Similarly, this possibility of reform is imperative in the case of the Spanish Fundamental Laws, in view of their scope and the variety of questions falling under their jurisdiction. The problem of the Spanish State was either to restrict the dispositions of a fundamental nature to a limited number of aspects of life, thus endowing them with a more permanent character, or to extend the regulation on constitutional

lines to all those hypotheses and questions whose importance seemed to justify it. The second method was adopted and, therefore, the Spanish Constitution had to be made susceptible to constant adaptations and improvements.

In Spain, the Fundamental Laws regulate all the matters covered by traditional constitutions, as well as a number of specific questions and problems dictated by the special conditions of the country, which had to be given prime importance. Thus, Spanish fundamental legislation deals with a variety of aspects of the problems of the community. It embraces the system of reform of the Constitution; the duties and rights of the Spanish people; the management of property; national sovereignty; the Head of State and the Government of the Nation, including the President and all Ministers; the Spanish Cortes (Parliament) and the National Council, the second representative Chamber; the relations between the Cortes and the Government; the administration of Justice; the Council of National Economy; and the Territorial Districts. Furthermore, the Fundamental Laws include a number of norms relating to labour laws, to the regulations governing private enterprise, Trade Union Organizations, etc.

This wide range of subject-matter, this extension of the terms of reference of the Fundamental Laws, may give the impression that, in essence, they are merely declarations of principles which have been maintained at the planning level, but which have not been actually applied in operative dispositions. This, however, is not the case. On the contrary, each of the precepts of the Fundamental Laws has been developed in a specific and tangible way in ordinary Laws, in Decrees and in Ministerial Orders. This volume contains the complete text of the Fundamental Laws, with foot-notes indicating the principal dispositions that have been issued in their execution. It is by no means exhaustive. It is a simple guide, showing how

*the Spanish legislator has, at all times, been conscious of the norms of the constitution, putting them into practice at the opportune moment, and respecting their spirit and intention.*

*Finally, a thorough understanding of the Fundamental Laws demands their appraisal as a whole, to be executed as a whole, as a true Constitution. Otherwise, it would not be possible to grasp their complexity nor their unitarian and co-ordinated structure. The same questions are covered in different Fundamental Laws, a technique quite different to that of traditional Constitutions. No attempt has been made to seek a unity of formal treatment, but each question is approached from different angles and is subject to different Laws. It therefore seemed proper to include in this volume a number of charts, graphs and schemata, to illustrate how each question is dealt with in the Fundamental Laws as a whole. It should be pointed out that the Spanish Fundamental Laws constitute the basis of a true Constitution, in the traditional sense of the term. On the other hand, they differ in technique of preparation, in formal presentation and in scope (by including a variety of unusual questions) from other Constitutions. The structure of the Fundamental Laws has the extraordinary advantage of adaptability and conformity to the exigencies of the times and political realities. It offers the possibility of treating, at a fundamental level, and of converting into a norm that should inspire the entire legislative body, every important issue. Besides, its open system ensures constant improvement in its methods. In any event, it has proven to be the system that is most appropriate to the Spanish character, to the historical reality of the age, and to the needs of the political present and future of Spain.*

## **II. FUNDAMENTAL LAWS OF THE STATE**

The Organic Law of the State (1/1957) of 10th January [Boletín Oficial del Estado (Official State Bulletin) No. 9, of 11th January] established in its Fourth Transitory Disposition that "within a period of four months as from the promulgation of the present Law, there shall be published the revised texts of the Fundamental Laws, which shall contain the amendments referred to in the additional Provisions of the present Law, after their sanction by the Council of the Realm and their debate by the Council of Ministers".

The fundamental character of the Laws to be revised and the permanent nature and unalterability of the principles that inspire them, as proclaimed by Law on 17th May, 1958, and reiterated in the Organic Law of the State, demand that the task of revision must be limited to substituting in the Fundamental Laws the texts amended by the additional Provisions of the Organic Law of the State, deleting them in the revised draft of said Law and, consequently, reflecting in the exposition of motives of the *Fuero de los Españoles* (Statute Law of the Spanish People), of the Law of the *Cortes* and of the Law of Succession, the amendments that have been effected, in the particular section.

Finally, the Fundamental Laws have been arranged systematically and not in the chronological order of their promulgation.

In virtue of the fulfilment of the requirements of the aforesaid Transitory Regulation, the sanction of the Council of the Realm, and the debate of the Council of Ministers, at their session of the 14th day of April.

#### I RESOLVE:

##### **Article One**

That the appended revised texts of the Fundamental Laws of the Kingdom be approved.

##### **Article Two**

That the Fundamental Laws of the Kingdom continue without interruption during the entire period of their enforcement, in the form contained in the Revised Texts, there being derogated whatever dispositions there may be in opposition to the provisions established in said Laws.

I so resolve by the present Decree given at El Pardo on the twentieth day of April nineteen hundred and sixty-seven.

FRANCISCO FRANCO

Witnessed by:

LUIS CARRERO BLANCO

Under-Secretary of the  
Presidency of the Government



**I**

**LAW ON THE PRINCIPLES  
OF THE  
NATIONAL MOVEMENT**

**of 17th May, 1958**



I, FRANCISCO FRANCO BAHAMONDE, CAUDILLO OF SPAIN

Mindful of my responsibility before God and before History and in the presence of the Cortes of the Kingdom, promulgate the following Principles of the National Movement, as a communion of Spaniards dedicated to the ideals that gave birth to the Crusade:

I

Spain is a unit of destiny on a universal plane. Service to the unit, to the greatness and liberty of the country is the sacred duty and the collective task of every Spaniard.

II

The Spanish nation regards as a badge of honour its respect for the Law of God, according to the doctrine of the Holy Catholic, Apostolic and Roman Church, the one true and inseparable faith of the national conscience, which inspires the legislation of the country.

III

Spain, the root of a great family of peoples, whose ties of brotherhood are indissoluble, aspires to the restoration of justice and peace among nations.

#### IV

The unity between the peoples and the domains of Spain is intangible. The integrity of the country and its independence are the supreme exigencies of the national community. The Armed Forces of Spain, the guarantee of her security and the expression of the heroic virtues of her people, must possess the strength necessary for the better service of the country.

#### V

The national community is founded on man, the bearer of eternal values, and on the family, the basis of society; but individual and collective interests must be always subordinate to the common good of the Nation, constituted by generations past, present and future. The Law upholds in equal measure the rights of every Spaniard.

#### VI

The natural entities of social life: the Family, the Municipality and the Trade Union, are the basic structures of the national community. The various institutions and corporations which meet the needs of society in general must be protected, so that they may participate efficaciously in achieving the ends of the national community.

#### VII

The Spanish people, united by Law and order, cognizant of the postulates of authority, liberty and service, constitute the National State. Their political system is, within the immutable principles of the National Movement and the

provisions of the Law of Succession and the other Fundamental Laws, a traditional, Catholic, social and representative Monarchy.

## VIII

The representative character of the political system is the basic principle of our public institutions. The participation of the people in the legislative and other functions of general interest shall be implemented through the family, the municipality, the Trade Union and other organically representative bodies recognized by law for this purpose. Any political organization whatever outside this representative system shall be deemed illegal.

Every Spaniard has the right of access to public office according to his merit and capacity.

## IX

Every Spaniard has the right to: impartial adjudication, which shall be free for those lacking economic means; a general and vocational education, which shall never be denied for lack of material means; the benefits of social security and assistance, and an equitable share of the national income and fiscal levies. The Christian ideal of social justice, reflected in the Labour Law, shall inspire the politics and the laws of the nation.

## X

Work is regarded as the fount of hierarchy, duty and honour for the Spanish people, and private property, in all its forms, as a right conditional on its social function. Private initiative, the foundation of economic activity, must

be stimulated, channelled and, if necessary, subsidized by the State,

## XI

Commercial enterprise, the association of men and means geared to production, constitutes a community of interests and a unity of purpose. The relations between the members of the commercial firm must be based on justice and on mutual loyalty, and economic values shall be subordinate to those of a human and social order.

## XII

The State shall endeavour, by all the means at its disposal, to perfect the physical and moral health of the people, and to ensure for them the highest standards of working conditions; to stimulate the economic progress of the Nation with improvements in agriculture, the expansion of irrigation projects and agrarian reform; to direct the most equitable employment and distribution of public credit; to safeguard and promote the prospecting and exploitation of the mineral resources of the country; to intensify the process of industrialization; to support scientific research; and to protect maritime activities, according to the needs of the entire maritime population and the executive department of the Navy.

IN VIRTUE OF WHICH, I RESOLVE:

### **Article One**

The Principles contained in the present decree, the synthesis of those inspiring the Fundamental Laws legalized by the Nation on the sixth day of July nineteen hundred

and forty-seven, are, by their very nature, permanent and unalterable.

### **Article Two**

All organs and authorities shall be bound to the strictest observance of these Principles. The oath required for investiture with public office shall refer to the text of these Fundamental Principles.

### **Article Three**

All laws and dispositions of whatever nature that injure or defame the Principles proclaimed in the present Fundamental Law of the Realm shall be null and void.





**II**

**STATUTE LAW  
OF THE  
SPANISH PEOPLE**

**(Fuero de los Españoles)**

**of 17th July, 1945, amended by the Organic  
Law of the State of 10th January, 1967**



I, FRANCISCO FRANCO BAHAMONDE, CAUDILLO OF SPAIN, HEAD OF STATE AND COMMANDER-IN-CHIEF OF THE ARMED FORCES OF THE NATION:

Whereas the Spanish Cortes, as the highest organ of participation by the people in the affairs of the State, have, in accordance with the Law of their creation, drawn up the *Fuero de los Españoles* (Statute Law of the Spanish People), the fundamental text defining the rights and duties of the Spanish people and protecting their guarantees; and bearing in mind, as is the case in the Labour Law, that its principal provisions verify the permanent value of the concept that inspires them and that a large number of its declarations and precepts constitute a faithful adherence to Catholic social doctrine, recently brought up to date by the II Vatican Council and, finally, in view of the amendment introduced in Article Six thereof by the Organic Law of the State, approved subsequent to a national referendum, for the purpose of adapting its text to the declaration of the Council on religious freedom, promulgated on 1st December, 1965, which exacts explicit recognition of this right, in accordance with the second of the Fundamental Principles of the Movement, which stipulates that the doctrine of the Church shall inspire Spanish legislation.

I HEREBY RESOLVE THE FOLLOWING:

**Article**

The *Fuero de los Españoles*, the text of which appears hereinafter, is hereby approved, with the character of a Fundamental Law prescribing the rights and duties of the Spanish people.

PRELIMINARY TITLE

**Article One**

The Spanish State proclaims as the ruling principle of its acts respect for the dignity, the integrity and the liberty of the human person, recognizing man, the bearer of eternal values and the member of a national community, as the possessor of duties and rights, the exercise of which duties and rights guarantees in an orderly manner the common good<sup>1</sup>.

TITLE I

DUTIES AND RIGHTS OF THE SPANISH PEOPLE

CHAPTER I

**Article Two**

All Spaniards owe faithful service to their country, loyalty to the Head of State and obedience to the laws of the nation<sup>2</sup>.

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<sup>1</sup> The entire Spanish juridical system is based on this principle.

<sup>2</sup> See Law on Fundamental Principles, 1. The Spanish juridical system is based on this principle.

### **Article Three**

The Law protects in equal measure the rights of every Spaniard, without preference in respect of classes and without favour in respect of persons<sup>3</sup>.

### **Article Four**

All Spaniards have a right to the respect of their personal and family honour. Whosoever offends against it, whatever his condition, shall bear the responsibility<sup>4</sup>.

### **Article Five**

Every Spaniard has the right to receive education and instruction and the duty to acquire such education and instruction, either in the family home, or in private or public centres, according to his free choice. The State shall ensure that no talent shall be neglected for lack of economic means<sup>5</sup>.

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<sup>3</sup> See Law on Fundamental Principles, V & IX. The Spanish juridical system is based on this principle.

<sup>4</sup> In respect of personal and family honour, Title X of the existing Penal Code, revised by Decree of 28th March, 1963, covers offences against honour.

<sup>5</sup> See Law on Fundamental Principles, IX. Decree 193/1967, of 2nd February, prescribes regulations governing obligatory provisions and grants (Articles 12 and 13).

The Law on Educational Grants of 19th July, 1944, recognizes, in Article 2 thereof, as entitled to educational grants "every Spaniard morally and intellectually fit to undertake studies, and especially, those lacking the economic means necessary to pursue their profession".

Law 45/1960, of 21st July, created the National Fund for Promoting the Principle of Equality of Opportunity.

## **Article Six**

The profession and practice of the Catholic religion, which is the religion of the Spanish State, shall enjoy official support. The State shall assume the responsibility of protecting religious freedom, which shall be guaranteed by an efficacious juridical machinery, which, at the same time, shall safeguard morals and public order <sup>6</sup>.

## **Article Seven**

Bearing arms in the service of their country is a mark of honour for the Spanish people.  
All Spaniards are obliged to render this service when called upon to do so within the provisions of the Law <sup>7</sup>.

## **Article Eight**

By law, and in general terms, personal loans as demanded by the interests of the Nation and public needs may be requisitioned <sup>8</sup>.

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<sup>6</sup> See Law on Fundamental Principles and the Law regulating the exercise of civil rights and religious freedom, of 26th June, 1967.

Formerly, non-Catholics only had the right of not being molested for their religious beliefs, and any external manifestations other than those of the Catholic cult were not allowed; now the State guarantees the defence and protection of religious freedom, within the safe-guard of morals and public order, in accordance with the ruling of the II Vatican Council.

The Head of State, in his address on the occasion of presenting the Organic Law, pointed out that the new text of this article had received the approval of the Holy See.

The recognition of the Spanish State as of the Catholic confession was stipulated in the *Fuero de los Españoles* of 1945, Article 6.

<sup>7</sup> Regulation on Recruitment for the Army of 6th April, 1943.

<sup>8</sup> See Law on Fundamental Principles, IX.

Articles 564, 565, 567 and 569 of the Law of Local Government, complete revised text of 24th June, 1955.

### **Article Nine**

The Spanish people shall contribute to the support of the public debt according to their economic capacity. No one shall be obliged to pay tributes that have not been established by law passed in the Cortes<sup>9</sup>.

### **Article Ten**

All Spaniards have the right to participate in public functions of a representative nature, through the family, the municipality and the Trade Union, without prejudice to other forms of representation as established by law<sup>10</sup>.

### **Article Eleven**

All Spaniards shall be eligible for public office in accordance with their merit and capacity<sup>11</sup>

### **Article Twelve**

Every Spaniard may express his ideas freely provided they do not attack the fundamental principles of the State<sup>12</sup>.

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<sup>9</sup> See Law on Fundamental Principles, IX.

The General Tax Law, of 28th December, 1963, covers this principle in Articles 2 and 3, stipulating that the primary authority to establish taxes is exclusively that of the State, and it shall be exercised by law passed in the Cortes. (Art. 2). On the other hand, Article 3 stipulates that the disposition of taxes must be based on general principles and the equitable distribution of tax liabilities.

<sup>10</sup> See Law on Fundamental Principles, VIII.

The Electoral Law of 8th August, 1907, continues in force.

<sup>11</sup> See Law on Fundamental Principles, VIII.

Law of State Civil Servants, of 7th February, 1964, especially Article 30. Law on Women's Rights, of 22nd July, 1961.

<sup>12</sup> According to Article 3 of the Press and Printing Law, of 18th March, 1966, the Administration cannot apply prior censorship nor insist on obligatory consultation except in exceptional cases and in time of war, as expressly stipulated in the laws.

### **Article Thirteen**

Within the territorial limits of the nation, the State guarantees the freedom and the secrecy of correspondence <sup>13</sup>.

### **Article Fourteen**

The Spanish people have the right to establish their residence freely within the territorial limits of the nation <sup>14</sup>.

### **Article Fifteen**

No one may enter the domicile of a Spaniard or search said domicile without his consent, unless it be by mandate of the competent authority and in the cases and in the manner established by law <sup>15</sup>.

### **Article Sixteen**

Spaniards may gather together and associate freely for lawful purposes and in accordance with the stipulations of the law. The State may create and maintain the organizations it deems necessary for the fulfilment of its ends. The basic norms, which shall become law, shall co-ordinate the exercise of this right with that recognized in the first part of this Article <sup>16</sup>.

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<sup>13</sup> Article 192 of the existing Penal Code typifies the offence of violation of correspondence.

The postal ordinance, approved by Decree of 19th May, 1960, guarantees in Article 14 thereof the freedom, secrecy and inviolability of correspondence. Similarly, the Regulation on Postal Services, approved by Decree of 14th May, 1964 (Arts. 26, 27 & 28) covers this guarantee.

<sup>14</sup> Article 189 of the Penal Code.

<sup>15</sup> Law on Public Order, Article 11, and Penal Code, Articles 191 & 490.

<sup>16</sup> Law of Association, of 24th December 1964, and supplementary norms, approved by Decree of 20th May, 1965.



### **Article Seventeen**

The Spanish people have a right to juridical security. All the organs of the State shall act in accordance with a hierarchic order with pre-established norms, which may not be arbitrarily interpreted nor altered <sup>17</sup>

### **Article Eighteen**

No Spaniard may be arrested except in the cases and in the manner prescribed by law.

Within seventy-two hours, any person under arrest shall be set free or delivered to the judicial authorities <sup>18</sup>.

### **Article Nineteen**

A person can only be condemned in virtue of a law in force before the commission of the offence, by the sentence of a competent Tribunal and after the hearing and defence of such a person <sup>19</sup>.

### **Article Twenty**

No Spaniard may be deprived of his nationality except for the crime of treason, as defined in the penal laws, or for

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<sup>17</sup> Articles 23, 26, 27, 28 & 30 of the Law on the Juridical System of the Administration of the State, of 26th July, 1957.

<sup>18</sup> Article 12 of the Law on Public Order, of 30th July, 1959. Local Government Law of 24th June, 1955, Article 263. Article 47 of the Decree of Governors, of 10th October, 1958.

The Penal Code typifies the offence of unlawful arrest in Articles 181 and 480-483 thereof.

<sup>19</sup> This principle of penal legality is outlined in the existing Penal Code, specifically in Article 2 thereof.

entering the military service or assuming public office in a foreign country against the express wish of the Head of State<sup>20</sup>.

### **Article Twenty-one**

All Spaniards may direct individual petitions to the Head of State, to the Cortes and to the authorities.

Corporations, civil servants and members of the Armed Forces and Institutes may only exercise this right in accordance with the dispositions governing same<sup>21</sup>.

### **Article Twenty-two**

The State recognizes and protects the family as a natural institution and the foundation of society, with rights and duties anterior and superior to every positive human law. Matrimony shall be indissoluble.

The State shall give special assistance to large families<sup>22</sup>.

### **Article Twenty-three**

Parents are obliged to feed, educate and instruct their children. The State shall suspend the exercise of the

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<sup>20</sup> This matter is expounded in Article 23, Nos. 1 and 2 of the Spanish Civil Code.

<sup>21</sup> Law on the Right of Petition, of 22nd December, 1960. Military personnel are subject to the provisions established in Decree 93/1962, of 18th January.

<sup>22</sup> Article 10 of this Law and annotation to paragraphs 2 and 3 of Declaration XII of the Labour Law.

Law on Support of Large Families, of 13th December, 1943, and Regulation for its application, of 31st March, 1944.

Article 42 of the Civil Code on Matrimony.

*patria potestad* (rights of *paterfamilias*) or withhold such privilege from those who do not exercise it honourably, and shall transfer the guardianship and education of minors to those qualified by law to undertake this duty<sup>23</sup>.

### CHAPTER III

#### **Article Twenty-four**

All Spaniards have the right to work and the duty to occupy themselves in some socially useful activity<sup>24</sup>.

#### **Article Twenty-five**

Labour, by virtue of its essentially human condition, cannot be relegated to the material concept of merchandise, nor be the object of any transaction incompatible with the personal dignity of the worker. It is of itself an attribute of honour and merit sufficient to demand the protection and assistance of the State<sup>25</sup>.

#### **Article Twenty-six**

The State recognizes the commercial firm as a community contributing technical skill, labour and capital in its various forms, and supports, as a consequence, the right of these elements to participate in the benefits. The State shall ensure that relations between these elements be maintain-

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<sup>23</sup> Regulated by the Civil Code, Articles 155 and 171, and by the Law on Primary Education, of 2nd February, 1967 (Article 55).

Decree of 11th June, 1958, which approves the revised text of legislation on protection of minors.

<sup>24</sup> See Labour Law, Declaration 1, 5 & 8.

<sup>25</sup> See Labour Law, Declaration 1, 2.

ed on strictly equitable lines and in a hierarchy that subordinates economic values to human values, to the interests of the Nation and to the demands of the common good <sup>26</sup>.

### **Article Twenty-seven**

All workers shall be supported by the State in their right to just and adequate wages, at least to enable them and their families to lead a moral and honourable life <sup>27</sup>.

### **Article Twenty-eight**

The Spanish State guarantees its workers the security of aid in times of misfortune, and recognizes their right to assistance in old age, and in the event of death, sickness, maternity, work accidents, incapacity, unemployment and other contingencies that may fall within the province of social insurance <sup>28</sup>.

### **Article Twenty-nine**

The State shall maintain institutions of assistance and shall protect and encourage those created by the Church, by Corporations and by private individuals <sup>29</sup>.

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<sup>26</sup> See Labour Law, Declarations VIII & XI.

<sup>27</sup> See Labour Law, Declaration III.

<sup>28</sup> Labour Law, Declaration X.

The Law on the Bases of Social Security, of 28th December, 1965, propounded by Decree of 21st April, 1966, brings together the voluminous legislative provisions on this matter.

<sup>29</sup> At the present time, the agency promoting this activity is the **Dirección General de Beneficencia y Obras Sociales** (Department of Assistance and Social Welfare) in the Home Office (**Gobernación**).

### **Article Thirty**

Private property as the natural means for serving individual, family and social purposes is recognized and protected by the State.

All types of property are subordinate to the needs of the Nation and the common good.

Wealth cannot remain inactive, be unduly destroyed, or be applied to unlawful ends <sup>30</sup>.

### **Article Thirty-one**

The State shall facilitate to all Spaniards access to the types of property most intimately bound to the human person: family dwelling, inherited land, work tools and articles of daily use <sup>31</sup>.

### **Article Thirty-two**

In no case shall the penalty of confiscation of property be imposed.

No one may be dispossessed except for reasons of public utility or social interest, subject to the payment of appropriate indemnities, and in accordance with the provisions of the law <sup>32</sup>.

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<sup>30</sup> Law on Land Administration and Town Planning, of 12th May, 1956, and Law on Enforced Expropriation of 16th December, 1954. Labour Law, Declaration XII.

<sup>41</sup> Labour Law, Declaration XII, 2.

<sup>32</sup> Law on Enforced Expropriation, of 16th December, 1954.

## TITLE II

### THE EXERCISE AND GUARANTEE OF RIGHTS

#### **Article Thirty-three**

The exercise of the rights recognized in this Law (Fuero) cannot militate against the spiritual, national and social unity of Spain <sup>33</sup>.

#### **Article Thirty-four**

The Cortes shall put to the vote the laws necessary for the exercise of the rights recognized in this Law (Fuero) <sup>34</sup>

#### **Article Thirty-five**

The provisions of Articles twelve, thirteen, fourteen, fifteen, sixteen and eighteen may be temporarily suspended by the Government, totally or partially, through a Decree-Law, which shall be limited to determining the extent and duration of the measure <sup>35</sup>.

#### **Article Thirty-six**

Any violation of any of the rights declared in this Law (Fuero) shall be sanctioned by the laws, which shall determine the action to be taken before the appropriate juridical authority for their defence and guarantee.

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<sup>33</sup> Law on Public Order, of 30th July, 1959, Article 2.

<sup>34</sup> Law of the Cortes, Article 10, Clause g).

<sup>35</sup> Article 35, Law of the Cortes, Article 13.

**III**

**LABOUR LAW  
(FUERO DEL TRABAJO)**

**of 9th March, 1938 amended by the Organic  
Law of the State of 10th January, 1967**





Following the Catholic tradition of social justice and the high sense of human values that informed the legislation of our glorious past, the State assumes the task of offering to every Spaniard the guarantee of a country, the means of survival and justice.

In order to achieve this aim — at the same time, fortifying the unity, the liberty and the greatness of Spain — it operates at the social level with the desire to place the wealth of the nation at the service of the Spanish people, subordinating the economy to the dignity of the human person, mindful of his material needs and the demands of his intellectual, moral, spiritual and religious life.

And in the light of its conception of Spain as a unit of destiny, it makes manifest, through the present declarations, its design that the produce of Spain, within the bonds of brotherhood that unite all its elements, should constitute a unit of service towards the strengthening of the country and for the common good of all Spaniards.

The Spanish State sets forth these declarations, which shall inspire her social and economic policy, under the precepts of justice and with the desire and determination that those who have laboured for the country constitute, by virtue of their honour, valour and work, the highest aristocracy of this national epoch. Before the Spanish people, irrevocably united in sacrifice and hope, we declare:

1. Work is the participation of man in production through the voluntary exercise of his intellectual and manual

faculties, according to his particular vocation, in keeping with the decorum and comfort of his life, and for the better development of the national economy <sup>36</sup>.

2. By virtue of its essentially personal and human nature, labour cannot be reduced to a material concept of merchandise, nor be the object of any transaction incompatible with the personal dignity of the worker <sup>37</sup>.

3. The right to work is a consequence of the duty imposed on man by God, for the fulfilment of his individual aims and the prosperity and greatness of the country.

4. The State values and exalts labour, the fruitful expression of the creative spirit of man, and in this sense, shall protect it with the force of law, giving it the highest consideration and making it compatible with the fulfilment of the other individual, family and social ends of life <sup>38</sup>.

5. Work, as a social duty, shall be demanded, in some form or another, of every able-bodied Spaniard, and shall be considered a compulsory tribute to the national patrimony <sup>39</sup>.

6. Labour is one of the most noble attributes of hierar-

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<sup>36</sup> This definition of work is to be found in Article 1 of the Decree of 26th January, 1944, which approves the revised text of the Law on the Contracting of Labour.

<sup>37</sup> See **Fuero de los Españoles** (Statute Law of the Spanish People), Article 25.

<sup>38</sup> With the single purpose of honouring merit in work, the Royal Decree of 22nd January, 1926, created the Medal of Labour, re-established by Decree of 14th March, 1942.

The protection of labour is manifested, among other ways, through fiscal reductions; perhaps the most characteristic form is that of the general tax on the income of persons (Income Law of 8th April, 1967).

See Law on Fundamental Principles of the National Movement, X.

<sup>39</sup> See **Fuero de los Españoles** (Statute Law of the Spanish People), Article 24.

chy and honour, and is sufficient in itself to demand the assistance and protection of the State <sup>40</sup>.

7. Service is work undertaken with heroism, disinterest or self-sacrifice, with a will to contribute to the higher good that Spain represents.

8. Every Spaniard has the right to work. The execution of this right is a fundamental mission of the State <sup>41</sup>.

## II

1. The State undertakes to employ constant and effective action in defence of the worker, his life and his work. It shall limit the length of the working day to a fixed number of hours, and shall extend to labour every guarantee of a defensive and humanitarian order. In particular, it shall prohibit the employment of women and children for night work, regulate work done at home and shall liberate the married woman from the workshop and the factory <sup>42</sup>.

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<sup>40</sup> This type of assistance is expounded in the Social Security regulations. (Law of 28th December, complete text Decree of 21st April, 1956) and the provisions of the Labour Mutuality, and, in general, all the activities of the Ministry of Labour are linked with it.

See *Fuero de los Españoles* (Statute Law of Spaniards), Article 29.

<sup>41</sup> See *Fuero de los Españoles*, Article 24.

<sup>42</sup> The Law on the Maximum Number of Working Hours, of 9th September, 1931, is still in force. It fixes, as a maximum, a working day of eight hours or 48 hours a week, in accordance with the Washington Agreement of 29th October, 1929. This general norm is applied to the different fields of endeavour by the respective Labour Regulations.

The work of women and children is regulated in Articles 162-179 of the Law on the Contracting of Labour; Article 4 of the Law on the Rights of Women, of 22nd July, 1961, and Decree of 26th July, 1957, which indicates the different types of work prohibited for women, and children. Work done at home is covered by Articles 116-121 of the Law on the Contracting of Labour.

See Law on Fundamental Principles of the National Movement.

2. The State shall maintain that the observance of Sunday as a day of rest is a sacred condition of labour<sup>43</sup>.
3. The laws shall make obligatory the observance of religious festivals and holidays proclaimed by the State, without loss of retribution, the technical necessities of the firms involved being taken into account<sup>44</sup>.
4. The 18th July, marking the beginning of the Glorious Rising, now a national holiday, shall be considered as a Festival in honour of the Exaltation of Labour.
5. Every worker shall have a right to an annual paid vacation so that he may have a period of rest, and the institutions responsible for the fulfilment of this provision shall organize themselves accordingly<sup>45</sup>.
6. The necessary institutions shall be created to give workers access to all the cultural, entertainment, military, health and sports facilities during their leisure hours<sup>46</sup>.

### III

1. Wages shall be the minimum necessary to enable the worker to lead a moral and honourable life<sup>47</sup>.
2. A family allowance shall be established through the appropriate agencies<sup>48</sup>.

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<sup>43</sup> The Law on Sunday Observance, of 13th July, 1940, and Regulation of 25th January, 1941.

<sup>44</sup> The official calendar of holidays is contained in the Decrees of 26th December, 1957, 10th January, 1958, and 24th September, 1958. The Ministry of Labour publishes every year the calendar of local holidays.

<sup>45</sup> The general regulation on vacation is contained in Article 35 of the Law on the Contracting of Labour.

<sup>46</sup> Articles 77 foll. and 91 foll. of the Order of 9th March, 1946, approving the Statute on trade union assistance.

<sup>47</sup> The present minimum salary, according to Decree 2342/1967 of 21st September, is Ptas. 96 a day.

See *Fuero de los Españoles*, Article 27.

<sup>48</sup> The first Law on Family Allowances was promulgated on 18th June, 1938.

The family bonus was introduced by Bank regulation and was generally

3. The standard of living shall be raised gradually and rigidly for the workers, as allowed by the higher interests of the Nation <sup>49</sup>.

4. The State shall fix the minimum bases for the Administration of labour, and the relations between the workers and the firms employing them shall be subject to these provisions. The prime considerations of such relations shall be the contribution of labour and remuneration therefor, as well as the relationships of the various components of the firm, based on justice, mutual loyalty and the subordination of economic values to those of a human and social order <sup>50</sup>.

5. Through the Trade Union, the State shall seek to discover whether the economic and other conditions of work are in keeping with the just deserts of the worker <sup>51</sup>.

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applied by Ministry of Labour Order of 29th March, 1946, amended by another Order of 24th January, 1956. Both were revised by the Law of 14th April, 1962, which created a unified system of family assistance recognized in Article 44, point 11, of the Law of Social Security, of 28th December, 1963.

<sup>49</sup> Article 1 of the Law of 28th December, 1963, approving the Economic & Social Development Plan, indicates its object as being "to bring about a rise in the standard of living of all Spaniards, within the realms of social justice, and encourage the evolution of liberty and the dignity of the person".

<sup>50</sup> Within the general competence of the Ministry of Labour, Article 1 of the Decree of 18th February, 1960, which approves its organic Regulation, it is the duty of the **Dirección General de Ordenación del Trabajo** (Department for the Administration of Labour), according to Article 71, "to plan, implement and develop the policy and administrative methods which are the functions of the State in respect of labour relations".

<sup>51</sup> Article 1 of the Law of 26th January, 1941 on Trade Unions: "The Trade Union Organization is the only one recognized by the State as having the necessary machinery to inform the State of the aspirations and needs of the producing elements of the Nation on the economic and social plane, and is, at the same time, the vehicle through which the directives of the State are made known to the producing elements".

6. The State shall ensure the safety and continuity of labour<sup>52</sup>.

7. The commercial firm shall inform its staff of the progress of production to the degree necessary to stimulate their sense of responsibility, according to the terms established by law<sup>53</sup>.

#### IV

Handicraft — the inheritance of a glorious past — shall be promoted and protected, being the result of the complete projection of the human person in his work and a type of production divorced from both the capitalist system of mass labour and Marxist gregariousness<sup>54</sup>.

#### V

1. The standards of employment in the agricultural enterprise shall be adapted to its special characteristics and to the seasonal variations imposed by nature<sup>55</sup>.

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<sup>52</sup> Stability of employment is guaranteed in Article 79 of the Law on the Contracting of Labour.

Order of 31st January, 1940, approving the General Regulation on Safety and Hygiene in Places of Work. The Order of 6th February, 1961, in application of Decree of 12th January, 1961, giving norms for the drafting of Regulations governing the Internal Administration of each firm, stipulates that such Regulations shall specify the appropriate safety measures taken.

<sup>53</sup> Law of 21st July, 1962, which covers the participation of staff in the management and administration of firms falling in the category of companies. The Decree of 18th August, 1947, which creates the Jury System in Firms, stipulates that they "must be informed of the general progress of production, prospects as regards orders, supplies, materials, etc."

<sup>54</sup> Article 85 foll. of the Order of 9th March, 1946, creating the Handicrafts Trade Union.

<sup>55</sup> Law of 16th October, 1942, which establishes the norms governing the preparation of Labour Regulations. Decree of 25th March, 1955, on

2. The State shall take a special interest in the technical education of the agricultural producer, training him to carry out all the activities required by each unit of exploitation <sup>56</sup>.

3. The prices of principal products shall be controlled and re-assessed, in order to ensure a minimum profit under normal conditions for the agricultural entrepreneur and, in consequence, to demand for the workers wages that shall enable them to improve their living conditions <sup>57</sup>.

4. Efforts shall be made to grant to each peasant family a small plot of land, which would contribute to their basic needs and keep them occupied during unemployment <sup>58</sup>.

5. Plans shall be made for the embellishment of rural life, perfecting the rural dwelling and improving the sanitary conditions of the towns and villages of Spain.

6. The State shall ensure tenants of some stability in the cultivation of the land through long-term contracts, which shall protect them against unjustifiable eviction and shall secure for them the amortization of the improvements made by them on the land. It is the aim of the State to arbitrate through the appropriate channels so that, under

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agricultural workers. See Law on Fundamental Principles of the National Movement, XII.

<sup>56</sup> There exist for this purpose the Trade Union Organization for Vocational Training, for Training in Livestock Farming (the Youth Front), and for Housing Development; the Department for the Education of Farm Workers and its National Foundation for Secondary and Vocational Education; the Department for Social Advancement and its Labour Universities; and, more specifically, the Department of Agrarian Training.

<sup>57</sup> This aim has guided the price policy followed by the Supplies and Transport Agency and has justified the creation of entities such as the National Wheat Board and the Commission for the Purchase of Wine Surpluses.

<sup>58</sup> Law of 15th July, 1952, on family patrimonies.

fair conditions, the land may belong to those who work it <sup>59</sup>.

## VI

The State shall direct its greatest attention to maritime workers, providing them with adequate institutions to avoid the depreciation of their merchandise and to facilitate their access to the ownership of the articles necessary for carrying on their trade <sup>60</sup>.

## VII

A new Labour Magistrature shall be created, based on the principle that this function of justice belongs to the State <sup>61</sup>.

## VIII

1. Capital is an instrument of production.
2. The commercial firm, as a producing unit, shall dispose the elements within it in a hierarchy that subordinates instrumental factors to human factors, all towards the common good.
3. The management of the firm shall be responsible for its contribution to the common good of the national economy.

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<sup>59</sup> Decree of 29th April, 1959, which outlines in Article 10 thereof the right of extension of farming tenancies.

<sup>60</sup> Organic Law, of 18th October, 1940, which created the Social Marine Institute.

<sup>61</sup> Decree of 13th May, 1938, on the new Labour Magistrature, whose Organic Law is dated 17th October, 1940 and whose procedure is regulated in Decree of 21st April, 1966. Decree of 9th January, 1963, approving the revised text of the Labour Process Legislation.



4. The profit of the firm, a fair interest on capital taken into account, shall be applied preferably to the formation of the reserves necessary for its stability, to the improvement of production, and to the betterment of the working and living conditions of the workers<sup>62</sup>.

## IX

1. Credit shall be so arranged that, besides fulfilling its purpose of developing national wealth, it shall contribute to the creation and maintenance of the small agricultural, fishing, industrial or commercial patrimony<sup>63</sup>.

2. Integrity and trustworthiness, based on the competence and the work of the individual, shall be considered as effective guarantees for the granting of credit<sup>64</sup>.

3. The State shall investigate all forms of usury<sup>65</sup>.

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<sup>62</sup> Article 106 of the Law on Stock Companies, of 17th July, 1951, which establishes an obligatory reserve, with which the so-called extraordinary and voluntary reserves co-exist (Art. 103).

Article 53, 2, b) of the Law on Tax Reform, which grants a reduction of 90% on the base of capital income tax in favour of the interest on the loans granted by firms to their staff for acquiring their own homes. Article 76 of the Law on Tax Reform, which treats as deductible expenses, on the general income tax of juridical associations, different items which directly contribute to the improvement of the worker's living conditions.

See *Fuero de los Españoles*, Article 26, and Law on the Fundamental Principles of the National Movement, X.

<sup>63</sup> Law of 2nd January, 1942 and Regulation of 11th November, 1963, on co-operatives (Decree of 16th June, 1954, on entities of agricultural credit).

<sup>64</sup> See Law on Fundamental Principles of the National Movement, XII.

<sup>65</sup> The repression of usury is covered by two aspects of the law: the civil, on the nullification of contracts on usurious loans, under Law of 23rd July, 1908 (the Azcárate Law); and the penal, through the sanctions contained in Chapter VI, Title III, Book II, of the Penal Code, revised in 1966.

## X

1. The social welfare authorities shall offer the worker the security of aid in misfortune<sup>66</sup>.
2. There shall be an increase in social insurance for old age, incapacity, maternity, work accidents, ailments caused by one's profession, tuberculosis and unemployment, with a view to establishing a comprehensive insurance system. The granting of an adequate pension to aged workers shall receive prime consideration.

## XI

1. National production is an economic unit in the service of the country. It is the duty of every Spaniard to protect, improve and increase it. All factors involved in production are subordinate to the supreme interests of the Nation<sup>67</sup>.
2. Any illegal act, whether individual or collective, that seriously hinders production or attempts against it shall be punishable by law<sup>68</sup>.
3. The fraudulent decrease of work output shall be subject to the appropriate penalties<sup>69</sup>.
4. In general, the State shall only engage in business enterprise when private initiative is lacking, or when the higher interests of the Nation demand it<sup>70</sup>.

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<sup>66</sup> Law on Bases of Social Security, of 28th December, 1963.

<sup>67</sup> Laws of 24th October, 1939 (protecting industries of national interest) and 24th November, 1939 (on the regulating and defence of national industry).

<sup>68</sup> Article 232 of the Penal Code, whose text is based on Law of 21st December, 1965.

<sup>69</sup> Law on the Contracting of Labour, Articles 60, 63, 77, d) and f); and Decree of 21st September, 1960, Article 5, sub-paragraphs 1 and 2.

<sup>70</sup> Law of 25th September, 1941, which created the National Institute of Industry with the ends outlined in Article 1 thereof. Article 4 of the Law on the Development Plan, of 28th December, 1963.

See Law on the Fundamental Principles of the National Movement, X.

5. The State, acting independently or through the Trade Unions, shall check all disloyal competition in the realms of production, as well as those activities that hamper the normal development of the national economy, and shall encourage, on the other hand, all efforts aimed at improving the national economy <sup>71</sup>.

6. The State regards private initiative as the source of the economic life of the Nation <sup>72</sup>.

## XII

1. The State recognizes and protects private property as a natural means for the execution of individual, family and social functions. All forms of property are subordinate to the supreme interests of the Nation, whose interpreter is the State <sup>73</sup>.

2. The State assumes the task of increasing and making accessible to all Spaniards the types of property vitally linked to the human person: the family home, the patri-

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<sup>71</sup> Law of 20th July, 1963 on restrictive practices of competition, which created the Tribunal for the Defence of Competition and the Agency for the Defence of Competition.

<sup>72</sup> Law on the Development Plan, which is binding for the public sector and merely indicative for the private.

<sup>73</sup> Law on Enforced Expropriation, of 16th December, 1954, especially Article 1; Law of 27th April, 1946 on expropriation of rural properties of social interest; Law of 3rd December, 1953, on properties manifestly capable of improvement; Law on Land Development by the distribution of plots, of 20th December, 1952; Law of 15th July, 1954 on minimum units of cultivation, and Law of 11th May, 1959 on the enforced transfer of rural properties.

See *Fuero de los Españoles*, Article 30, and Law on the Fundamental Principles of the National Movement, X.

mony of land and the instruments or work implements needed for daily use<sup>74</sup>.

3. The State recognizes the family as the natural nucleus and foundation of society, and at the same time, as the moral institution endowed with inalienable rights and superior to all positive law. For the greater security of its conservation and continuity, the unseizable family patrimony shall be recognized<sup>75</sup>.

### XIII

1. Spaniards, by virtue of their participation in labour and production, constitute the Trade Union Organization.

2. The Trade Union Organization is made up of a number of industrial, agrarian and public utility unions, with activities on a territorial and national scale covering all aspects of production.

3. The trade unions shall have the status of public corporations on a representative basis, with juridical standing and full functional capacity in their respective spheres of competence. Within these spheres, and in the manner legally established, shall be formed the associations of management, technicians and workers, organized for the

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<sup>74</sup> Law of 15th July, 1952, on family patrimonies and Decree of 27th January, 1957, on protected family farm holdings; Law on Protected Dwellings, of 19th April, 1939, which created the *Institute of Housing*, and its Regulation (Decree of 2nd September, 1939); Law on Subsidized Housing, of 26th November, 1954, which established the first national housing scheme, etc.

See *Fuero de los Españoles*, Article 31.

<sup>75</sup> Law of 13th December, 1943 and its Regulation, published by Decree of 31st March, 1954.

There exist a number of fiscal and tax reductions, as well as family assistance for civil servants established by Law of 15th June, 1954.

For other workers, see Law on the Bases of Social Security and Law on Fundamental Principles of National Movement, VI.

defence of their particular interests, and as a free and representative medium of participation in trade union activities and, through the trade unions, in the community tasks of political, economic and social life.

4. The trade unions are the channel of professional and economic interests for the fulfilment of the ends of the national community, and are the representatives of said interests.

5. The trade unions collaborate in the study of production problems, and may propose solutions and intervene in the regulation, vigilance and implementation of working conditions.

6. The trade unions may create and maintain agencies for research, moral, cultural and professional training, welfare, aid and other activities of a social nature of interest to the participants of production.

7. Placement bureaux for finding employment for the worker in accordance with his aptitude and merit shall be established.

8. It is the function of the trade unions to supply the State with precise data for the preparation of production statistics.

9. The Trade Union Law shall determine the manner of incorporating into the new organization the existing economic and professional associations.

#### XIV

The State shall dictate the appropriate measures for the protection of national labour within the territorial limits of the country and, by virtue of labour treaties with other governments, shall seek to protect the employment of Spanish workers resident abroad <sup>76</sup>.

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<sup>76</sup> The Spanish Institute of Emigration was created by Law of 17th July, 1956, amended by Decree of 23rd July, 1959, and 3rd May, 1963.

## XV

At the time of promulgating this Charter, Spain is engaged in a heroic military task for the salvation of spiritual values and world culture, at the risk of losing a large share of her material resources.

National production, with all its elements, must respond unselfishly to the generosity of the militant youth of the Nation and of Spain herself.

For this reason, in this Charter of rights and duties, the most urgent consideration is that the productive elements should contribute equitably and resolutely to the renewal of Spanish soil and the foundations of its power.

## XVI

The State undertakes to absorb the militant youth into the ranks of labour, honour or leadership, by virtue of their right as Spaniards and their conquest as heroes.

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There are treaties in existence ensuring Social Security and assistance to Spaniards resident in the following countries: Germany, Argentina, Belgium, Chile, France, Holland, Italy, Luxembourg, Portugal and the Dominican Republic.

**IV**

**THE ORGANIC LAW OF THE STATE**  
**of 10th January, 1967**





Over the past three decades, the State which came into existence on 18th July, 1936, has performed a gigantic task of reconstruction in every order of national life. Fundamental legislation has kept pace with the major necessities of the country, achieving, thanks to its gradual promulgation, the firm establishment of institutions, while at the same time preserving them from confusing rectifications, which would have been the inevitable consequence of premature decisions.

The laws so far promulgated cover the greater part of the questions dictated by an institutional system of administration. The Law on the Principles of the Movement provide the directives governing Spanish policy and serve as a permanent guide and an unalterable code for all legislative and governmental action. The *Fuero de los Españoles* (Statute Law of the Spanish People) and the Labour Law define the duties and rights of Spaniards and protect the exercise of such duties and rights. The Law of Referendum submits to the consideration and direct decision of the people, the draft laws which circumstances or public interest demand. The Law of the Cortes establishes the composition and prerogatives of the highest organ for the participation of the Spanish people in the affairs of the State. And the Law of Succession contains the declaration that Spain is a political unit, constituted as a Kingdom, and creates the Council of the Realm, which

must assist the Head of State in all matters and resolutions coming under his exclusive competence.

Nevertheless, the juridical vitality and the political vigour of the Regime, its ability to cope with present problems and the prospects offered by the extended period of its existence, permit and advocate the expansion and improvement of a fundamental legislation. The time has come to close the chapter on the institutionalization of the national State; to delimit the ordinary attributes of the supreme magistrature of the State upon the fulfilment of the provisions of the Law of Succession; to determine the composition of the Government, the procedure for the nomination and retirement of its members, its responsibility and what it regards as improper; to establish the organization and functions of the National Council; to give a fundamental character to the structure of the Judicature, the Armed Forces and Public Administration; to regulate the relations between the Headship of State, the Cortes, the Government and the Council of the Realm; to determine the manner of designation, the term of office and the retirement of the Speaker of the Cortes and the Presiding Officers of the highest Tribunals and consultative bodies; and to open a juridical channel for the impugment of any legislative or governmental act that may be detrimental to the system of Fundamental Laws.

These are the ends of the present Law, which will perfect and place the institutions of the Regime in a harmonious system, and ensure in an effective manner for the future the fidelity of the highest organs of the State to the Principles of the National Movement.

IN VIRTUE WHEREOF, and in the exercise of the legislative faculty conferred on me by the Laws of 30th January, 1938, and 8th August, 1939, pursuant to the agreement of the Spanish Cortes adopted in plenary session of 22nd November, 1966, and with the legal and direct expression of the Spanish people, manifested by the approval of

85.50 per cent of the electorate, which represent 95.86 per cent of voters, in the national Referendum held on 14th December, 1966, I RESOLVE:

## TITLE I

### THE NATIONAL STATE

#### **Article One**

- I. The Spanish State, constituted as a kingdom, is the supreme institution of the national community<sup>77</sup>.
- II. The State is responsible for the exercise of sovereignty through the agencies that implement its functions.

#### **Article Two**

- I. National sovereignty is one and indivisible, and is not subject to delegation or cession.
- II. The institutional system of the Spanish State is based on the principles of unity of power and co-ordination of functions.

#### **Article Three**

The fundamental ends of the State are: the defence of unity, among the peoples and domains of Spain; the maintenance of the integrity, independence and security of the Nation; the safeguarding of the spiritual and material patrimony of the Spanish people; the protection of the rights of the individual, of the family and of society; and

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<sup>77</sup> The character of the kingdom is defined in the Law of Succession in the Headship of State, of 26th July, 1947 (Article 1).

the promotion of a just social order in which all private interests are subordinated to the common good. These ends are inspired by, and are absolutely faithful to, the Principles of the National Movement, promulgated by the fundamental Law of 17th May, 1958, which are, by reason of their very nature, permanent and unalterable.

#### **Article Four**

The National Movement, the communion of the Spanish people in the Principles cited in the preceding Article, informs the political system, open to all Spaniards, and, for the better service of the country, promotes political life on the basis of an orderly concurrence of criteria.

#### **Article Five**

The national flag is composed of three horizontal stripes — red, yellow and red — the yellow stripe being double the width of the red.

### TITLE II

#### THE HEAD OF STATE

#### **Article Six**

The Head of State is the supreme representative of the Nation; personifies national sovereignty; exercises supreme political and administrative power; is vested with the National Leadership of the Movement and ensures the strictest observance of its Principles and other Fundamental Laws of the Kingdom, as well as the continuity of the State and of the National Movement; guarantees and ensures the regular functioning of the high organs of the State and the proper co-ordination between such organs;

sanctions and promulgates laws and provides for their execution; exercises the supreme command of the Army, Navy and Air Force; safeguards the maintenance of public order at home and the security of the State abroad; lends his name to the administration of justice; exercises the prerogative of pardon; confers, in accordance with the law, appointments, public office and honours; accredits and receives diplomatic representatives; and performs whatever acts are required of him by the Fundamental Laws of the Kingdom.

### **Article Seven**

The Head of State is particularly required to:

- a) convoke the Cortes in accordance with the law, as also to preside at the opening session of each legislative term and, with the agreement of the Government, to deliver the inaugural address and other messages;
- b) prorogue for the necessary period, at the instance of the Cortes or of the Government and with the agreement of the Council of the Realm, a legislative term when some grave cause may impede the normal replacement of the Deputies;
- c) submit to national referendum the Bills referred to in paragraph two of Article ten of the Law of Succession and Article one of the Law of Referendum<sup>78</sup>;

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<sup>78</sup> Paragraph one of Article 10 of the Law of Succession in the Headship of State, of 26th July, 1947, enumerates the Fundamental Laws, and paragraph two stipulates that "in order to derogate or amend them, a national referendum, besides the agreement of the Cortes, shall be necessary".

To this list must be added the Law of 17th May, 1958, which promulgates the Principles of the National Movement, Article 30 of which states: "All laws and dispositions of whatever nature that injure or defame the Principles proclaimed in the present Fundamental Law of the Realm shall be null and void".

- d) appoint and relieve of their functions the President of the Government, the Speaker of the Cortes and other holders of high office, in the manner prescribed by law <sup>79</sup>;
- e) convoke and preside over the Council of Ministers and the National Defence Junta when he attends their meetings <sup>80</sup>.
- f) preside, should he think it advisable, over the debates of the Council of the Realm and of the National Council, provided that those of the former do not refer to his person or to the heirs to the Crown. In no case will voting take place in the presence of the Head of State;
- g) seek the advice and guidance of the Council of the Realm;
- h) request reports of the National Council.

### **Article Eight**

- I. The person of the Head of State is inviolable. All Spaniards shall owe him respect and obeisance.
- II. All resolutions made by the Head of State in the exercise of his authority must be approved, according to the circumstances, by the President of the Government or the Minister concerned, by the Speaker of the Cortes or by the President of the Council of the Realm, any disposition that does not comply with this formality being invalid <sup>81</sup>.
- III. The persons approving the acts of the Head of State shall be responsible therefor.

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<sup>79</sup> See Article 14-1 and additional disposition III of this Law (Article 7 of the Law of the Cortes).

<sup>80</sup> See Article 13 of this Law.

<sup>81</sup> The requirement that Decrees should be signed by the Head of State and approved by the appropriate Minister, or President of the Government, in the event of their affecting various Ministries, was already covered in Article 24 of the Law of Juridical Procedure of the Administration of the State (revised text of 26th July, 1957).

## **Article Nine**

The Head of State shall require a Law or, where applicable, the agreement or authorization of the Cortes, in the following cases:

- a) to ratify international treaties or agreements which affect the full sovereignty or the integrity of Spanish territory;
- b) to declare war and agree to peace;
- c) to put into effect the acts referred to in Article Twelve of the Law of Succession and those that may be defined in other precepts of the Fundamental Laws of the Realm <sup>82</sup>.

## **Article Ten**

The Head of State shall be assisted by the Council of the Realm:

- a) to propose to the Cortes those acts which, according to the provisions of the preceding article, require a law, the agreement or the authorization of the Cortes;
- b) to return to the Cortes for further study a law drawn up by the Cortes;
- c) to prorogue a legislative term for grave reasons and for the required period;
- d) to take exceptional measures when external security, the independence of the Nation, the integrity of its territory or the institutional system of the Kingdom are exposed to serious and imminent threat, giving a documented account to the Cortes;
- e) to submit to national referendum Bills (draft laws) of

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<sup>82</sup> Article 12 of the Law of Succession establishes that "all cession of rights before mounting the throne, abdications when the successor has been designated, renunciations in any case and royal marriages, as well as marriages of immediate successors, shall be made known by the Council of the Realm and approved by the Cortes of the Nation".

major importance when such a referendum is not mandatory;

f) to take the other decisions for which a Fundamental Law may establish this requisite.

### **Article Eleven**

During the absence of the Head of State from the national territory, or in case of ill health, his functions shall be assumed by the heir to the Crown, should there be one and should he be over thirty years of age, or in default thereof, by the Regency Council. In any case, the President of the Government shall give an account to the Cortes.

### **Article Twelve**

The guardianship of the royal persons not of age included in the succession, or of the incapacitated King shall be approved by the Cortes at the proposal of the Council of the Realm. The designation must devolve upon a person of Spanish nationality professing the Catholic religion, and is incompatible with the exercise of the Regency, the Presidency of the Government or the Presidency of the Cortes.

## TITLE III

### THE GOVERNMENT OF THE NATION

#### **Article Thirteen**

I. The Head of State directs the government of the Kingdom through the Council of Ministers<sup>83</sup>.

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<sup>83</sup> The prerogatives of the Head of State are specified in Article 7 of this Law and, specifically in respect of the Government, in subparagraphs d) and e).



II. The Council of Ministers, composed of the President of the Government, the Vice-President or Vice-Presidents, should they exist, and the Ministers, is the organ that determines national policy, ensures the application of the laws, exercises its power to make regulations and constantly assists the Head of State in political and administrative matters <sup>84</sup>.

III. The decisions of the Government shall always have the approval of the President of the Government or of the Minister concerned.

#### **Article Fourteen**

I. The President of the Government must be a Spaniard and shall be appointed by the Head of State from among three candidates proposed by the Council of the Realm <sup>85</sup>.

II. His term of office shall be for five years. Fifteen days prior to the expiry of this term, the Council of the Realm shall submit the proposal mentioned in the preceding paragraph.

III. The office of President of the Government shall carry the restrictions and incompatibilities prescribed by law.

IV. It is incumbent on the President of the Government to represent the Government of the Nation, to direct general policy and to ensure the co-ordination of all the organs of government and administration.

V. The President of the Government, in the name of the

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<sup>84</sup> The composition and competence of the Council of Ministers are specified in Titles I and II, chapter of revised text of Law of Juridical Procedure of the Administration of the State, of 26th July, 1957.

<sup>85</sup> The office of President of the Government as an agent of the Administration of the State was established in Law of 26th July, 1957. His faculties, as well as those of the Ministers, are specified in Chapter II of Title II of said Law. The change in the new Law refers to a reform in the nomination, the duration of the term of office, and termination of same.

**Head of State, exercises the National Leadership of the Movement, assisted by the National Council and the Secretary-General**<sup>86</sup>.

### **Article Fifteen**

The President of the Government shall retire from office:

- a) upon expiry of his term of office;
- b) at his own request, once his resignation has been accepted by the Head of State, having been made known to the Council of the Realm.
- c) upon the decision of the Head of State, in agreement with the Council of the Realm.
- d) upon the proposal of the Council of the Realm, because of incapacity recognized by two-thirds of its members.

### **Article Sixteen**

I. In the event of the death of the President of the Government, or in the event of any of the possibilities under sub-paragraphs *b)*, *c)* and *d)* of the preceding article, his functions shall be assumed by the Vice-President or Vice-Presidents, in the order established, or, should there be no Vice-President, by the Minister appointed by the Head of State.

II. Within a period of ten days, a new President shall be nominated in the manner established in Article fourteen.

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<sup>86</sup> The National Leadership of the Movement is vested for life in the person of Francisco Franco, Caudillo of Spain, according to Transitory Disposition One, III, of this Law.

For the National Council and the Secretary-General, see Title IV of this Law.

### **Article Seventeen**

I. The other members of the Government shall be Spaniards and their nomination and retirement from office shall be effected by the Head of State at the proposal of the President of the Government.

II. Their posts shall carry the restrictions and incompatibilities prescribed by law.

### **Article Eighteen**

The members of the Government shall retire from office:

- a) on the retirement of the President of the Government;
- b) at the instance of the President of the Government, with the approval of the Head of State;
- c) at their own request, when their resignation has been accepted by the Head of State, at the proposal of the President of the Government.

### **Article Nineteen**

Before taking office, the President and the other members of the Government, shall swear an oath of allegiance to the Head of State, in his presence, to the Principles of the National Movement and other Fundamental Laws of the Kingdom, and shall undertake to keep their deliberations secret <sup>87</sup>.

### **Article Twenty**

I. The President and other members of the Government are jointly responsible for the decisions taken by the

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<sup>87</sup> Decree 2.148, of 10th August, 1963, determines the formula of the oath upon taking public office. Before taking office, the Ministers shall swear allegiance to the Head of State and to the National Regime (Article 16 of Law of 30th January, 1938).

Council of Ministers. Each of them shall be accountable for the acts executed by him or authorized by him in his Department.

II. The penal liability of the President and of the other members of the Government, and the civil liability for acts related to the exercise of their functions, shall be subject to the Supreme Court of Justice, in plenary session<sup>88</sup>.

## TITLE IV

### THE NATIONAL COUNCIL

#### **Article Twenty-one**

As the collegiate representative of the Movement, the National Council has the following functions<sup>89</sup>:

- a) to strengthen the bonds of unity among the people and domains of Spain;
- b) to defend the integrity of the Principles of the National Movement and to ensure that the transformation and development of the economic, social and cultural structure are adapted to the demands of social justice;
- c) to safeguard the development and exercise of the rights and liberties recognized by the fundamental laws and to stimulate the real and efficacious participation of the natural entities and of public opinion in political affairs;
- d) to contribute to the training of Spanish youth in

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<sup>88</sup> The liability of the State, of its authorities and of its functionaries is regulated in Title IV of the Law of 26th July, 1957, already cited in previous notes.

<sup>89</sup> The National Council of the Movement was established by Decree of 19th April, 1937 and regulated by Decrees of 31st July, 1939 and 23rd November, 1947. Its specific Regulation is dated 20th December, 1942.

allegiance to the Principles of the National Movement and to bring new generations into the collective enterprise;  
e) to channel, within the Principles of the Movement, a contrast of opinion on political action;  
f) to safeguard the permanence and standards of the National Movement itself.

### **Article Twenty-two**

The National Council shall be composed of the following Members <sup>90</sup>:

- a) one Member elected for each province, in the manner established by the appropriate organic Law;
- b) forty Members appointed by the *Caudillo* from among persons who have rendered services of proven worth; upon the fulfilment of succession provisions, these forty Members shall be made permanent until the age of seventy-five, and such vacancies as may arise subsequently shall be filled by election from among three candidates proposed by this group of Members to the Plenary Session of the Council <sup>91</sup>;
- c) twelve Members representing the basic structures of the national community:
  - four elected from among their members by the Deputies of the *Cortes* representing the family;
  - four elected from among their members by the Deputies of the *Cortes* representing the local Corporations;
  - four elected from among their members by the

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<sup>90</sup> The composition of the National Council prior to the new Organic Law of the State was determined by Decree of 3rd March, 1965 and by Decree of 22nd April, 1964.

<sup>91</sup> The system established allows for the maintenance of a future spirit of homogeneity through this group of Members, whose vacancies are filled by candidates proposed by the Members themselves.

Deputies of the Cortes representing the Trade Union Organization;

d) six Members appointed by the President of the Council from among persons rendering services relevant to the functions, enumerated in the preceding article;

e) the Secretary-General, who shall exercise the functions of Vice-President.

### **Article Twenty-three**

In order to carry out the functions outlined in Article Twenty-one, the National Council shall have the following duties:

a) promoting the adjustment of the laws and general dispositions to the Principles of the National Movement and other Fundamental Laws of the Kingdom, exercising for this purpose the appeal of *contrafuero* (infringement of charter) prescribed under Title X of this Law<sup>92</sup>;

b) recommending to the Government whatever measures it may consider appropriate for the greater effectiveness of the Principles of the Movement and other Fundamental Laws of the Kingdom and, at all events, being apprised of and investigating, before submission to the Cortes, any Bill or amendment to a Fundamental Law;

c) bringing to the notice of the Government such reports or memoranda it may consider convenient, and executing the assignments entrusted to it by the Government, having the power, in such cases, to examine the antecedents it may consider necessary.

### **Article Twenty-four**

The National Council shall function in plenary session and through a Standing Committee, in accordance with the requirements of its organic Law.

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<sup>92</sup> The appeal of *contrafuero* is regulated in Title X of this Law.

### **Article Twenty-five**

The President of the Government, in his capacity as National Leader of the Movement by delegation of the Head of State, shall exercise the Presidency of the National Council and of its Standing Committee, with the assistance of the Secretary-General, to whom he may delegate such functions as he sees fit<sup>93</sup>.

### **Article Twenty-six**

The Secretary-General shall be appointed by the Head of State, at the proposal of the President of the Government. The office of Secretary-General shall carry the restrictions and incompatibilities prescribed by law.

### **Article Twenty-seven**

- I. The President of the National Council shall retire from office when he ceases to be President of the Government.
- II. The Secretary-General shall retire from office:
  - a) upon the retirement of the President of the Government;
  - b) at the instance of the President of the Government, with the approval of the Head of State;
  - c) at his own request, when his resignation has been accepted by the Head of State at the proposal of the President of the Government.

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<sup>93</sup> Transitory Disposition One, Number 111, of this Law rules that the National Leadership of the Movement devolves upon the **Caudillo** for life; it shall only pass to the President of the Government when delegated by the Head of State, the dispositions of the succession having been fulfilled.

III. The Members of the National Council shall retire from office:

a) at the end of their term of office for groups a) and c); upon reaching the age of seventy-five for group b); and at the decision of the President of the Council for group d);

b) at their own request, when their resignation has been accepted by the Head of State at the proposal of the President of the Council;

c) because of incapacity recognized by the Council;

d) for such other reasons as may cause their retirement as Deputies of the Cortes.

#### **Article Twenty-eight**

An organic Law shall establish the norms governing the National Council.

### TITLE V

#### *THE JUDICIARY*

#### **Article Twenty-nine**

*The Judiciary shall enjoy complete independence. Justice shall be administered in the name of the Head of State, in accordance with the law, by Judges and Magistrates who shall be independent, immovable and responsible, as prescribed by law* <sup>94</sup>.

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<sup>94</sup> A reiteration of Fundamental Principle IX of those sanctioned by Law of 17th May, 1958: "Every Spaniard has the right to impartial adjudication...".

Article 1 of the Organic Law of Judicial Power stipulated that: "Justice shall be administered in the name of the King".

The quality of immovability seems to have been sanctioned in Article 9



### **Article Thirty**

Every Spaniard shall have free access to the Courts of Justice. Adjudication shall be free for those lacking economic means<sup>95</sup>.

### **Article Thirty-one**

The jurisdictional function, judgment and the execution of judgment, in civil, penal, litigious-administrative, labour and other cases established by law, fall within the exclusive competence of the Courts of Justice and Tribunals determined in the Organic Law of the Judiciary, according to their various terms of reference<sup>96</sup>.

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of the Organic Law of Judicial Power: "The Government may not dismiss, transfer from office or pension off Judges and Magistrates, except in the cases and in the manner set forth in the Constitution of the Monarchy and the Laws".

<sup>95</sup> Legal aid for those lacking economic means is laid down in Fundamental Principle IX of those sanctioned by Law of 17th May, 1958.

<sup>96</sup> Similarly, Article 2 of the Organic Law of Judicial Power, of 15th September, 1870, establishes that: "The power of applying the Laws in civil and criminal cases, judgment and the execution of judgment, fall within the exclusive province of the Judges and Tribunals".

As regards administrative cases, Article 1 of the Law regulating Litigious-Administrative Jurisdiction, of 27th December, 1956, states: Litigious-administrative jurisdiction shall cover claims arising in respect of acts of Public Administration subject to administrative law and with dispositions of a status inferior to that of Law".

In labour matters, Article 1 of the text of Article 11 of Law 193/1963, of 28th December, on Bases of Social Security, establishes: "The Jurisdiction of Labour is the only one competent to try, resolve and execute its decisions in individual conflicts in the social sphere of the Law".

### **Article Thirty-two**

- I. Military jurisdiction shall be governed by the laws and dispositions that regulate it exclusively<sup>97</sup>.
- II. Ecclesiastical jurisdiction shall be in accordance with the provisions of the Concordat with the Holy See<sup>98</sup>.

### **Article Thirty-three**

The superintendence of the Judiciary is incumbent on the President of the Supreme Court, who shall be appointed from among Spanish jurists of recognized prestige<sup>99</sup>.

### **Article Thirty-four**

Judges and Magistrates may not be dismissed, suspended, transferred or pensioned off except for the causes and with the guarantees prescribed by law.

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<sup>97</sup> Code of Military Justice, approved by Law of 17th July, 1945.

<sup>98</sup> The present Concordat, of 27th August, 1953, sanctions in Article 1953, among other jurisdictional norms: "The State recognizes and respects the exclusive competence of the Tribunals of the Church for those offences that only violate ecclesiastical Law".

<sup>99</sup> Article 2 of Law of 20th December, 1952, on the Superintendence of Tribunals, stipulates: "The services of the Central Office of Superintendence of Tribunals, shall be performed under the authority and direction of the President of the Supreme Court, who is responsible for the superintendence and surveillance of the administration of justice in all the Tribunals and Courts of the Nation under ordinary jurisdiction". This precept reiterates the provisions of Article 11 of the Law of 17th July, 1945. As for the nomination of the President of the Supreme Court, Article 6 of the Law of 17th July, 1945, establishes that "he shall be nominated by Decree approved by the Council of Ministers, at the proposal of the Council of Justice, from among those jurists who in the performance of their duty in the Magistrature or in the Attorney-General's Office, or as Lawyers or University Professors, enjoy the highest prestige with accredited competence".

## **Article Thirty-five**

I. The Office of the Attorney-General, the organ of communication between the Government and the Courts, has the mission of promoting the action of the Judiciary in defence of the public interests protected by law, and to procure before the Courts and Tribunals the maintenance of juridical order and the satisfaction of social interest<sup>100</sup>

II. The functions entrusted to the Office of the Attorney-General shall be exercised through its organs, in keeping with the principles of unity and hierarchical dependence.

## **Article Thirty-six**

Public, as well as private, authorities and organs, are obliged to give the Courts and Tribunals the help necessary for the exercise of the jurisdictional function<sup>101</sup>.

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<sup>100</sup> A repetition in substance of the norm sanctioned in Article 763 of the Organic Law of Judicial Power: "The Office of the Attorney-General shall promote the action of justice when it concerns public interest and it shall have the representation of the Government in its relations with the Judicial Power".

Couched in similar terms is the precept contained in Article 1 of the Statute of the Office of the Attorney-General, approved by Royal Decree of 21st June, 1926.

<sup>101</sup> The public servant who, having been requested by the competent authority, fails to offer due co-operation for the administration of justice incurs the penalties outlined in Article 371 of the Penal Code.

Article 570, sub-paragraph 7, of said Code typifies as an offence against public order the failure to give the authorities the help requested in the case of an offence.

## TITLE VI

### THE ARMED FORCES

#### **Article Thirty-seven**

The Armed Forces of the Nation, consisting of the Army, the Navy and Air Force, and the Forces of Public Order, guarantee the unity and independence of the country, the integrity of her territory, national security and the defence of the institutional system <sup>102</sup>.

#### **Article Thirty-eight**

A National Defence Junta, composed of the President of the Government, the Ministers of the Military Departments, the Chief of the Supreme Staff and the Chiefs-of-Staff of the Army, the Navy and the Air Force, shall propose to the Government the general lines to be taken in respect of security and national defence. This National Defence

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<sup>102</sup> The Armed Forces of the Nation constitute a single Army, defined in Article 2 of its constitutive Law of 29th November, 1878, as an institution whose function is "to maintain the independence of the country and defend her from her enemies at home and abroad". Article 1 of Law of 19th July, 1889, stipulates that: "The Army is a national institution governed by special laws and dispositions, whose prime purpose is to maintain the independence and integrity of the country and the power of the Constitution and the laws".

According to Article 4 of the Law of Public Order, of 30th July, 1959: "For the conservation and restoration of public order, the Home Office exercises the supreme command of the Security Forces of the State, composed of the General Police Corps, the Armed and Traffic Police, the Civil Guard Corps and all other units of security and vigilance or militia of a national, regional, provincial or municipal character, and auxiliary forces. In case of need, it may solicit, through the appropriate channels, the co-operation of military units...".

Junta may include such Ministers or high-ranking officials, whose presence may be advisable because of the nature of the problems under consideration <sup>103</sup>.

### **Article Thirty-nine**

A Supreme Staff, dependent on the President of the Government, shall be the technical organ of National Defence, with the mission of co-ordinating the action of the Staffs of the three branches of the Armed Forces.

## TITLE VII

### *THE ADMINISTRATION OF THE STATE*

### **Article Forty**

I. The Administration, consisting of hierarchically arranged organs, assumes the implementation of the ends of the State for the prompt and efficacious satisfaction of the general interest <sup>104</sup>.

II. The higher organs of the Administration, their respective competence and the bases for the duties of their functionaries shall be determined by law <sup>105</sup>.

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<sup>103</sup> The Junta was created by Art. 5 of Law of 8th August, 1939.

<sup>104</sup> This declaration appears in Article 1 of the LRJA (Law on Juridical Procedure of the Administration of the State, revised text of 26th July, 1957).

<sup>105</sup> According to Article 2, 1, of the LRJA (Law on Juridical Procedure of the Administration of the State), they are: the Head of State, the Council of Ministers, the Delegated Commissions, the President of the Government and the Ministers.

Their competence and duties are regulated by the LRJA itself, Title II, Chapter 1, covering the Council of Ministers and the Delegated Com-

III. The Administration shall be advised by the consultative organs established by law <sup>106</sup>.

IV. The Council of State is the supreme consultative body of the Administration, and its competence and functions shall be determined by law <sup>107</sup>.

V. The National Economic Council is the consultative, advisory and technical organ in matters of importance that affect the national economy <sup>108</sup>.

### **Article Forty-one**

I. The Administration may not issue dispositions contrary to the laws, nor regulate, save by the express authorization of a law, those matters which come under the exclusive competence of the Cortes.

II. Any administrative dispositions infringing the rules set forth in the preceding paragraph shall be null and void <sup>109</sup>.

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mission of the Government; Title II, Chapter II, covering those of the President of the Government and the Ministers. Title II of the present Organic Law outlines the duties and prerogatives of the Head of State. Similarly, Article 13 lists those of the President of the Government. The Law of 20th July, 1963 approved the bases for such duties, Decree 315/1964 of 7th February having been issued for their application. According to sub-paragraph j), Article 10 of the Law of the Cortes, they fall under the competence of the Plenary Session.

<sup>106</sup> On juridical matters, advice to the Central Administration is given by the Advisory Section of the Litigation Department. The Provincial Advisory Service is rendered by the State Counsel (Organic Regulation, revised text of 25th April, 1958). Each Department has a Council to deal with special cases.

<sup>107</sup> Its Organic Law is dated 25th November, 1944, and its Regulation, 13th April, 1945.

<sup>108</sup> It was created by Law of 4th June, 1940, which specifies its functions.

<sup>109</sup> A reproduction of Article 28 of the LRJA of the State.

## **Article Forty-two**

I. The resolutions and agreements passed by the Administration shall be done in accordance with the norms regulating administrative procedure <sup>110</sup>.

II. Against the acts and resolutions that finalize administrative procedure, those actions and appeals may be brought before the competent authority as the law allows <sup>111</sup>.

III. The responsibility of the Administration, its authorities, functionaries and agents may be demanded for the reasons and in the manner determined by law <sup>112</sup>.

## **Article Forty-three**

All public authorities and functionaries owe allegiance to the Principles of the National Movement and other Fundamental Laws of the Kingdom and shall take, prior to assuming office, the appropriate oath <sup>113</sup>.

<sup>110</sup> Reproduces article 31 of the LRJA of the State. The norms governing Administrative procedure are expressed in the Law of 17th July, 1958, revised by Law 164/1963, of 2nd December.

<sup>111</sup> According to Article 36 of the LRJA of the State, the resolutions of the following organs and authorities finalize administrative procedure: 1. The Council of Ministers and the Delegated Commissions of the Government, in all cases. 2. The Ministers, save when an appeal is in process or when a special Law grants an appeal before another of the organs listed in Article 2 of this Law. 3. The lower authorities in cases resolved by a Ministerial delegation or other organ whose resolutions may terminate administrative procedure. 4. The Under-Secretaries and General Directors on questions of personnel. 5. Any authority established by a legal or regulative disposition.

<sup>112</sup> This question is regulated by Title IV of the LRJA of the State, which introduces the concept of the "objective fault", as it concedes the right of indemnity for "the damage suffered by private individuals to their property or rights", as a consequence of the normal or abnormal functioning of the Public Services.

<sup>113</sup> It is the first duty that Article 76 of the Civil Service Law imposes on public servants.

Law 6/1961, of 19 April, imposes this obligation. Besides, the appointment

## **Article Forty-four**

The Court of Exchequer of the Kingdom is responsible, with complete independence, for the auditing and verification of the accounts relevant to action taken in the exercise of Budgetary and Fiscal Laws, as well as the accounts of all official organs receiving aid or subsidies out of the General Budget of the State and of its autonomous bodies, and for the execution of the other functions stipulated in its organic Law <sup>114</sup>.

## TITLE VII

### LOCAL ADMINISTRATION

## **Article Forty-five**

I. The Municipalities are natural entities and constitute the basic structures of the national community, being grouped territorially in provinces <sup>115</sup>.

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of career civil servants has as a requisite, according to Article 36 of the Civil Service Law (complete text): "...c) The swearing of allegiance to the Fundamental Principles of the National Movement and other Fundamental Laws of the Kingdom".

<sup>114</sup> The Administrative and Accounting Law, of 1st July, 1911, defines in Article 33 (according to the text approved by the Law of 18th December, 1950) the General Budget of the State as "the ciphered expression of the obligations which the Treasury must meet as the maximum in a year, in respect of the services that must be maintained therein, and the estimate of the resources or means that are considered realizable to cover such services". They shall be drawn up at six-monthly intervals to cover two yearly periods... "and shall be drawn up and presented to the Cortes before 1st July of the applicable year..." (Art. 34).

<sup>115</sup> This precept corresponds to Article 1 of the Law of Local Administration, of 24th June, 1955.



II. The Province is a district determined by the grouping of Municipalities, besides being a territorial division of the State Administration. Territorial divisions distinct from the Province may also be established <sup>116</sup>

### **Article Forty-six**

I. The Municipalities and the Provinces have a juridical status and are fully capable of carrying out their particular functions as established by law, without prejudice to their co-operative functions in the service of the State <sup>117</sup>.

II. The municipal and provincial Corporations, the representative and administrative organs of the Municipality and the Province, respectively, shall be elected by vote through the representative channels specified in Article ten of the *Fuero de los Españoles* <sup>118</sup>.

### **Article Forty-seven**

The State promotes the development of municipal and provincial life, protects and favours the patrimony of the local Corporations and ensures the economic means necessary for the fulfilment of their ends.

### **Article Forty-eight**

The system of local Administration and of its Corporations, in accordance with the provisions of the preceding articles

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<sup>116</sup> This corresponds to Article 2 of the Law of Local Administration, although it admits the possibility of creating infra-provincial or supra-provincial territorial divisions.

<sup>117</sup> These provisions are regulated by the Law of Local Administration.

<sup>118</sup> Regulated by the Regulation on the Organization, Functioning and Juridical System of the Local Corporations, of 17th May, 1952.

and the guarantees demanded by the common good in this respect, shall be determined by law.

## TITLE IX

### RELATIONS BETWEEN THE SUPREME ORGANS OF THE STATE

#### **Article Forty-nine**

The Spanish Cortes shall be immediately informed of the appointment of a new Government and of the replacement of any of its members <sup>119</sup>.

#### **Article Fifty**

Apart from its participation in legislative affairs, the Cortes has the following duties in relation to the Head of State:

a) receiving from the Head of State and from the heir to the Crown, upon the latter's reaching the age of thirty, an oath of allegiance to the Principles of the Movement and other Fundamental Laws of the Kingdom <sup>120</sup>.

b) resolving, in accordance with the Law of Succession, all questions that may arise in respect of the succession in the Headship of State <sup>121</sup>.

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<sup>119</sup> This was introduced by the present Law, no provision having formerly been made in this respect.

<sup>120</sup> The oath of allegiance to the Principles of the Movement and other Fundamental Laws of the Kingdom was imposed by Article 9 of the Law of Succession in the Headship of the State, as a necessary requisite for the exercise of such Headship. The new Law introduces the requirement that the heir to the throne must take an oath upon reaching the age of thirty.

<sup>121</sup> See Articles 6, 7 and 8 of the Law of Succession.

c) authorizing the Head of State to carry out those acts which, by Fundamental Law, require the intervention of the *Cortes* <sup>122</sup>.

d) executing the other functions entrusted to them by the Fundamental Laws.

### **Article Fifty-one**

The Government may submit to the sanction of the Head of State dispositions with the force of law, with the express authorization of the *Cortes* <sup>123</sup>.

### **Article Fifty-two**

Except in the case covered by the preceding article and those appearing in sub-paragraph *d*) of Article Ten of this Law, and in Article 13 of the Law of the *Cortes*, the Government may not issue dispositions which, according to Articles Ten and Twelve of the Law of the *Cortes*, must take the form of laws <sup>124</sup>.

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<sup>122</sup> See Article 9 of the Organic Law.

<sup>123</sup> This question was already regulated in Article 10, sub-paragraph 4, of the Law on Juridical Procedure of the Administration of the State, which required, over and above the express authorization of the *Cortes*, the prior approval of the Council of State in plenary session.

<sup>124</sup> Article 10 of the Law of the *Cortes* invests the *Cortes* with the competence to examine in full the acts or laws related to the major questions of the State, such as budgets, general economic management, the bases of Penal and Civil law, etc. Article 12 of the same Law attributes to the Commissions of the *Cortes* all the dispositions not included in Article 10, which must take the form of laws, either because they shall be so established in the future, or because they shall be so styled by a commission, created for the purpose by this article.

The Government may not issue dispositions on these matters except in the following cases:

a) when they have the express authorization of the *Cortes* (Art. 51 of

### **Article Fifty-three**

The President of the Government and the Ministers shall inform the *Cortes* of the activities of the Government and of its respective Departments and, if necessary, must answer all requests, questions and summonses made according to regulations <sup>125</sup>.

### **Article Fifty-four**

I. The Government is responsible for drawing up the draft Law (Bill) on the General Budget of the State, and the *Cortes* must approve, amend or reject it. If the Budget Law is not approved before the first day of the following fiscal year, the budget of the previous year shall be considered to be automatically prorogued until the new budget is approved <sup>126</sup>.

II. Once the General Budget of the State has been approved, only the Government may present Bills requiring an increase in public expenditure or a decrease in revenue, and any proposed law, or amendments to a Bill or proposed law involving an increase in expenditure or a decrease in revenue, shall require the approval of the

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the Organic Law and Art. 10, 4, of the Law of Juridical Procedure);  
b) when external security, the independence of the nation, the integrity of its territory or the institutional system of the Kingdom are in grave and imminent danger (Art. 10, d), of the Organic Law);  
c) in case of war or emergency, through a Decree-Law (Art. 13 of the Law of the *Cortes* and Art. 10, sub-para 3, of the Law of Juridical Procedure).

<sup>125</sup> The summonses, requests and questions are regulated in Articles 71 foll. of the Regulations of the Spanish *Cortes*, approved by Law of 26th December, 1957.

<sup>126</sup> This text is in accordance with Article 60 of the Regulations of the *Cortes*.

Government before they are put through the normal channels <sup>127</sup>.

III. The Government shall submit to the Cortes, for their approval, the General Accounts of the State, once they have been audited and verified by the Court of Exchequer of the Kingdom.

#### **Article Fifty-five**

The Court of Exchequer of the Kingdom, in the exercise of its function as Controller, must give the Government and the Cortes, in the form of memoranda and reports, its opinion on the manner in which the Budget Laws and other fiscal laws have been executed, in accordance with the provisions of the Law in this respect, and on those cases which, by virtue of their exceptional importance, it may consider it necessary to exercise this faculty <sup>128</sup>.

#### **Article Fifty-six**

Only the Head of State may seek the advice of the Council of the Realm <sup>129</sup>.

#### **Article Fifty-seven**

It is the duty of the Head of State to settle, in accordance with the laws, any questions of competence between the Administration and the Judges of ordinary and special Courts, and those arising between the Court of Exchequer

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<sup>127</sup> In accordance with Art. 59 of the Regulations of the Cortes.

<sup>128</sup> See Article 44 of the present Law.

<sup>129</sup> This precept was formerly stated in Article 17 of the Regulations of the Council of the Realm, approved by Decree of 30th December, 1948.

and the Administration, or between the Court of Exchequer and the other ordinary and special Courts of justice <sup>130</sup>.

### **Article Fifty-eight**

1. The Presidents of the Supreme Court of Justice, the Council of State, the Court of Exchequer of the Kingdom, and the National Economic Council shall be appointed by the Head of State from among three candidates proposed by the Council of the Realm <sup>131</sup>.

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<sup>130</sup> The Law regulating jurisdictional conflicts is dated 17th July, 1948.

<sup>131</sup> Formerly, these appointments fell under the exclusive competence of the Head of State:

1. The President of the Supreme Court was nominated by Decree, approved by the Council of Ministers, at the proposal of the Council of Justice, from among those jurists who in the performance of their duties in the Magistrature, or in the Attorney General's Office, or as Lawyers or Professors, enjoyed the highest prestige with accredited competence (Art. 6 of Law of 17th July, 1945, which reorganized the Supreme Court).

2. The President of the Council of State was nominated, in accordance with Article 5 of the Organic Law of said Council, by the Head of State, from among persons who were or had been one of the following:

1. President of the Cortes.
2. Minister.
3. President of the Council of State.
4. President of the Supreme Court.
5. Captain-General of the Army or Navy.
6. President of the Supreme Council of War and Marine, of the High Court of Military Justice.
7. High Commissioner of Spain in Morocco.
8. Permanent Counsellor of State, with five years of service as such.

3. Article 27 of the Law of the Court of Exchequer, of 3rd December, 1953, stipulated that the nomination of the President rested with the Head of State, without any more limitations.

4. Article 2 of Law of 4th June, 1940, regulating the National Economic Council, stated that the President of the Council would be nominated directly by the Head of State.

II. Their term of office shall be for six years, and their posts shall be subject to the restrictions and incompatibilities imposed by law.

III. They shall retire:

- a) upon the expiry of their term of office;
- b) at their own request, once their resignation has been accepted by the Head of State, having been considered by the Council of the Realm;
- c) at the decision of the Head of State, in agreement with the Council of the Realm;
- d) at the proposal of the Council of the Realm, for incapacity recognized by two-thirds of its Members.

## TITLE X

### THE APPEAL OF 'CONTRAFUERO'<sup>132</sup>

#### **Article Fifty-nine**

1. *Contrafuero* is any legislative act or general disposition of the Government that may attack the Principles of the

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<sup>132</sup> Under the present title is established, in keeping with traditional terminology, the appeal of *contrafuero* before the Head of State, with the same meaning as the appeal of unconstitutionality of the Laws in comparative Law.

**1. Object of appeal:**

Any legislative act or general disposition of the Government that infringes the Principles of the National Movement or the other Fundamental Laws of the Kingdom.

**2. Who may promote the appeal:**

— The National Council.

— The Standing Committee of the Cortes.

**3. Organ before which appeal may be placed:**

The Council of the Realm, presided for this purpose by the President

National Movement or the other Fundamental Laws of the Kingdom.

II. As a guarantee of the principles and norms infringed by *contrafuero*, the right of appeal before the Head of State has been established.

### **Article Sixty**

The appeal of *contrafuero* may be lodged by:

- a) the National Council, in all cases, by resolution adopted by two-thirds of its Members;
- b) the Standing Committee of the *Cortes* for Government dispositions of a general nature, by resolution adopted by a two-thirds majority.

### **Article Sixty-one**

I. The appeal of *contrafuero* must be placed before the Council of the Realm within two months of the publication in the "Boletín Oficial del Estado" (Official Gazette of the State) of the law or disposition of a general nature motivating the appeal.

II. The President of the Council of the Realm shall immediately notify the Head of State of the presentation of the appeal of *contrafuero*, and shall bring it to the attention of the Standing Committee of the *Cortes* or of the

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of the Supreme Court of Justice. This Council acts in such cases as a Court of Constitutional Guarantees.

#### **4. Aspects of Procedure.**

Although the present title covers some points of procedure, a special Law shall establish all the aspects of procedure arising out of the present appeal of *contrafuero*.

See Organic Law of the Movement and of its National Council, of 26th June, 1967.



President of the Government, as the case may be, so that, if necessary, they may appoint a representative to defend the validity of the law or disposition (of a general nature) concerned before the Council of the Realm

III. The Council of the Realm, upon deciding that the motives are well-founded, may propose to the Head of State the suspension, during the process of appeal, of the law or disposition (of a general nature) concerned or, if applicable, of the precept or precepts of such a law or disposition that may be affected by the appeal.

### **Article Sixty-two**

I. The Council of the Realm shall seek a ruling on the question posed by the appeal of *contrafuero* from a Committee of Inquiry presided by the President of a Division of the Supreme Court of Justice and composed of: one Member of the National Council, one Permanent Counselor of State, one Magistrate of the Supreme Court of Justice and one Deputy of the Cortes, appointed by the Standing Committee of the respective institutions and, in the case of the Supreme Court, by its Government Division. Said ruling shall be brought to the Council of the Realm, with details of the individual votes, if any.

II. The Council of the Realm, presided for this purpose by the President of the Supreme Court of Justice, shall propose to the Head of State the resolution taken.

### **Article Sixty-three**

Should the Standing Committee of the Cortes recognize an infringement of the Principles of the Movement, or of the other Fundamental Laws, in a Bill or proposed law on which a ruling has been given by the appropriate

Committee of the Cortes, it shall express its opinion, in detail and in writing, within eight days following the publication of the ruling in the "Boletín Oficial", to the President of the Cortes, who shall pass it on to the Committee responsible for the ruling, so that it may re-examine the Bill or proposed law in question. Meanwhile, its inclusion on the agenda of the Assembly shall be suspended or, if necessary, it shall be removed.

#### **Article Sixty-four**

The resolution that annuls, as a *contrafuero*, the legislative act or disposition (of a general nature) of the Government, the object of the appeal, shall require the immediate publication in the "Boletín Oficial del Estado" of the nullity granted, with the latitude proper to the case defined.

#### **Article Sixty-five**

I. The Head of State, before submitting to referendum a Bill or proposed law drawn up by the Cortes, shall ask the National Council to declare, within fifteen days, whether in its judgment there exists any motive that might bring about an appeal of *contrafuero*.

II. If the National Council thinks that such a motive exists, it shall proceed to act in the manner outlined in Article sixty-one. Otherwise, or in the case of an appeal being rejected, the law may be submitted to referendum, and after its promulgation, it may not be the object of an appeal of *contrafuero*.

#### **Article Sixty-six**

A special Law shall establish the conditions, the form and the terms of procedure for promoting and substantiating an appeal of *contrafuero*.

## TRANSITORY DISPOSITIONS

### **First**

I. When the provisions of the Law of Succession have been fulfilled, the person called to exercise the Headship of State, as King or Regent, shall assume the functions and duties assigned to the Head of State in the present Law.

II. The attributions granted to the Head of State by the Laws of 30th January, 1938, and 8th August, 1939, as well as the prerogatives bestowed upon him by Articles Six and Thirteen of the Law of Succession, shall subsist and remain in force until the eventuality referred to in the preceding paragraph comes to pass.

III. The National Leadership of the Movement is vested for life in the person of Francisco Franco, Caudillo of Spain. Upon the fulfilment of the provisions of the succession, it shall pass to the Head of State and, by his delegation, to the President of the Government.

### **Second**

Upon the constitution of the next legislative term of the Cortes, there shall come into force the amendments introduced by the third additional disposition of the present Law ("Boletín Oficial del Estado" No. 9, of 11th January, 1967), in Articles two, six and paragraph 5 of Article seven of the Law of the Cortes, and immediately thereafter the amendments made in the Council of the Realms, according to the new text of Article Four of the Law of Succession in the Headship of State established in the Fourth Additional Disposition.

### **Third**

With the exceptions made in the preceding transitory disposition, the present Law shall come into force on the day following its promulgation.

#### **Fourth**

Within a period of four months as from the promulgation of the present Law, there shall be published the revised text of the Fundamental Laws, which shall contain the amendments referred to in the additional dispositions of the present Law, after their sanction by the Council of the Realm and their debate by the Council of Ministers.

#### **Fifth**

The Government, within as brief a period as possible, shall present to the Cortes the Bills, and will issue the dispositions, leading to the execution of the present Law.

### FINAL DISPOSITIONS

#### **First**

As of the date this Law comes into force, all dispositions contrary to its precepts shall be derogated.

#### **Second**

The present Law is a Fundamental Law, as defined in Article Ten of the Law of Succession in the headship of State<sup>133</sup>.

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<sup>133</sup> The Fundamental Law are those essential principles of political organization compiled in one or several legislative volumes, which are given a higher formal status than that of ordinary laws.

According to Article 10 of the Law of Succession in the Headship of State, of 26th July, 1947, the Fundamental Laws are: the *Fuero de los Españoles* (Statute Law of the Spanish People, of 17th July, 1945), the Labour Law (of 9th March, 1938), the Constitutive Law of the Spanish Cortes (of 17th July, 1942, reformed by that of 9th March, 1946), the present Law of Succession, the Law of the National Referendum (of 22nd October, 1945) and any other which may be promulgated in the future in this category. Their derogation or amendment shall require, besides the approval of the Cortes, a National Referendum.

**v**

**CONSTITUTIVE LAW OF THE CORTES**  
**of 17th July, 1942, amended by the Organic**  
**Law of the State of 10th January, 1967**



The creation of a juridical system, the organization of the administrative activities of the State, the adjustment of the new order to an institutional system with clarity and precision, require a process of elaboration from which it is unwise to omit representatives of the constitutive elements of the national community, in order to achieve a design of the highest quality and a firm foundation in the country. The contrast of opinions — within the unity of the system — the airing of aspirations, well-grounded and constructive criticism, and the intervention of legislative technique should contribute to vitality, justice and the perfection of the positive law of the Revolution and of the new Economy of the Spanish people.

Hazards so abnormal that it would be idle to explain them have delayed the achievement of this goal. But, the phase of the National Movement when it was not feasible to attempt to put it into effect having passed, the time has come to establish an organ to accomplish this grand design. Continuing in the Headship of State the supreme power for dictating juridical norms of a general nature, in the terms of the Laws of 30th January, 1938, and 8th August, 1939, the organ created will signify, as well as being an effective instrument of collaboration in that function, a principle of self-limitation for a more systematic institution of authority.

On the lines of the National Movement, the *Cortes*, now in the process of formation, will signify the revival of a

glorious Spanish tradition, both in its designation and in its composition and attributions.

The amendments introduced by the Organic Law of the State and by its additional dispositions serve to perfect and accentuate the representative character of the political system, which is the basic principle of the public institutions. So far as the *Cortes* is concerned, they have certain fundamental aims: introducing a new group of Deputies to represent the family, elected by the Heads of Families and married women, in keeping with the principle of equal political rights for women; extending representation to other Societies, Corporations and Associations, at the same time, reducing drastically the number of Deputies therein and, in general, securing a more authentic representation and increasing to a considerable degree the proportion of elected Deputies in relation to those who hold that title by reason of office. The same method is followed in the election, by the *Cortes* in plenary session and in each legislative term, of the two Vice-Presidents and the four Secretaries.

IN VIRTUE OF WHICH, I RESOLVE:

### **Article One**

The *Cortes* are the highest organ of participation by the Spanish people in the affairs of the State. The principal function of the *Cortes* is the elaboration and approval of Laws, without prejudice to the sanction reposing in the Head of State <sup>134</sup>.

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<sup>134</sup> Some precepts of the Organic Law of the State refer to the relations of the Head of State with the *Cortes*: Art. 7, on convocation and prorogue; Art. 9 on agreement or authorization to carry out specific acts; Art. 10, stipulating that the Head of State shall be assisted by the Council of the Realm to propose to the *Cortes* the acts set forth in the preceding article, to return to the *Cortes* a law drawn up by the *Cortes*,



## Article Two <sup>135</sup>

I. The Cortes are composed of Deputies in the following categories:

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or to prorogue a legislative term for grave reasons. Similarly, it requires that the Cortes should take note of the measures adopted in the eventualities indicated in Article 10, a) and Article 11 of the Organic Law of the State. The attributions of the Cortes in relation to other high organs of the State are listed in Articles 49-53 and 55.

Art. 41 of the Organic Law of the State is a restatement of Art. 26 of the Law on Juridical Procedure of the Administration of the State, of 26th July, 1957, which prohibits the Administration from regulating, save with the express authorization of the Law, matters falling within the exclusive competence of the Cortes.

The intervention of the Cortes in the appeal of *contrafuero* is described in Arts. 59-63 of the Organic Law of the State.

The Cortes have been converted into the single legislative organ of the nation, this body having been assigned the task of "elaborating and approving the laws". Formerly, the Cortes only "prepared and elaborated" the laws.

<sup>135</sup> The representation of the Trade Union Organization in the Cortes is regulated by Decree of 24th February, 1961, amended by Decrees of 7th March and 23rd April, 1964.

On the replacement of Deputies of the Cortes representing the Municipalities, see Decrees of 18th February, 1955, and 22nd February, 1964. For information on Deputies of the Cortes representing the Provincial Deputations and Insular Districts, see Decrees of 4th March, 1955, and 21st April, 1964.

The changes made in the composition of the Cortes are substantial:

1. Municipal representation may be effected through any of their Councillors, while the former system limited it to Mayors appointed by the Government.
2. Direct family representation has been introduced, formerly non-existent, through the election of 104 Deputies (two to a province) by the heads of families and married women. See Law on Family Representation in the Cortes, of 26th June, 1967.
3. The number of Deputies freely appointed by the Head of State has been reduced from 50 to 25.
4. A declaration has been made that all Deputies have freedom of action in the service of the nation and the common good, and are not bound by any imperative mandate.

- a) Members of the Government;
- b) Members of the National Council;
- c) the President of the Supreme Court of Justice, the President of the Council of State, the President of the Supreme Council of Military Justice, the President of the Court of Exchequer of the Kingdom and the President of the National Economic Council;
- d) one hundred and fifty representatives of the Trade Union Organization;
- e) one representative of the Municipalities of each Province elected by their Town Councils from among their members, and another from each of the Municipalities of more than 300,000 inhabitants, and from the Municipalities of Ceuta and Melilla, elected by the respective Town Councils from among their members; one representative for each Provincial Deputation and the Canary Island District, elected by the respective Corporations from among their members, and the representatives of the local Corporations of territories not constituted in provinces, elected in a similar manner;
- f) two Family representatives for each Province, elected by those appearing on the electoral rolls as heads of families and married women, in the manner established by law;
- g) the Rectors of Universities;
- h) the President of the Spanish Institute and two representatives elected from among the members of the Royal Academies forming the Institute; the President of the Council for Advanced Scientific Research and two representatives of this Council elected by its members.
- i) the President of the Institute of Civil Engineers and one representative of the Associations of Engineers forming the Institute; two representatives of the Colleges of Lawyers; two representatives of the Medical Colleges; one representative of each of the following Colleges; College of Stock-Exchange Agents, College of Architects, College

of Economists, College of Pharmacists, College of Licentiates and Doctors of Science and Letters, College of Licentiates and Doctors of Chemical and Physico-Chemical Sciences, College of Notaries, College of Court Attorneys, College of Property Recorders, College of Veterinary Surgeons, and other professional Colleges of higher academic status which may be recognized for this purpose in the future and which shall be elected by the respective Official Colleges; three representatives of the Official Chambers of Commerce, one representative of the Chambers of Urban Property; one representative of the Tenant Associations, elected by their Boards or representative organs; all those elected under the provisions of this sub-paragraph must be members of the respective Colleges, Corporations or Associations electing them;

(The composition and distribution of the Deputyships covered in this sub-paragraph may be altered by law, provided the total number does not exceed thirty.)

j) those persons who by virtue of their ecclesiastical, military or administrative status, or their service to the country, may be appointed by the Head of State, after approval by the Council of the Realm, up to a number not exceeding twenty-five.

II. All the Deputies of the Cortes represent the Spanish people, must serve the nation and the common good, and must not be bound by any imperative mandate.

### **Article Three** <sup>136</sup>

To be a Deputy of the Cortes, one must be:

1. a Spaniard and must have attained one's majority;

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<sup>136</sup> The rights and duties of Deputies are outlined in Articles 5-9 of the Regulations of the Cortes, dated 26th December, 1957. See Law on Family Representation in the Cortes, of 26th June, 1967.

2. free of political incapacity and enjoy the full use of one's civil rights.

#### **Article Four**

The Deputies of the Cortes shall verify before the President of the Cortes the election, designation or office giving them the right to such an investiture. The President of the Cortes shall witness the swearing of their oath, shall give possession of and issue the corresponding titles.

#### **Article Five** <sup>137</sup>

The Deputies of the Cortes may not be arrested without the previous authorization of the President of the Cortes, except in cases of *flagrante delicto*. In such cases, the President of the Cortes shall be notified of the arrest.

#### **Article Six**

Deputies of the Cortes who hold membership by reason of their tenure of office shall cease to be Deputies upon their retirement from said office. Those appointed by the Head of State shall cease to be Deputies upon the revocation of their appointment by the Head of State. The other Deputies shall serve a term of four years, and may be re-elected; but, if during this term of four years, a Deputation, Town Council or Corporation representative should cease to be a member of the body he represents, he shall also cease to be a Deputy of the Cortes.

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<sup>137</sup> See Article 7 of Regulations of the Cortes of 26th December, 1957.

## **Article Seven** <sup>138</sup>

I. The President of the Cortes shall be appointed by the Head of State from among three Deputies of the Cortes proposed to him by the Council of the Realm within the maximum period of ten days after the vacancy occurs. His nomination shall be approved by the President of the Council of the Realm.

II. His term of office shall be for six years, during which period he shall retain his status as Deputy of the Cortes. The office of President of the Cortes shall be subject to the restrictions and incompatibilities prescribed by law.

III. The President of the Cortes shall retire from office:

- a) upon the expiry of his term of office;
- b) at his own request, once his resignation has been accepted by the Head of State, having been considered by the Council of the Realm in a session not attended by the President of the Cortes;
- c) at the decision of the Head of State, in agreement with the Council of the Realm in a session not attended by the President of the Cortes;
- d) for incapacity recognized by two-thirds of the Deputies of the Cortes, presided by the first Vice-President or the second Vice-President, after a detailed presentation of the case by the Standing Committee, presided over in a similar manner, or by the Government.

IV. When the presidency of the Cortes falls vacant, this post shall be assumed by the first Vice-President or the second Vice-President, until a new President is appointed within a period of ten days.

V. The two Vice-Presidents and the four Secretaries of

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<sup>138</sup> The convocation, constitution and functioning of the Plenary Assembly are regulated in Article 61 foll. of the Regulations of the Cortes..

the *Cortes* shall be elected, at each legislative term from among the Deputies, by the *Cortes* in plenary session.

#### **Article Eight**

The *Cortes* shall function in plenary session and in Committees. The Committees are established and nominated by the President of the *Cortes*, at the proposal of the Standing Committee and in agreement with the Government. The President, in agreement with the Government, draws up the agenda for both the plenary session and the Committees.

#### **Article Nine**

The *Cortes* shall assemble in plenary session for the examination of the laws requiring such treatment, and whenever they are convoked by the President, in agreement with the Government.

#### **Article Ten**<sup>139</sup>

The *Cortes* shall examine, in plenary session, the acts or laws dealing with the following matters:

- a) the ordinary and extraordinary budgets of the State;
- b) large-scale operations of an economic or financial nature;
- c) the establishment or reform of the tax system;
- d) banking and monetary affairs;
- e) the economic intervention of the Trade Unions and whatever legislative measures may affect the Economy of the nation to an important degree;

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<sup>139</sup> The convocation, constitution and functioning of the Plenary Session are regulated in Articles 61 foll. of the Regulations of the *Cortes*.

- f) basic law regulating the acquisition and loss of Spanish nationality and the duties and rights of the Spanish people;
- g) the politico-juridical organization of the institutions of the State;
- h) the structure of local administration;
- i) the structures of Civil, Mercantile, Social and Penal Law and litigation;
- j) the structures of judicial Organization and Public Administration;
- k) the structures of agrarian, mercantile and industrial organization;
- l) national educational schemes;
- m) any other laws that the Government, of its own accord or at the proposal of a Committee, may decide to submit to the Cortes in plenary session; similarly, the Government may submit to the Cortes in plenary session questions or resolutions that have no legal connotations.

#### **Article Eleven** <sup>140</sup>

The Bills to be submitted to the Plenary Session of the Cortes shall first be passed to the Committees concerned for a report and proposal thereon.

#### **Article Twelve** <sup>141</sup>

1. All the dispositions not covered in Article Ten and which must take the form of laws fall within the competence of the Committees of the Cortes, whether this is established in a later law or whether they are declared as such by a Committee composed of the President of the Cortes, a Minister appointed by the Go-

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<sup>140</sup> The procedure to be followed on Bills is described in Articles 34-52 of the Regulations of the Cortes.

<sup>141</sup> The composition, attributions and functioning of the Committees of the Cortes are described in Articles 19-33 of the Regulations of the Cortes.

vernment, a Member of the Standing Committee of the National Council, a Deputy of the Cortes who is a qualified Lawyer, the President of the Council of State and the President of the Supreme Court of Justice. This Committee shall issue a ruling at the request of the Government or of the Standing Committee of the Cortes.

### **Article Thirteen**

For reasons or urgency, the Government may propose to the Head of State the sanctioning of decree-laws to regulate the matters mentioned in Articles Ten and Twelve. The urgency of the case shall be recognized by the Head of State, having been brought to the attention of the Committee referred to in the preceding article, and this Committee may so advise the Standing Committee if it observes any aspect of *contrafuero*. The promulgation of a decree-law shall be brought to the notice of the Cortes.

### **Article Fourteen**

I. The ratification of international treaties or agreements that affect the full sovereignty or the territorial integrity of Spain shall be the object of a law approved by the Cortes in full session.

II. The Cortes in Plenary Session or in Committee, as the case may be, shall be consulted for the ratification of other treaties affecting matters whose regulation falls within their competence, in accordance with Articles Ten and Twelve.

### **Article Fifteen** <sup>142</sup>

I. Besides the examination and presentation of Government Bills to the Plenary Session, the legislative Com-

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<sup>142</sup> The procedure on proposed laws is described in Articles 53-57 of the Regulations of the Cortes.



mittees may submit proposed laws to the President of the Cortes, who is responsible for including them in the agenda, in agreement with the Government.

II. The legislative Committees may receive from the President of the Cortes other assignments, such as carrying out studies, obtaining information and formulating petitions or proposals. For this purpose, they may form special Committees distinct from the legislative Committees.

#### **Article Sixteen** <sup>143</sup>

The President of the Cortes shall submit to the Head of State, for his sanction, the laws approved by the Cortes, which should be promulgated within a month of their receipt by the Head of State.

#### **Article Seventeen** <sup>144</sup>

The Head of State, through an explanatory message and with a prior favourable ruling by the Council of the Realm, may return a law to the Cortes for renewed deliberation.

### ADDITIONAL DISPOSITIONS

The Cortes, in agreement with the Government, shall draft their own regulations.

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<sup>143</sup> Unlike the former system, there is now a time limit for the sanctioning and promulgation of Laws approved by the Cortes by the Head of State.

<sup>144</sup> The faculties of the Head of State have been limited in respect of returning to the Cortes a Law for re-examination, by the requirement, now being introduced, that he should have "a prior favourable ruling by the Council of the Realm".



## **VI**

### **LAW OF SUCCESSION IN THE HEADSHIP OF STATE**

**of 26th July, 1947, amended by the Organic Law  
of the State of 10th January, 1967**



WHEREAS the Spanish Cortes, as the highest organ of participation by the people in the affairs of State, have drawn up the Fundamental Law declaring the constitution of the Kingdom, have created the Council of the Realm and determined the norms governing the Succession in the Headship of State, whose text, having been submitted to the referendum of the nation, has been accepted by eighty-two per cent of the electorate, representing ninety-three per cent of voters.

AND WHEREAS the Organic Law of the State amends certain articles of said Fundamental Law, in respect of the composition of the Council of the Realm, determining that ten of its Members shall be elected as against the former number of four; and introduces other amendments to clarify certain points of the process of succession for the purpose of avoiding any risks.

Pursuant to the approval of the Cortes and with the true and direct expression of the will of the nation,

I RESOLVE:

**Article One** <sup>145</sup>

Spain, as a political unit, is a Catholic, social and representative State which, in keeping with her tradition, declares herself constituted into a Kingdom.

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<sup>145</sup> The constitution of Spain as a Catholic State is described in Article 6 of the **Fuero de los Españoles** and in the Concordat with the Holy See of 27th August, 1953.

For the manifestations of the Social State, see Labour Law.

For information on the Representative State, see Art. 10 of the **Fuero**

## **Article Two** <sup>146</sup>

The Head of State is the *Caudillo* of Spain and of the Crusade, Generalissimo of the Armed Forces, don Francisco Franco Bahamonde.

## **Article Three** <sup>147</sup>

If the Headship of State should fall vacant, its powers shall be assumed by a Regency Council, composed of the President of the Cortes, the highest-ranking Prelate serving as Counsellor of the Realm for the longest period, and the Captain-General, or in his absence, the Lieutenant-General, in active service and with the most seniority, of the Army, Navy or Air Force in this order, or their respective deputies in accordance with the provisions of the following article. The President of this Council shall be the President of the Cortes, and the validity of its resolutions shall require the presence of at least two of

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*de los Españoles*, the Law of the Cortes, the Trade Union Law, the Law on Local Administration, of 24th June, 1955 (Arts. 85-93 and 226-234), and the Organic Law of the State (Arts. 21 and 22).

<sup>146</sup> The Law of 30th January, 1938, and that of 8th August, 1939, as well as the second transitory disposition of the Organic Law of the State establish and determine the powers of the Head of State, attributed to Francisco Franco Bahamonde.

See Title II of the Organic Law.

<sup>147</sup> The appointment of the President of the Cortes is verified in the manner established in Art. 7 of the Law regulating it; the Prelate of the highest rank and seniority shall be a Deputy of the Cortes, according to Art. 4 of this same Law; the appointment of the Captain-General or the Lieutenant-General is regulated by Decree of 18th July, 1938, and Laws of 11th April, 1941, and 19th April, 1961.

The changes made in Art. 3 tend to strengthen the constitution of the Regency Council, allowing the entry of the deputies of the nominees and establishing a quorum for the validity of resolutions.

its three members, including, at all times, that of its President or, in his absence, that of the Vice-President of the Council of the Realm.

**Article Four** <sup>148</sup>

I. A Council of the Realm, which shall have precedence over the consultative bodies of the nation, shall assist the Head of State on highly important matters and resolutions falling within his exclusive competence. The President of the Cortes shall serve as President to this Council, which shall consist of the following members:

- the Prelate of the highest rank and seniority among those who are Deputies of the Cortes;
- the Captain-General or, in his absence, the Lieutenant-General, in active service and of the most seniority of the Army, Navy or Air Force in that order;
- the Commanding-General of the Supreme Staff or, in

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<sup>148</sup> See Law of the Cortes.

A qualified majority is required in the following cases:

- to propose to the Cortes a person or title of King or Regent. Art. 8 of the Law of the Cortes.
- to declare the incapacity of the Head of State. Art. 14 of the Law of the Cortes.
- to declare the incapacity of the President of the Government and of the Presidents of the Supreme Court of Justice, the Council of State, the Court of Exchequer of the Kingdom and the National Economic Council.

Arts. 15 and 58 of the Organic Law of the State.

The composition and action of the Council of the Realm is strengthened and its elective basis is extended by duplicating the number of councillors from Local Administration and the Trade Union Organization, and introducing two new Councillors for family representation and for the group of National Councillors. In future, 10 of the 17 members of this Council shall be elected.

his absence, the most senior of the three General Chiefs-of-Staff of the Army, Navy and Air Force;

— the President of the Supreme Court of Justice;

— the President of the Council of State;

— the President of the Spanish Institute;

— two Councillors elected by vote by each of the following groups of Deputies of the Cortes:

a) that of the Members of the National Council;

b) that of the Trade Union Organization;

c) that of Local Administration; and

d) that of family representation;

— one Councillor elected by vote by each of the following groups of Deputies of the Cortes:

a) that of University Rectors;

b) that of Professional Colleges.

II. The office of Councillor shall be bound to the conditions under which election or nomination was made.

III. The Head of State shall appoint, at the proposal of the Council of the Realm, from among its members, a Vice-President and the deputies of each of the Members of the Regency Council.

IV. In cases where it is impossible for the President to attend, or if the Presidency of the Cortes should be vacant and, in this latter case, until such Presidency is filled, the Vice-President of the Council of the Realm shall deputize for the President.

V. The resolutions, rulings and draft resolutions of the Council of the Realm shall be adopted by a majority of votes among the Members present, whose number may not be less than half plus one of the total membership, except when the Fundamental Laws may demand a determined majority. In the event of a tie in the voting, the President shall decide the vote.



### **Article Five** <sup>149</sup>

The Head of State shall be assisted preceptively by the Council of the Realm in those cases where the present Law or another Fundamental Law establishes this requisite.

### **Article Six** <sup>150</sup>

At any moment, the Head of State may propose to the Cortes the person whom he thinks should succeed him, either as King or as Regent, under the conditions laid down by this Law, and similarly, he may submit for the approval of the Cortes the revocation of the person proposed by him, even though this person might have been accepted by the Cortes.

### **Article Seven**

When, upon the Headship of State becoming vacant, the person appointed in accordance with the preceding article is called to the succession, the Regency Council shall assume powers in his name and shall convoke a joint session of the Cortes and the Council of the Realm to witness the swearing of the oath prescribed in the present Law and proclaim him King or Regent.

### **Article Eight**

1. Should the Head of State die or be declared incapacitated without having appointed a successor, the Regency

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<sup>149</sup> See Organic Law of the State, Law of the Cortes (Art. 7) and Arts. 12 and 13 of this Law.

<sup>150</sup> The composition and functioning of the Regency Council are described in Art. 3 of this same Law.

Council shall assume all powers, except that of revoking the nomination of any one of the members of the Council itself, who shall retain their office in any event, and shall convoke, within three days, the members of the Government and of the Council of the Realm so that they may, in an uninterrupted and secret session, decide, by a two-thirds majority of those present, which shall be considered to be an absolute majority, which person of royal blood, in possession of the qualities required by the present Law, and taking into account the supreme interests of the country, they should propose to the Cortes as King. Should the proposal not be accepted, the Government and the Council of the Realm may formulate, subject to the same procedure, a second proposal in favour of another person of royal blood who also is qualified under the law.

II. When, in the opinion of the joint session, there is no one of royal blood with the required qualities, or if their proposals have not been accepted by the Cortes, they shall propose, with the same conditions, as Regent, the person who by his prestige, capacity and possible service to the nation, should hold this position. On presenting this proposal, they may indicate the term and conditions for the duration of the Regency, and the Cortes must decide on each of these points. If the person proposed as Regent is not accepted by the Cortes, the Government and the Council of the Realms must make, subject to the same procedure, new proposals until the approval of the Cortes is obtained.

III. In the eventualities discussed in the preceding paragraphs, if the two-thirds majority is not obtained in the first voting, a second vote shall be taken and, if necessary, a third vote. In the third vote, a three-fifths majority shall suffice to validate the decision, and this must be equivalent to at least the absolute majority.

IV The Cortes should meet in plenary session within a maximum of eight days after each proposal, and the

successor, having obtained the favourable vote of the *Cortes*, in accordance with the provisions of Article Fifteen, shall take the oath required by this Law, in virtue of which, and immediately thereafter, the Regency Council shall transfer its powers to the successor.

V. If the provisions established in Article Eleven of this Law are not fulfilled, upon the Headship of State becoming vacant, a successor shall be appointed in accordance with the stipulations of the present Article.

### **Article Nine**

In order to exercise the Headship of State as King or Regent, the candidate must be male and a Spaniard, must have attained the age of thirty, profess the Catholic religion, possess the qualities necessary for the execution of his high mission and swear to uphold the Fundamental Laws, as well as swear allegiance to the Principles governing the National Movement. The same oath must be taken by the successor after reaching the age of thirty years.

### **Article Ten** <sup>151</sup>

The Fundamental Laws of the nation are: *the Fuero de los Españoles* (Statute Law of the Spanish People), the Labour Law, the Constitutive Law of the *Cortes*, the present Law of Succession, the Law of the National Referendum and any other which may be promulgated in the future in this category.

Their derogation or amendment shall require, not only the approval of the *Cortes*, but the referendum of the nation.

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<sup>151</sup> Articles 10 and 75 of the Organic Law of the State.

## **Article Eleven**

I. Once the Crown has been restored to the King, the regular order of succession shall be that of primogeniture and right of succession, with preference for the anterior line over the posterior; in the same line, the closest degree of kinship over the furthest; in the same degree of kinship, the male over the female, who may not reign, but who may transmit the right to her heirs, and, in the same sex, the older over the younger; all this without prejudice to the exceptions and requirements prescribed in the preceding Articles.

II. In the event that the heir to the Crown, according to the order established in the preceding paragraph, has not reached the age of thirty when the throne becomes vacant, his public functions shall be exercised by a Regent appointed in accordance with Article Eight of this Law, until the heir reaches the legal age.

III. The same norm shall apply if because of the incapacity of the King, recognized in the manner prescribed in Article Fourteen of the Law, the Cortes should declare the installation of the Regency, the heir not having yet reached the age of thirty years.

IV. In the eventualities discussed in the two preceding paragraphs, the Regency shall come to an end as soon as the reason motivating its presence ceases to exist.

## **Article Twelve**

All cession of rights before acceding to the throne, abdications when the successor has been appointed, renuncements of any nature and royal marriages, as well as the marriage of the immediate successors, shall be announced by the Council of the Realm and approved by the Cortes of the nation.

### **Article Thirteen**

The Head of State, upon the advice of the Council of the Realm, may propose to the Cortes that there be excluded from the succession those royal persons lacking the necessary capacity to rule or who, because of their notorious departure from the fundamental principles of the State or because of their acts, deserve to lose the rights of succession established in this Law.

### **Article Fourteen** <sup>152</sup>

The incapacity of the Head of State, recognized by a two-thirds majority of the members of the Government, shall be communicated in a detailed report to the Council of the Realm. If this Council, by the same majority, should agree on this point, the President of the Council of the Realm shall submit the matter to the Cortes, which, at a session called within the following eight days, shall adopt the ensuing resolution.

### **Article Fifteen**

I. The validity of the resolutions taken by the Cortes in respect of this Law shall depend on the favourable vote of two-thirds of the Deputies present, which must be equivalent, at least, to the absolute majority of all the Deputies.

II. However, in the eventualities discussed in Articles six and eight of the present Law, if the two-thirds majority is not obtained in the first voting, a second and, if necessary, a third vote shall be taken. In the third voting, the resolution shall be validated by a three-fifths majority, which must be equivalent, at least, to the absolute majority.

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<sup>152</sup> Arts. 3 and 8 of this Law.



**VII**

**LAW OF THE NATIONAL REFERENDUM**

**of 22nd October, 1945**





Every Spaniard having been given the opportunity to collaborate in the affairs of the State through the natural agencies of the family, the municipality and the Trade Union, and the basic Laws having been promulgated for bringing new vigour and greater spontaneity to the representative bodies within a system of Christian association, in order to safeguard the nation against the deviation that the political history of peoples has shown, to the effect that in matters of the utmost importance or public interest, the will of the nation could be supplanted by the subjective criterion of its rulers, this Headship of State, making use of the faculties granted by the Laws of 30th January, 1948, and 8th August, 1939, has considered it advisable to institute the direct consultation of the nation by public referendum in all those cases in which, because of the transcendent nature of the laws or the uncertainty of opinion, the Head of State should deem such a consultation appropriate.

IN VIRTUE OF WHICH, I RESOLVE:

### **Article One**

When the importance of certain laws warrant it, or if public interest demands it, the Head of State may, for the better service of the nation, submit to referendum the Bills (draft laws) drawn up by the Cortes.

**Article Two**

The referendum shall be extended to all men and women of the nation over the age of twenty-one years.

**Article Three**

The Government is authorized to issue the complementary dispositions for the taking of the census and the execution of the present Law.

### **III. SOME ASPECTS OF THE SPANISH CONSTITUTION**



## **1. ORGANS OF THE GOVERNMENT ORGANIZATION CHARTS**

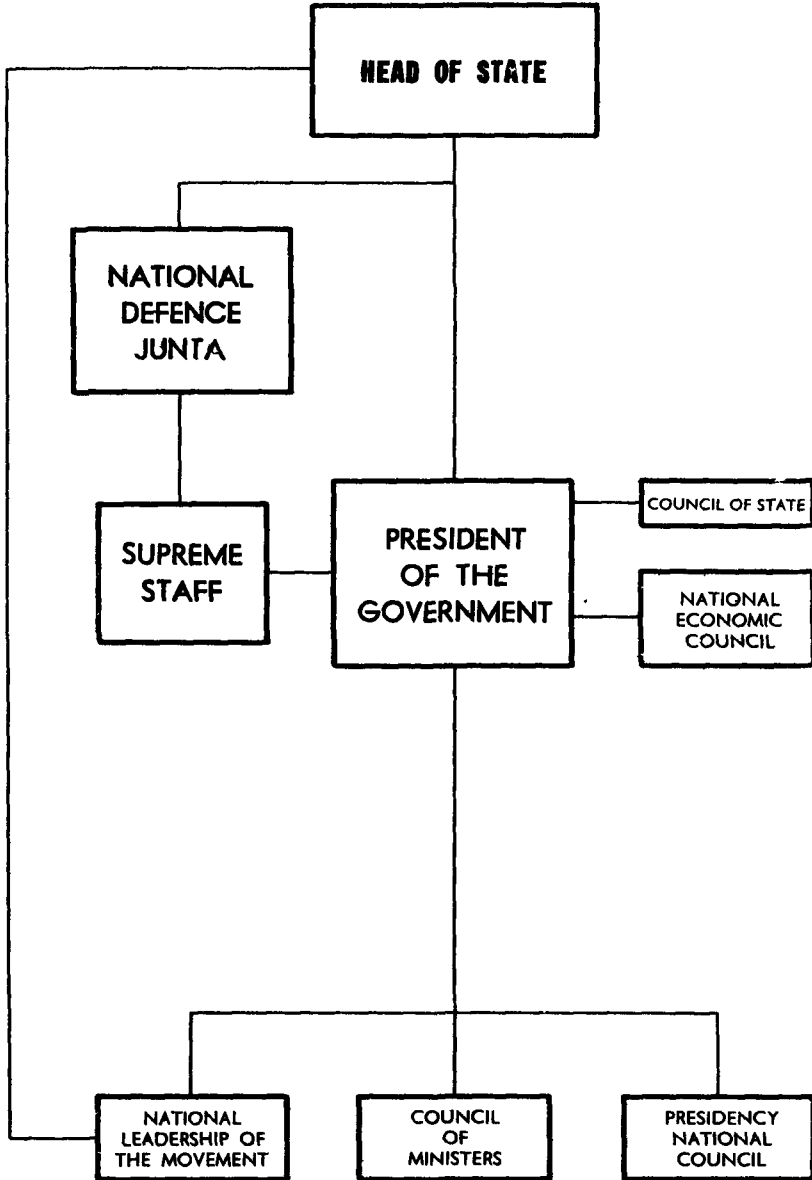
According to the Organic Law of the State, the following are the principal organs of government of the nation:

1. HEAD OF STATE, KING OR REGENT.  
NATIONAL LEADER OF THE MOVEMENT.
2. COUNCIL OF MINISTERS.
3. PRESIDENT OF THE GOVERNMENT.
4. VICE-PRESIDENT OR VICE-PRESIDENTS AND MINISTERS.
5. COUNCIL OF THE REALM.
6. SPANISH CORTES.
7. REGENCY COUNCIL.
8. NATIONAL COUNCIL.
9. COUNCIL OF STATE.
10. NATIONAL ECONOMIC COUNCIL.
11. COURT OF EXCHEQUER.
12. NATIONAL DEFENCE JUNTA.

The composition, structure and functioning of the principal collegiate organs, as well as their reciprocal relations, may be seen in the following organization charts.



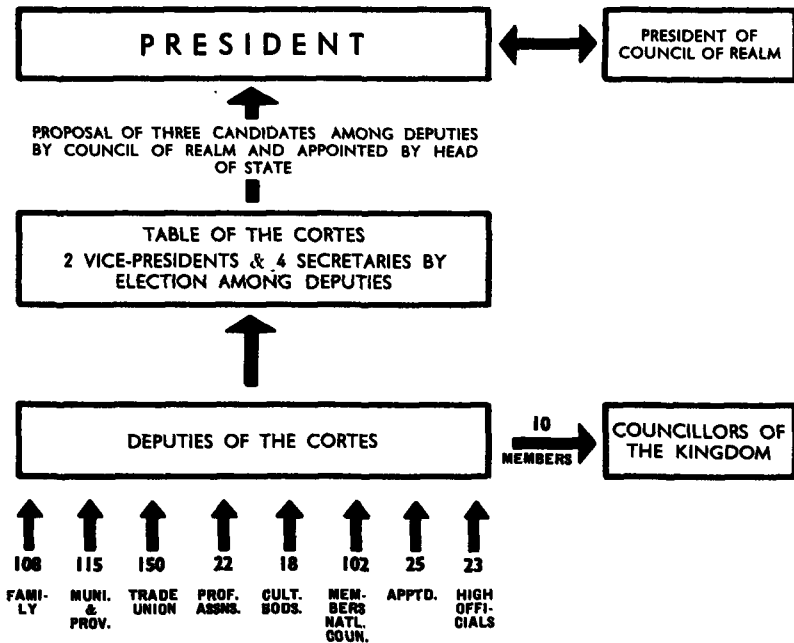
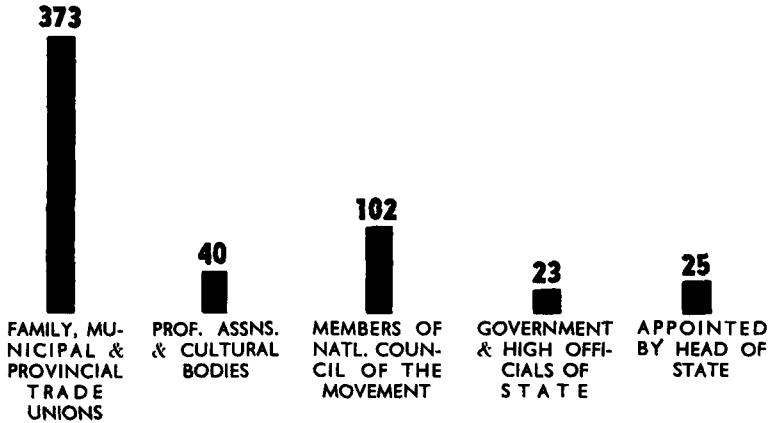
# GOVERNMENT OF THE NATION





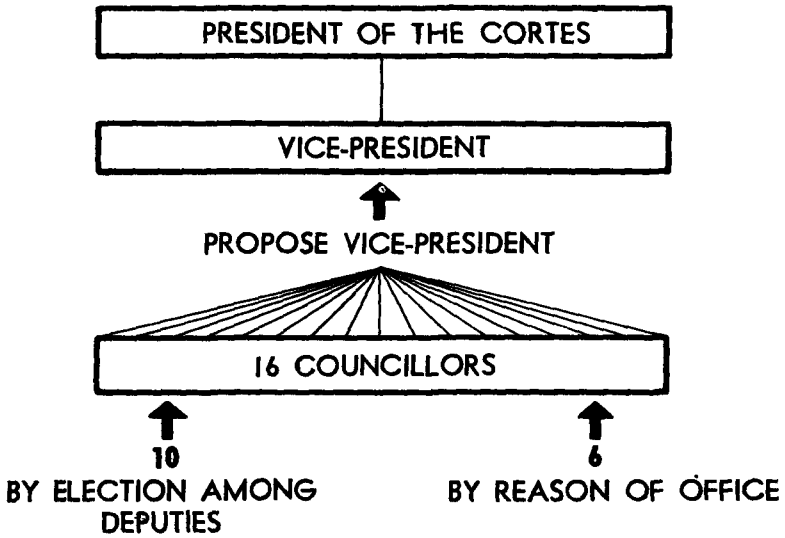


# SPANISH CORTES-COMPOSITION

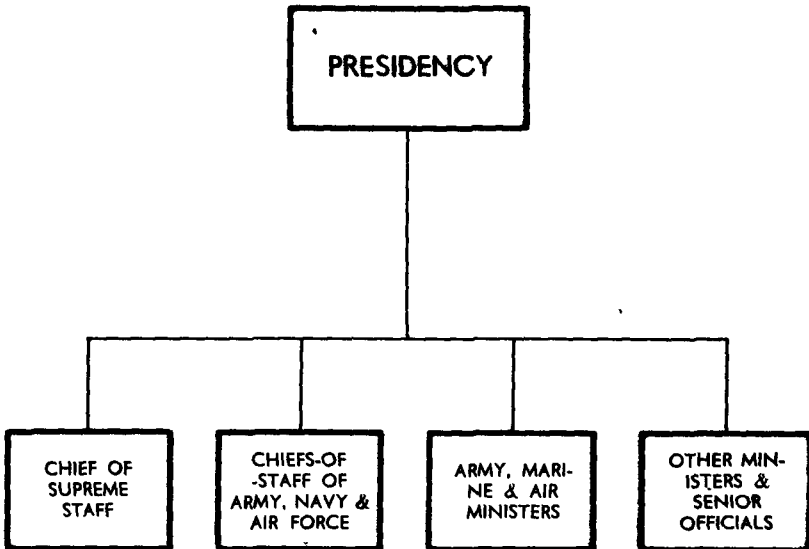




## COUNCIL OF THE REALM

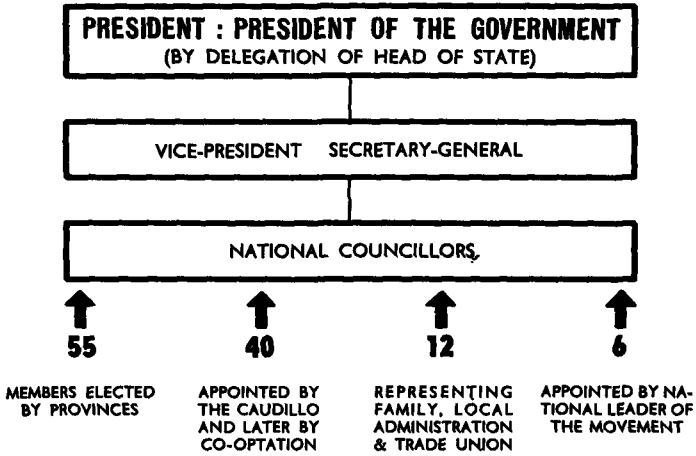


## NATIONAL DEFENCE JUNTA

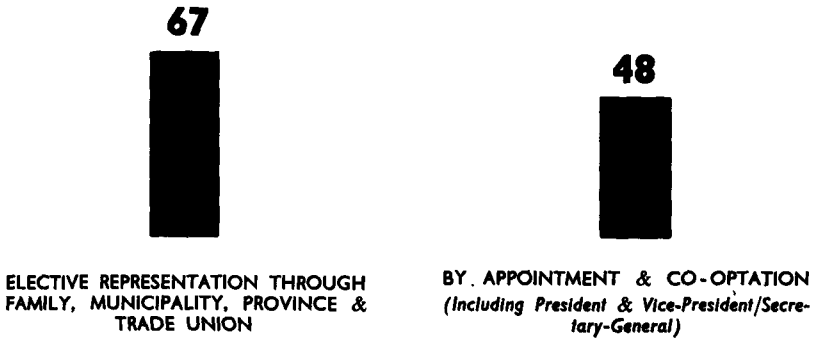




# NATIONAL COUNCIL

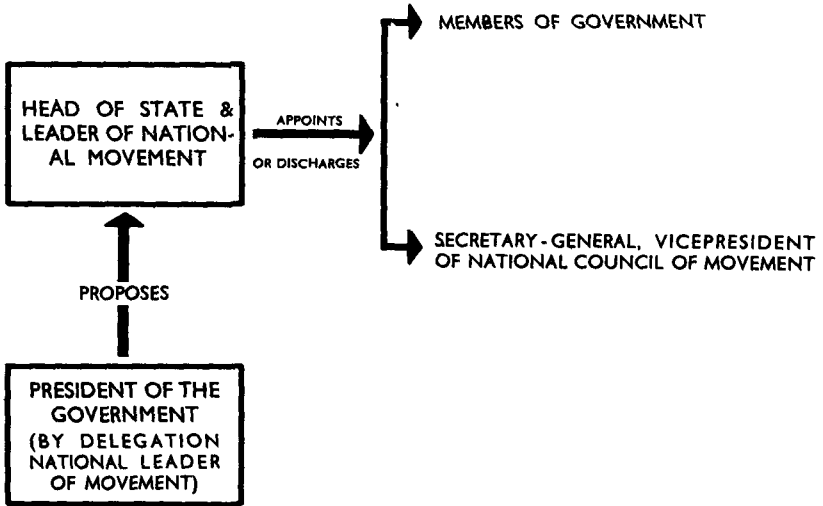
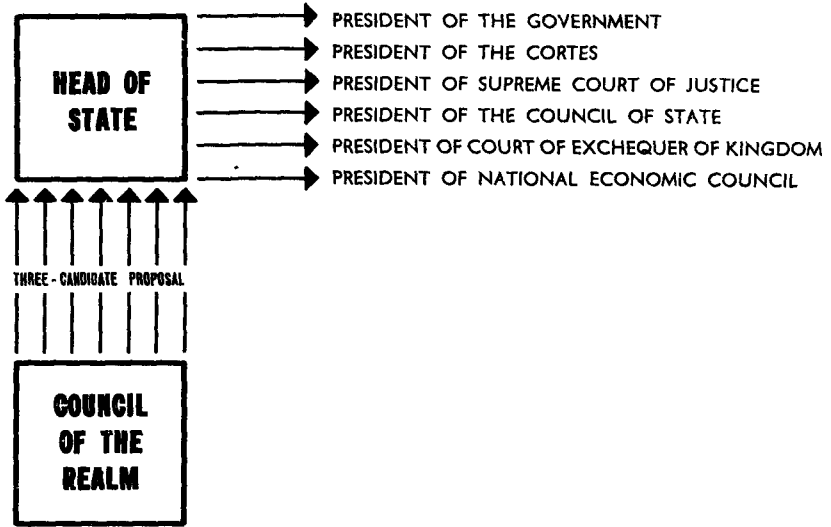


# NATIONAL COUNCIL



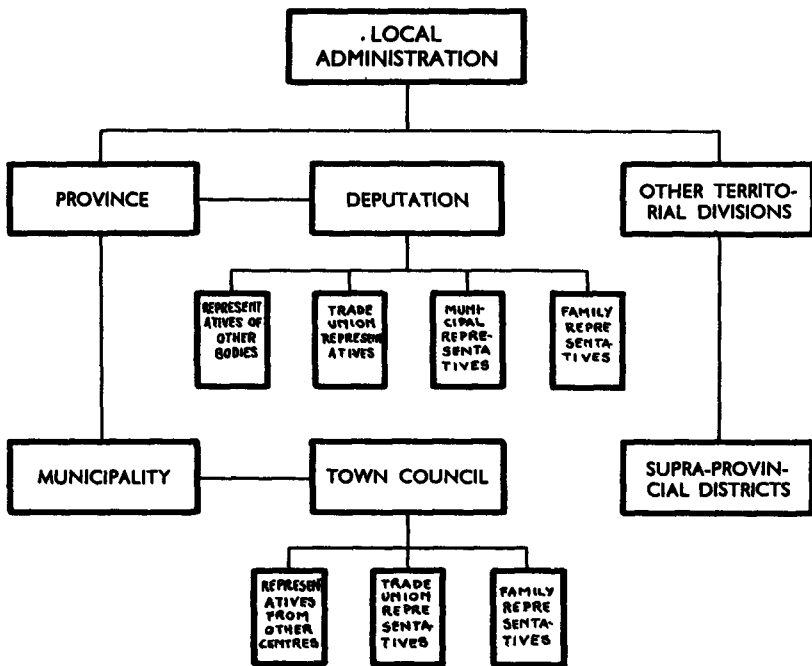
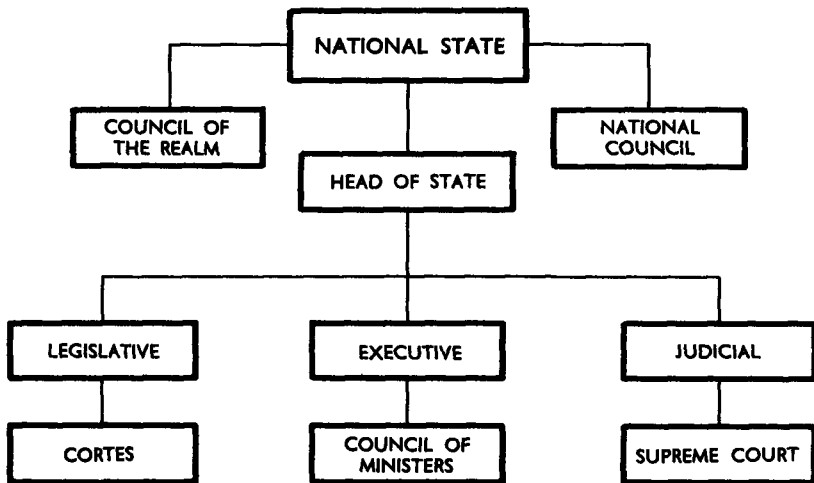


# APPOINTMENT PROCEDURE

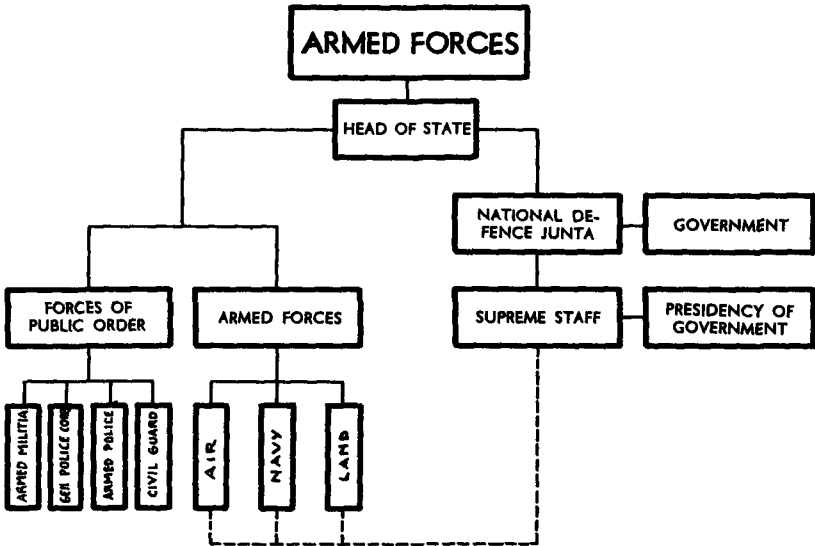
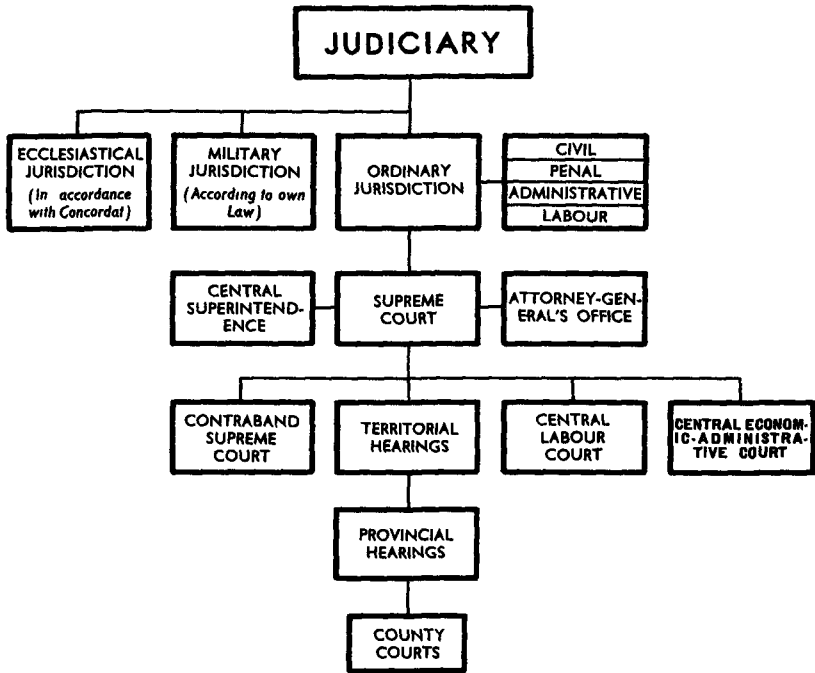








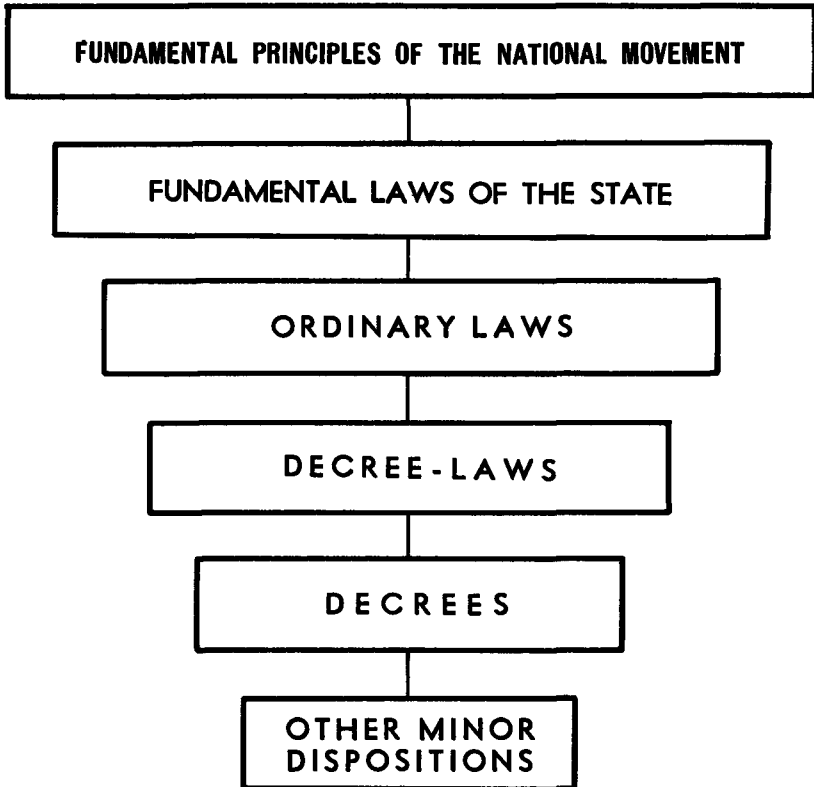






# LEGISLATION

## HIERARCHY OF NORMS





## **2. REQUISITES FOR ELECTION TO THE PRINCIPAL OFFICES OF GOVERNMENT**

### **1. KING (Art. 9 of the Law of Succession).**

A) When the Crown has not been restored to the King, those who fulfil the following conditions:

- being male and a Spaniard;
- having attained the age of thirty years;
- professing the Catholic religion;
- possessing the qualities necessary for the execution of his high mission;
- swearing allegiance to the Fundamental Laws and to the principles informing the National Movement;
- not having been expressly excluded from the succession;
- being of royal blood.

B) When the Crown has been restored to the King, the order of succession shall be (Art. 11 of the Law of Succession):

- that of male child born first with the right to succeed the King, with preference for the anterior line (each generation forms a degree and a series of degrees forms a line) over the posterior;
- in the same line, with preference for the closest degree over the furthest;
- in the same degree, with preference for the male

over the female, who may not rule, but who may transfer the right to her heirs;  
— within the same sex, with preference for the older over the younger person.

2. REGENT (Art. 8 of the Law of Succession):

— the same conditions as applicable to the King under sub-paragraph A), except for the requirement of royal blood;  
— a combination of prestige, capacity and possible service to the nation.

3. TUTOR TO ROYAL PERSONS WHO HAVE NOT YET ATTAINED THEIR MAJORITY CALLED TO THE SUCCESSION OR TO THE INCAPACITATED KING (Art. 12 of the Organic Law of the State):

— possessing Spanish nationality;  
— professing the Catholic religion.

4. PRESIDENT, VICE-PRESIDENTS OR MINISTERS OF THE GOVERNMENT (Arts. 14 and 17 of the Organic Law of the State and Art. 3 of the Law of the Cortes):

— being a Spaniard;  
— having attained one's majority;  
— being in full use of one's civil and political rights.

5. DEPUTY OF THE CORTES (Art. 3 of the Law of the Cortes):

— being a Spaniard;  
— having attained one's majority;  
— being in full use of one's civil and political rights.



### **3. NOMINATION PROCEDURE**

#### **I. KING**

*A) Appointment by the present Head of State (Arts. 6 and 7 of the Law of Succession).*

— The Head of State may propose at any moment to the Cortes the person whom he considers should be called to succeed him.

— He may propose to the Cortes the revocation of the person he had proposed to succeed him, even though that person might have already been accepted by the Cortes.

— The person called must fulfil the conditions necessary to be King, when the Crown has not been restored.

— Once the Headship of State becomes vacant, the successor shall be called.

— The Regency Council shall assume powers in the name of the successor and shall convoke the Cortes and the Council of the Realm to witness the oath to be taken by the Successor and to proclaim him King.

*B) Absence of Successor until the Monarchy is restored (Art. 8 of the Law of Succession).*

— Upon the death or declared incapacity of the Head of State, the Regency Council shall assume power.

— The Regency Council shall convoke, within three days, the members of the Government and of the Council of the Realm.

— Those gathered together, in uninterrupted and secret session, shall decide, by a two-thirds majority of those present, which shall be considered at least to be the absolute majority, which person of royal blood and possessing the qualities required to be King they should propose to the Cortes.

— The Cortes may or may not accept the proposal.

— If the proposal is not accepted, a second proposal shall be put forward in favour of the person of royal blood who fulfills the legal conditions.

— The Cortes may or may not accept the second proposal.

— Upon obtaining a favourable decision, the Successor shall take the oath before the Cortes and, immediately thereafter, the Regency Council shall transfer its powers to him.

C) *When the Crown has been restored* (Art. 11 of the Law of Succession).

— The Successor shall be appointed automatically.

— The Successor receives his right in accordance with the regular order of succession, described in sub-paragraph 1, B).

— In case the heir to the Crown, by said order, should have attained the age of thirty years, he shall exercise the Headship of State as King, upon the death of the person occupying the Throne.

— If he has not yet attained the age of thirty

years, said functions shall be exercised by a Regent.

— Said functions shall be exercised by the heir who has attained the age of thirty years in the event the King should be declared incapacitated.

— In all cases, before exercising the functions of Head of State, as King, the heir shall swear allegiance to the Fundamental Laws and to the principles informing the National Movement.

## II. REGENT

A) *Appointment by the present Head of State (Art. 6 of the Law of Succession).*

— At any moment the Head of State may propose the appointment of a Regent.

— The proposal shall be made to the *Cortes*.

— The Regent must fulfil the conditions necessary to be King, with the exception of the requirement of royal blood.

— The Head of State may submit to the *Cortes* the revocation of the Regent proposed, even though he might have been accepted by the *Cortes*.

B) *In the event of the death or declared incapacity of the Head of State, the Monarchy not having been restored (Art. 8 of the Law of Succession).*

— Until such time as the Regent is appointed, the Regency Council shall assume power.

— When, in the opinion of the members of the Government and the Council of the Realm, gather-

ed together to decide on the person to be proposed to the Cortes as King, there are no persons existing who fulfil the necessary conditions, or when the Cortes do not accept such persons, a Regent shall be proposed.

— There should be proposed as Regent the person who by virtue of his prestige, capacity and possible service to the Nation, should hold this office.

— When the proposal is formulated, the term and conditions of the duration of the Regency may be stated.

— The Cortes shall decide upon the appointment, as well as on the term and conditions, of the Regency.

— If the proposal is not accepted, new proposals shall be submitted until the approval of the Cortes has been obtained.

— In the event that the incapacity of the King is recognized and the Cortes should declare the installation of the Regency, because the Heir has not attained the age of thirty years, the public functions of the King shall be exercised by a Regent.

— When the throne becomes vacant and the Heir to the Crown has not attained the age of thirty years, his public functions shall be exercised by a Regent.

— The appointment of Regent shall be executed in the manner indicated in the preceding paragraph.

— In both cases, the Regency shall come to an end when the reason motivating its presence ceases to exist.

III. PRESIDENT OF THE GOVERNMENT (Art. 14 of the Organic Law of the State).

— The Council of the Realm shall present to the Head of State the proposal of three candidates.

— The Head of State shall appoint the President of the Government from among the three persons proposed.

IV. MEMBERS OF THE GOVERNMENT (Art. 17 of the Organic Law of the State).

— The President of the Government shall propose to the Head of State the persons who should be appointed members of the Government.

— The Head of the Government shall effect their appointment.

V. DEPUTIES OF THE CORTES (Art. 2 of the Law of the Cortes).

A) *Non-elective Members:* The following members have a right to be Deputies of the Cortes by virtue of the office they hold: Members of the Government, Members of the National Council; President of the Supreme Court of Justice, President of the Council of State, President of the Supreme Council of Military Justice, President of the Court of Exchequer of the Kingdom and President of the National Economic Council; University Rectors, President of the Spanish Institute, President of the Council of Advanced Scientific Research and President of the Institute of Civil Engineers.

B) *Elective Members:*

a) *Representing the Family:*

Two family representatives for each province, elected by those who appear in the electoral rolls as heads of families and by married women, in the manner established by law.

b) *Representing Provincial and Municipal Corporations:*

One representative of the Municipalities of each province, elected by the Town Council from among its members, and another representative for each Municipality of over 300,000 inhabitants, and those of Ceuta and Melilla, elected by the respective Town Councils from among their members. One representative for each Provincial Deputation and the Canary Island District, elected by the respective Corporations from among their members, and the representatives of the Local Corporations of territories not constituted as provinces <sup>153</sup>, elected in the same manner.

c) *Representing Spaniards contributing to the labour force and production, and belonging to the Trade Union Organization:*

One hundred and fifty representatives.

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<sup>153</sup> The Autonomous Territories of Fernando Poo and Río Muni.

**d) Representing the Royal Academies and the Council of Advanced Scientific Research:**

Two representatives elected from among the members of the Royal Academies constituting the Spanish Institute, and two representatives of the Council of Advanced Scientific Research elected by its members.

**e) Representing Associations, Professional Colleges and Chambers:**

One representative of the Associations of Engineers constituting the Institute of Civil Engineers; two representatives of the Colleges of Lawyers; two representatives of the Medical Colleges; one representative for each of the following Colleges: Stock Exchange Agents, Architects, Economists, Pharmacists, Licenciates and Doctors of Science and Letters, Licenciates and Doctors of Chemical and Physico-Chemical Sciences, Notaries, Court Attorneys, Property Recorders, Veterinary Surgeons and other Professional Colleges of higher academic status which may be recognized for this purpose in the future, and which shall be elected by the respective Official Colleges.

Three representatives of the Official Chambers of Commerce; one representative of the Chambers of Urban Property and one of the Tenant Associations, elected by their Boards or representative organs. All those elected under the provisions of this subparagraph must be members of the respective Colleges, Corporations or Associations electing them.

C) *Deputies appointed by the Head of State:*

— A number not exceeding 25 may be appointed <sup>154</sup>

— Appointment should be based on ecclesiastical, military or administrative status, or on relevant service to the country.

VI. MEMBERS OF THE NATIONAL COUNCIL (Arts. 21 and 22 of the Organic Law of the State).

A) *Elective Members:*

a) *By province:*

One elected for each province.

b) *By the basic structures of the National Community:*

— Four elected from among members by the Deputies of the Cortes representing the family.

— Four elected from among members by the Deputies of the Cortes representing Local Corporations.

— Four elected from among members by the Deputies of the Cortes representing the Trade Union Organization.

B) *Members appointed by the Head of State:*

— Forty Members appointed by the present Head of State from among persons with recognized

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<sup>154</sup> In the former legislation, this number was 50.



services. These Members shall retire upon reaching the age of seventy-five years.

The vacancies arising in the future shall be filled by election, through a proposal of three candidates from this group of Members to the National Council in Plenary Session.

*C) Members freely appointed by the President of the Council:*

— Six Members appointed by the President of the Council.

The appointments should be made from among persons who render relevant services towards the ends of the National Council.

VII. PRESIDENT OF THE CORTES (Art. 7 of the Law of the Cortes).

— The Council of the Realm shall propose three persons as Deputies of the Cortes.

— The Head of State shall appoint the President from among the three candidates proposed.

— His nomination shall be approved by the active President of the Council of the Realm.

VIII. PRESIDENTS OF THE SUPREME COURT OF JUSTICE, THE COUNCIL OF STATE, THE COURT OF EXCHEQUER OF THE KINGDOM AND THE NATIONAL ECONOMIC COUNCIL (Art. 58 of the Organic Law of the State).

— Three candidates shall be proposed by the Council of the Realm.

— The Head of State shall make the appointment.



## **4. DUTIES AND RESPONSIBILITIES**

### **I. HEADSHIP OF THE STATE.**

#### **1.1. Sovereignty.**

— The State is responsible for the exercise of Sovereignty.

— Sovereignty shall be exercised through the appropriate Organs.

— The Head of State shall personify National Sovereignty.

#### **1.2. Supreme Command of the Armed Forces.**

The Head of State exercises the Supreme Command of the Army, the Navy and the Air Force.

#### **1.3. Justice.**

— Justice is administered in his name.

— He exercises the prerogative of Pardon.

— He appoints the President of the Supreme Court of Justice, at the proposal of three candidates by the Council of State.

#### **1.4. International Agreements, declaration of war and signing of peace.**

— He needs a Law to ratify international Treaties or Agreements that affect the full sovereignty or

the integrity of Spanish territory, and to declare war and to sign treaties of peace.

— The Law may be subrogated by agreement or authorization of the *Cortes*.

#### 1.5. Government.

— He directs the government of the Kingdom through the Council of Ministers.

— He appoints the President of the Government, at the proposal of three candidates by the Council of the Realm.

— He appoints the Ministers at the proposal of the President of the Government.

#### 1.6. Fundamental Laws.

He must submit to the referendum of the nation those Bills (draft laws) that derogate or modify the Fundamental Laws of the nation.

#### 1.7. Dispositions.

— He may not issue dispositions that should take the form of law (Arts. 10 and 12 of the Law of the *Cortes*), inasmuch as the elaboration and approval of the Laws fall within the jurisdiction of the *Cortes*, without prejudice to the sanction residing in the Head of State.

— He may issue other dispositions, as for example:  
a) For reasons of urgency, in the judgment of the Head of State, he may sanction Decree-Laws (with the force of law). If the Principles of the National Movement or the other Fundamental Laws of the

Kingdom should be in jeopardy, the Committee mentioned in Article 12 of the Law of the Cortes may so advise the Standing Committee.

b) The Government may submit for the sanction of the Head of State dispositions with the force of law according to the authorization granted expressly for this purpose by the Cortes.

#### 1.8. Approval of the acts of the Head of State.

Any disposition of the Head of State shall be invalid if it does not have the approval, as the case may be, of the President of the Government or the Minister concerned, the President of the Cortes or the President of the Council of the Realm.

#### 1.9. National Leadership of the Movement.

The National Leadership of the Movement shall be exercised by the Head of State, and, at his delegation, by the President of the Government.

#### 1.10. Appointments.

The Presidents of the Supreme Court of Justice, the Council of State, the Court of Exchequer of the Kingdom, the National Economic Council and the Cortes are appointed by the Head of State from among three candidates proposed by the Council of the Realm.

#### 1.11. Exceptional faculties.

The attributions granted to the Head of State by the Laws of 30th January, 1938, and 8th August, 1939,

as well as the prerogatives bestowed on him by Articles 6 and 13 of the Law of Succession, shall subsist and remain in force until the eventuality mentioned in Transitory Disposition One, paragraph 1, of the Transitory Dispositions of the Organic Law.

## II. GOVERNMENT OF THE NATION.

### 2.1. Spanish Government and State.

— The Head of State directs the government of the Kingdom.

— For this purpose, he acts through the Council of Ministers.

### 2.2. Council of Ministers: Functions.

— Determines national policy.

— Ensures the application of the laws.

— Exercises the power of making regulations (the faculty of dictating juridical norms of a general nature promulgated by the Administration for the fulfilment of its own ends).

— Permanently assists the Head of State in political and administrative matters.

### 2.3. Power of making regulations.

a) The Administration may not:

— issue dispositions contrary to the Laws;

— nor regulate those matters falling within the exclusive competence of the Cortes;

— the exceptions, exercised through Decree-Laws

and dispositions with the force of law, are those indicated in sub-paragraph 1.7. a).

b) The decisions of the Government shall always have the approval of the President of the Government or of the Minister concerned.

c) It is the responsibility of the Government, in respect of the General Budget of the State:

— to agree to the text of the Bill on the General Budgets of the State; the Cortes are responsible for approving, returning or amending it;

— upon the approval of the General Budget of the State, only the Government may present Bills (draft laws) that involve an increase in public expenditure or a decrease in revenue;

— to give its approval for the presentation of all proposed laws or amendments to proposed laws that involve an increase in expenditure or a decrease in revenue.

#### 2.4. Relation with the Cortes.

— The President of the Cortes prepares, in agreement with the Government, the agenda of this Legislative Body, both for Plenary Sessions and for Committees.

— The Committees of the Cortes are established and appointed by the President of the Cortes, in agreement with the Government.

— The Cortes shall be immediately informed of the appointment of a new Government and of the replacement of any of its members.

#### 2.5. The Government and the Armed Forces.

The National Defence Junta shall propose to the Government the general lines concerning:

- security;
- defence of the nation.

### III. PRESIDENT OF THE GOVERNMENT.

#### 3.1. Functions.

Representing the Government of the Nation.

Directing general policy.

Ensuring the co-ordination of all the Organs of the Government and the Administration.

Exercising, in the name of the Head of State, the National Leadership of the Movement and, in this capacity, presiding over the National Council and its Committees.

#### 3.2. Power of making regulations.

All resolutions made by the Head of State in the exercise of his authority must be approved by the President of the Council of Ministers, when such approval is a matter of his concern.

#### 3.3. Responsibilities.

— He is responsible *in solidum* for the Resolutions taken by the Council of Ministers.

— He is individually responsible for the acts he performs or authorizes in his Department.

— He has full and civil responsibility before the Supreme Court of Justice in plenary session, in respect of acts related to the exercise of his functions as President.



### 3.4. Appointments and retirements.

— He proposes to the Head of State the appointment of the other members of the Government.

— He appoints six Members of the National Council from among persons who render services towards the ends of the National Council.

— He proposes to the Head of State the retirement of the members of the Government.

— He proposes to the Head of State the acceptance of the resignation of a member of the Government, at his own request.

### 3.5. Participation in other Agencies.

— He is a non-elective Deputy of the Cortes.

— He is a member of the National Defence Junta.

## IV. OTHER MEMBERS OF THE GOVERNMENT.

### 4.1. Faculties.

— Supporting all the resolutions of the Head of State in the exercise of his authority, when these affect matters of their concern (subject to Law or Juridical Procedure in the Administration of the State, Art. 14, revised text, Decree of 26th July, 1957).

— Other faculties indicated in Article 14 of the Law of Juridical Procedure in the Administration of the State.

### 4.2. Responsibilities.

Those indicated by the President of the Government.

#### 4.3. Participation in other Agencies.

— Deputies of the Cortes.

— The National Defence Junta shall have as members the Ministers of the Army, Navy and Air Force, and those whose presence may be warranted by the nature of the questions under consideration.

### V. COUNCIL OF THE REALM AND REGENCY COUNCIL.

#### 5.1. Functions of the Regency Council.

A) When the Crown has not been restored, it shall assume the powers of the Head of State until the King or Regent proposed is accepted by the Cortes and takes the required oath.

B) When the Crown has been restored.

It shall exercise the public functions of the King, until the appointment of the Regent is accepted by the Cortes and the Regent takes the required oath, in the following cases:

— When the Heir to the Crown has not attained the age of thirty years at the moment the Throne becomes vacant.

— When, because of the incapacity of the King, in the manner prescribed, the Cortes agree to the installation of the Regency, the Heir not having attained the age of thirty years.

#### 5.2. Functions of the Council of the Realm.

A) Appointments.

— It shall draw up a list of three candidates for the appointment of the President of the Cortes, the

President of the Supreme Court of Justice, President of the Council of State, President of the Court of Exchequer of the Kingdom and President of the National Economic Council.

— It shall draw up a list of three candidates for the appointment of President of the Government, who shall be appointed by the Head of State.

B) Advisory functions.

— It shall give counsel and make recommendations to the Head of State.

— It shall assist the Head of State in the following matters:

a) proposing to the Cortes acts requiring a Law, resolution or authorization of the Cortes in connection with international treaties or agreements (which affect the sovereignty or integrity of the national territory), or the declaration of war and the signing of peace treaties;

b) proroguing a legislative term provided it be:

— for a serious reason,

— and for the warranted period;

c) taking exceptional measures in determined circumstances;

d) intervening on Referendum questions when a Referendum is not obligatory.

C) On questions concerning the succession:

a) When the Crown has not been restored.

Proposing, jointly with the Government, to the Cortes the person of royal blood who should be appointed King.

Formulating a second proposal in respect of the appointment of the King.

In the event the person proposed as King is not accepted, proposing a Regent, jointly with the Government.

b) When the Crown has been restored.

Proposing, jointly with the Government, a Regent in the event the Throne becomes vacant and the heir has not yet attained the age of thirty years.

Proceeding in the same manner when, because of the incapacity of the King, duly recognized, the Cortes declare the installation of the Regency, the heir not having attained the age of thirty years.

c) Similarly it shall inform the Council of the Realm for approval by the Cortes of the nation:

— All cessions of rights before the parties concerned come to the Throne.

— All abdications when the Successor has been named.

— All renouncements.

— All royal marriages, as well as those of immediate successors.

## 5. PROCESS OF DEMOCRATIZATION

1. One of the salient features of the National Council, in its capacity as collegiate representative of the Movement, is that it is an organ open to all Spaniards and is entrusted with the task of channelling contrasting opinions on political action.
2. The Cortes have been converted into the single legislative Organ of the Nation, being responsible for "the elaboration and approval of laws". Formerly, the Cortes only "prepared and elaborated" the laws. Municipal representation may be effected through any councillor, as opposed to the former system, which limited it to mayors appointed by the Government.

Formerly non-existent, direct family representation has been introduced, through the election of 104 Deputies (two for each province) by the heads of families and married women.

The number of Deputies freely appointed by the Head of State has been reduced by one-half — from fifty to twenty-five.

It has been proclaimed that all Deputies must be allowed freedom of action in the service of the Nation and the common good, and may not be bound by any imperative mandate.

Under the former system, the principal offices of the Cortes were subject to appointment by Decree of the Head of State. Appointments of the following are now on an elective basis: the President, at the proposal of three candidates by the Council of the

Realm, and the two Vice-Presidents and four Secretaries, by the Cortes meeting in Plenary Session, from among the Deputies.

3. A time limit has been set on the sanction and promulgation by the Head of State of the Laws approved by the Cortes.
4. The faculties of the Head of State have been limited as regards returning a Law to the Cortes for further study, by the requirement, for the first time, of the "prior and favourable ruling of the Council of the Realm".
5. The Council of the Realm is now more representative, and 10 of its 17 members are to be elected by the Cortes.
6. The composition and action of the Council of the Realm have been strengthened and its elective basis has been widened by doubling the number of Councillors from Local Administration and the Trade Union Organization, and introducing two new Councillors to represent the family and the group of Members of the National Council.
7. As a guarantee of the principles and norms injured by *contrafuero* (legislative act or general disposition of the Government that may jeopardize the Principles of the National Movement or the other Fundamental Laws of the Kingdom), an appeal before the Head of State has been established.
8. Formerly, non-Catholics only had the right of not being molested in their religious beliefs, there not being allowed any external manifestations other than those of the Catholic Cult; now, the State guarantees the defence and protection of religious freedom, within the safeguards of morals and public order, in accordance with the ruling of the II Vatican Council.

9. There is now a formal separation between the Trade Unions and the Government.
10. The representative character of the Trade Union Organization has been strengthened and plans are being made for the constitution of associations of *entrepreneurs*, technicians and workers, clearly distinct from the respective industrial, agrarian and public service trade unions.
11. Terms with a totalitarian tinge appearing in former Fundamental Laws have been eliminated.
12. There is a separation of the functions of the Head of State from those of the President of the Government, and the latter shall be appointed by the Head of State, at the proposal of three candidates by the Council of the Realm.  
Ministers shall be appointed at the proposal of the President of the Government.
13. The National Movement, the communion of Spaniards, promotes political life under a system of the orderly concurrence of criteria.
14. The independence of the Judiciary has been proclaimed by Fundamental Law, and justice shall be administered in the name of the Head of State, in accordance with the Laws, by independent, immovable and responsible Judges and Magistrates.





#### **IV. ALPHABETICAL OUTLINE OF SUBJECT-MATTER**



**APPOINTMENTS BY THE HEAD OF STATE.**—(Organic Law of the State.)

The President of the Government shall be appointed by the Head of State, at the proposal of three candidates by the Council of the Realm (Art. 14, 1).

The other members of the Government shall be appointed by the Head of State at the proposal of the President of the Government (Art. 17, 1).

The Presidents of the Supreme Court of Justice, the Council of State, the Court of Exchequer of the Kingdom and the National Economic Council shall be appointed by the Head of State at the proposal of three candidates by the Council of the Realm (Art. 58, 1).

The Secretary-General of the National Council shall be appointed by the Head of State at the proposal of the President of the Government (Art. 26).

**ARMED FORCES.**—(Art. 37, Organic Law of the State and IV Law on the Principles of the National Movement.)

Strength of the nation.

*Constituted by:* The Army.

The Navy.

The Air Force.

Forces of Public Order.

*They guarantee:* The integrity of the territory.

National security.

The defence of the institutional system.

**ATTORNEY-GENERAL'S OFFICE.**—(Art. 35 of the Organic Law of the State.)

The organ of communication between the Government and the ordinary Courts of Justice:

**Mission:** a) To promote the action of justice in defence of the public interests protected by the Law.

b) To procure the maintenance of the juridical system and the satisfaction of social interest.

**CORTES.**—(Constitutive Law of the Cortes, of 17th July, 1942.)

It is the role of the Cortes to elaborate and approve the Laws, without prejudice to the sanction residing in the Head of State.

They constitute the highest organ of participation by the Spanish people in the affairs of the State.

They are composed of non-elective and elective Deputies and those freely appointed by the Head of State.

**DEPUTIES OF THE CORTES.**—(Law 17th July, 1942, Art. 2.)

*Non-elective:* By reason of office held.

*Appointed by Head of State:* Up to 25.

*Elective:* Representing the Family.

Representing the Trade Union Organization.

Representing the Provincial & Municipal Corporations.

Representing the Royal Academies.

Representing Scientific Research.

Representing Associations (Societies), Professional Colleges, Chambers of Commerce, and Urban Property, and Tenant Associations.

*They represent:* The Spanish people.

*They shall serve:* The Nation and the common good.

**ENTERPRISE.**—(*Fuero de los Españoles*, Art. 26; Labour Law, VIII; Principles of the National Movement, XI.)

*Elements:* Technical skill, labour and capital in their various forms.

*Hierarchy:* Economic values are subordinate to those of a human nature, to the interests of the Nation and to the demands of the common good.

*Profit:* Based on a fair interest on capital.

*Management:* Shall be responsible for the contribution of the firm to the common good of the national economy.

It is an association of men and means linked with production.

**ENDS OF THE STATE.**—(Art. 3 of the Organic Law of the State.)

Defence of unity between the peoples and domains of Spain.

Maintenance of the integrity, independence and security of the nation.

Safeguarding of the spiritual and material patrimony of Spaniards.

Protection of the rights of the person, the family and society.

Promotion of a social order based on justice in which all private interest is subordinate to the common good.

**FOREIGN AFFAIRS.**—(Organic Law of the State, Art. 9, and Art. 14 of Constitutive Law of the Cortes.)

*The Head of State:* a) Ratifies international treaties or agreements.

b) Shall declare war and agree to peace.

*The Cortes:* The ratification of international treaties or agreements that affect the full sovereignty or the integrity of Spanish territory shall be the object of a Law approved by the Cortes.

The Cortes shall be heard, in Plenary Session or in Committee, for the ratification of treaties (unlike the preceding), which affect matters whose regulation falls within their competence, in accordance with Articles 10 and 12 of the Law of the Cortes.

**GOVERNMENT OF THE NATION.**—(Art. 13 of the Organic Law of the State.)

The Head of State directs the government of the kingdom through the Council of Ministers.

Constitution: President of the Government.

Vice-President or Vice-Presidents.

Ministers.

*Functions:* Determines national policy.

Ensures the application of the laws.

Exercises the power of making regulations.

Permanently assists the Head of State in political and administrative matters.

**GUARANTEE OF THE CONSTITUTIONALITY OF THE LAWS.**—(Arts. 59-66 of the Organic Law of the State.)

This is exercised through the Appeal of *Contrafuero*.

A *Contrafuero* is any legislative act or general disposition of the

Government that contravenes the Principles of the National Movement or the other Fundamental Laws of the Kingdom.

It may be promoted through:

- a) The National Council, in all cases, by resolution adopted by two-thirds of the members.
- b) The Standing Committee of the Cortes in Government dispositions of a general nature, through resolution adopted by a two-thirds majority of its members.

The resolution that annuls as a *Contrafuero* the legislative act or Government disposition of a general nature; the object of the appeal, requires the immediate publication in the Official Gazette of the nullity granted, with the latitude proper to the case defined.

#### **GUARANTEES.**—(*Fuero de los Españoles.*)

Spaniards have a right to political, juridical and administrative guarantees.

They have duties in respect of military service and an obligation to contribute to the support of public expenditure according to their economic capacity.

#### **HEAD OF STATE.**—(Art. 6 of the Organic Law of the State.)

Supreme representative of the nation.

Personifies national sovereignty.

Exercises supreme political and administrative power.

Holds the national Leadership of the Movement.

Safeguards the strictest observance of the principles of the Movement and other Fundamental Laws of the Kingdom.

Guarantees and ensures the regular functioning of the high organs of the State and the proper co ordination between them.

Sanctions and promulgates laws and provides for their execution.

Exercises the supreme command of the Army, the Navy and the Air Force.

Safeguards the maintenance of public order at home and the security of the State abroad.

Justice is administered in his name.

Exercises the prerogative of Pardon.

Confers, in accordance with the laws, posts, public offices and honours.

Accredits and receives diplomatic representatives.

Performs whatever acts are required of him by the Fundamental Laws of the Kingdom.

## 6. REFERENCE CHART OF SPANISH CONSTITUTIONAL LAWS (BY SUBJECT)

	ORGANIC LAW	FUERO ESPAÑOLES	CONSTIT LAW CORTES	LAW OF SUCCESSION	LAW PRINCIPLES NAT MOVEMENT	LAW REFERENDUM	LABOUR LAW
<b>COMMUNITY</b>	Art 1, 1				V & VI		*
Man		Art 1					
Family, Municipality, Trade Union Representation			Arts 1 & 2		VI & VIII VIII V		
Consideration before the Law		Art 3					
<b>REFORM OF CONSTITUTION</b>				Art. 10			
<b>DUTIES AND RIGHTS OF SPANIARDS</b>							
<b>Rights</b>							
To home		Art 15					
To associate		Art 16					
Respect personal and family ho nour		Art. 4					
Right to education		Art. 5			IX		V, 2
Religion		Art. 6			II		
Participation in public functions		Art 11			VIII		
Freedom of expression		Art 12					
Freedom and secrecy of correspon dence		Art. 13					
Freedom of choice of residence		Art 14					
Juridical security		Arts 17 & 19					
Illegal Arrest		Art 18					
Equality before the Law		Art 3					
Right of nationality		Art. 20					
Right of petition		Art. 21					
Right to work		Art 24					
Trade Union Organization							1, 3 & 8 XIII
Property and expropriation		Art 32			X		XII, 1 & 2
<b>Duties</b>							
Military Service		Art 7					
Contribution support, Public Ex penditure		Art. 9			IX		
Fulfilment of duty to work					X		1, 5





	ORGANIC LAW	FUERO ESPAÑOLES	CONSTIT. LAW CORTES	LAW OF SUCCESSION	LAW PRINCIPLES NAT. MOVEMENT	LAW REFERENDUM	LABOUR LAW
<b>SOVEREIGNTY</b> ... ..	Arts. 1 & 2						
National Emblem ... ..	Art. 5						
Suffrage ... ..		Art. 10	Art. 2	Art. 10	VIII VIII	Arts. 1 & 2	
Political Gatherings ... ..	Art. 4						
<b>HEAD OF STATE</b> ... ..							
(President of the Republic)	Title II						
Appointment to high office ... ..	Arts. 6, 14, 17, 26 & 58		7				
Functions ... ..	Arts. 6, 7, 13						
Appointment of Head of State ... ..				Arts. 6, 7, 8, 9 & 11			
<b>THE GOVERNMENT</b> ... ..	Arts. 13-20						
Head of State ... ..	Arts. 6, 13						
President of Government ... ..	Arts. 14, 15, 16						
Ministers ... ..	Arts. 17, 18						
Functions ... ..	Art. 13						
<b>THE SPANISH CORTES (Parliament)</b>			Law 17/7/42				
Deputies ... ..			Art. 2				
Legality and Hierarchy ... ..	42, 51 & 52		Art. 13	Art. 10			
Immunity of Deputies ... ..			Art. 5				
Nullity of imperative mandate ... ..			Art. 2 (II)				
Appointment of President ... ..			Art. 7				
<b>RELATIONS BETWEEN CORTES AND GOVERNMENT</b> ... ..	Arts. 49, 50, 51, 52, 53, 54						
Oath of allegiance of Head of State and Heir to Crown ... ..	Art. 50						
Authorizing Head of State ... ..	Arts. 9 & 50						
Passing of information on Govern- ment ... ..	Art. 53						
Approval of International Treaties and Agreements ... ..	Art. 9		Art. 14				
<b>NATIONAL COUNCIL</b> ... ..	Arts. 21-28						
(Second Chamber).							
Appeal of "contrafuero" ... ..	Arts. 59-66						
Defence of integrity of Principles of Movement ... ..	21						



	ORGANIC LAW	FUERO ESPAÑÓLES	CONSTIT. LAW CORTES	LAW OF SUCCESSION	LAW PRINCIPLES NAT. MOVEMENT	LAW REFERENDUM	LABOUR LAW
<b>JUDICIAL AUTHORITY</b> ... ..	Arts. 29-36						
Independence of judiciary ... ..	Art. 29				IX		
Free access to justice ... ..	Art. 30						
Judicial competence ... ..	Art. 31						
Superintendence of Justice ... ..	Art. 33						
Immovability of judiciary ... ..	Art. 34						
Attorney General's Office ... ..	Art. 35						
<b>NATIONAL ECONOMIC COUNCIL</b>	Art. 58						
Appointment of President ... ..	Art. 58						
Term of Office ... ..	Art. 58						
Retirement of President ... ..	Art. 58						
<b>TERRITORIAL GROUPS</b> ... ..	Arts. 45-48						
Provinces ... ..	Arts. 45 & 46				VI		
Municipalities ... ..	Arts. 45 & 46						
Status ... ..	Arts. 45 & 46						
Electoral systems ... ..	Arts. 45 & 46						
Characteristics ... ..	Arts. 45 & 46						



**JUSTICE.**—(Arts. 29-35 of the Organic Law of the State and IX Law on the Principles of the National Movement.)

*Administration:* In the name of the Head of State.

*Independence:* Shall enjoy complete independence.

*Shall be adapted to:* The Laws.

*Shall be administered by:* Judges and Magistrates who are independent, immovable and responsible in accordance with the Law.

*Access to Justice:* All Spaniards.

*Shall be free:* For those lacking economic means.

**ECCLESIASTICAL JUSTICE.**—(Art. 32, II, of the Organic Law of the State.)

*Scope:* As established in the Concordat with the Holy See.

**MILITARY JUSTICE.**—(Art. 32, I, of the Organic Law of the State.)

*Order:* Exceptional.

*Norms:* Laws and dispositions regulating it privately.

**LABOUR.**—(Law on the Principles of the National Movement, X; *Fuero de los Españoles*, Arts. 24 and 25. and Labour Law.)

*Definition:* The origin of hierarchy.

All Spaniards have the right to work.

All Spaniards have the right to occupy themselves in some socially useful activity.

Labour may not be relegated to the material concept of merchandise.

Labour may not be the object of any transaction incompatible with the personal dignity of the worker.

Labour is an attribute of honour.

It is sufficient in itself to demand the protection and assistance of the State.

Wages shall be, at least, sufficient to afford the worker and his family a moral and honourable life.

**LOCAL ADMINISTRATION.**—(Arts. 43 and 44 of the Organic Law of the State and VI Principle of the National Movement.)

*Organization:* Municipality.

Province.

Other territorial divisions.

**Representation:** Municipal and provincial corporations shall be elected by joint vote.

Spaniards shall participate in the vote through the family, the Municipality and the Trade Union, without prejudice to other representations established by law.

**MUNICIPALITY.**—(Arts. 45 and 46 of the Organic Law of the State and VI Principle of the Movement.)

**Character:** Natural entity.

**Constitution:** Basic structures of the National Community.

**Grouping:** Territorially in provinces.

**Status:** Juridical status and full capacity for the fulfilment of its ends, in the terms prescribed by Law.

**Other functions:** In co-operation with the State.

Electoral system.

**Town Council:** Joint vote through the Family, Municipality, Trade Union or other representatives established by Law.

**NATIONAL EMBLEM.**—(Organic Law of the State, Art. 5.)

The national flag is composed of three horizontal stripes —red, yellow and red— the yellow being twice the width of the red.

**NATIONAL PRODUCTION.**—(Labour Law, XI.)

**Constitutes:** Economic unity in the service of the country.

All other factors are subordinate to the supreme interest of nation.

**Output:** Wilful decrease shall be subject to sanction.

**Competition:** The State shall prevent:

- a) Unfair competition in the field of production.
- b) Activities that hinder the normal development of the national economy.

**Stimulus:** a) All initiative contributes to the benefit of production.

- b) Private initiative is the fruitful source of the economic life of the nation.

**ORGANIZATION OF THE STATE.**—(Art. 1, 2, Organic Law of the State.)

**Principles:** Unity of power and co-ordination of functions.

**Supreme Representative of the Nation:** Head of State.

*Functions:* Legislative, executive and judicial.

*Legislative function:* The Cortes.

*Executive function:* Government of the nation.

*Judicial function:* Administration of justice.

**PERSONIFICATION.**—(Organic Law of the State, 1, 6, 46; Labour Law, XIII.)

*Spanish State:* Supreme institution of the National Community.

*Head of State:* Supreme representative of the nation.

Personifies national sovereignty.

*Municipalities and Provinces:* Have juridical status and full capacity for the fulfilment of their ends.

*Trade Unions:* Have juridical status and functional capacity for the fulfilment of their ends.

**POLITICAL GATHERINGS.**—(Art. 4 of the Organic Law of the State.)

*Political System:* Open to all Spaniards.

*Intervention in political system:* Concurrence of criteria.

**NATIONAL COMMUNITY.**—(Art. 1, I, of the Organic Law of the State and V and VI of the Fundamental Law on the Principles of the Movement, Art. 2 of the Law of the Cortes.)

*Foundation:* Man, as the bearer of eternal values.

The family, as the basis of social life.

*Basic Structures:* Family, Municipality and Trade Union (natural entities).

*Consideration before the Law:* The Law protects all Spaniards in equal measure.

*Institutionalization:* The Spanish State is the supreme institution of the National Community.

*Representation:* All the Deputies of the Cortes represent the Spanish people.

**PRINCIPLE OF LEGALITY AND HIERARCHY OF NORMS.**—(Art. 10, Law of Succession, Arts. 42 and 51, Organic Law of the State.)

*Constitutional level:* Principles of the National Movement, Labour Law, *Fuero de los Españoles*, Constitutive Law of the Cortes, Law of Succession, Law of Referendum and Organic Law of the State.

**Ordinary legal reservation:** All questions covered in Articles 10 and 12 of the Law of the Cortes, except:

- a) With express authorization of the Cortes.
- b) When external security, the independence of the nation, the integrity of its territory or the institutional system of the Kingdom is under grave and immediate threat.

**Nullity of dispositions:** Those administrative dispositions shall be null and void that are contrary to the laws or which regulate, save by express authorization, those matters which fall within the exclusive competence of the Cortes.

Those Laws approved by the Cortes which modify or derogate the provisions of the Fundamental Laws, when they have not been submitted to *Referendum*, shall be subject to the Appeal of *Contrafuero*, in accordance with Article 3 of the Fundamental Law on the Principles of the National Movement. Any Laws or dispositions that injure or defame the Principles proclaimed by said Fundamental Law shall be null and void.

**Hierarchy:** Fundamental Laws.

Laws approved by the Cortes.

Decree-Laws.

Legislative Decrees.

Decrees approved by the Council of Ministers.

Orders approved by the Council of Ministers.

**PRIVATE PROPERTY.**—(Labour Law, XII, and *Fuero de los Españoles*, Arts. 30, 31 and 32.)

**Treatment:** The State recognizes and protects it.

**Functions:** Individual, family and social.

All forms of property are subordinate to the supreme interest of the nation.

**Access:** The State assumes the task of increasing and making accessible to all Spaniards the forms of property vitally linked to the human person.

**Expropriation:** For just cause for public utility or social interest.

Corresponding indemnities must be paid.

**PROVINCE.**—(Arts. 45 and 46, Organic Law of the State.)

**Definition:** District determined by the grouping of Municipalities.

Territorial division of the Administration of the State.



*Status:* Juridical status and full capacity for the fulfilment of its particular ends.

*Other functions:* In co-operation with the State.

*System of election:* Joint vote through the family, Municipality, Trade Union or other representation established by Law.

**RELATIONS BETWEEN HIGH ORGANS OF STATE.**—(Organic Law of the State, Arts. 49, 51, 55, 56, 57 and 58, and XIII of Labour Law.)

Head of State with the Cortes.

Head of State with the Council of the Realm.

President of the Government and Ministers with the Cortes.

Court of Exchequer of the Kingdom with the Cortes.

Head of State with Supreme Court of Justice, Council of State, Court of Exchequer of the Kingdom and National Economic Council.

Trade Unions with the State.

**RELIGION.**—(Art. 6, *Fuero de los Españoles*, and II, Principles of the National Movement.)

The Catholic Religion is the religion of the Spanish State.

The Catholic Religion shall enjoy official protection.

The State shall assume the protection of religious freedom.

Protection shall be guaranteed by an efficacious juridical system which, at the same time, shall safeguard morals and public order.

The Catholic Religion shall inspire legislation.

**REPRESENTATION.**—(Organic Law of the State, Arts. 21, 46 & 61; Labour Law, XIII.)

*Deputies:* The Spanish people.

*Head of State:* Supreme representative of the nation.

Personifies national sovereignty.

*Municipal & provincial corporations:* Represent the Municipality and the Province.

*Trade Unions:* Represent professional and economic interest for the fulfilment of the ends of the community.

*National Council:* Collegiate representation of the Movement.

**REVISION OF THE CONSTITUTION.**—(Art. 10, Law of Succession.)

It is an open Constitution, thus allowing for reforms and improvements. Any modification or derogation of the Spanish constitutional Laws require, not only the approval of the Cortes, but a national Referendum.

**SECOND CHAMBER.**—(Organic Law of the State, Arts. 21-28.)  
(National Council.)

*Definition:* Collegiate representative of the Movement.

*Promotes:* The adjustment of the laws and general dispositions to the Principles of the National Movement and other Fundamental Laws.

*Exercises:* Appeal of *Contrafuero*.

*Recommends:* To the Government precise measures for the greater effectiveness of the Principles of the Movement and other Fundamental Laws of the Kingdom.

*Examines and informs:* Any Bills or amendments of Fundamental Laws, before presentation to the Cortes.

Brings to the notice of the Government Reports and Memoranda it considers advisable.

**SOVEREIGNTY.**—(Arts. 1 and 2 of the Organic Law of the State.)

*Exercise:* By the State through the Organs established for the purposes to be fulfilled.

*Characteristics:* Sovereignty is one and indivisible, and is not susceptible to delegation or cession.

**STRUCTURE OF THE STATE.**—(Art 1, 1, of the Organic Law of the State and VII of the Law on the Principles of the National Movement.)

*Political structure:* Traditional monarchy.

*Characteristics:* Catholic, social and representative.

**SUFFRAGE.**—(Law of Referendum, Art. 2; Law of Succession in the Headship of State, Art. 10; Law on Principles of National Movement, VIII; Law of the Cortes, Art. 2; *Fuero de los Españoles*, Art. 10.)

*By Referendum:* When it is necessary to derogate or modify the Fundamental Laws of the nation.

It is open to all men and women of the nation over the age of twenty-one years.

*Other forms of representation:* Through the Family, the Municipality, the Trade Union and other entities with organic representation recognised by the laws for this purpose.

*Participation in the Cortes:* The Cortes are the highest organ of participation by the Spanish people in the affairs of the State.

#### **TRADE UNION.—(Labour Law, XIII.)**

*Juridical standing:* Public Law.

*Status:* Has juridical status and full functional capacity within its respective terms of reference.

*Basis:* Representative.

*Associations:* Within the Trade Unions shall constitute associations of *entrepreneurs*, technicians and workers.

*Ends:* Channel of professional and economic interests or the fulfilment of the ends of the national community.

*Collaboration:* In studies of production problems May propose solutions and intervene in: Regulations, Vigilance and Fulfilment of conditions of work.

*Research:* May create and maintain agencies for research, moral, cultural and vocational training, social welfare, and other activities of a social nature.

#### **TRADE UNION ORGANIZATION.—(Labour Law, XIII.)**

Spaniards participating in labour and production.

*Character of Trade Unions:* Public Law Corporation.

*Status:* Full juridical capacity and full functional capacity.

*Activity:* Free and representative participation in the respective associations of *entrepreneurs*, technicians and workers organized for the defence of particular interests. The Trade Unions are the channels of professional and economic interests for the fulfilment of the ends of the national community, having the representation of such interests.



V

**THE FUNDAMENTAL LAWS  
AS VISUALIZED BY FRANCO**

(Collection of Manifestos)



## **A TRUE DEMOCRACY**

The new Spanish State will be a true democracy in which every citizen will participate in the Government through his professional activity and his particular function.

*(Declarations to the "News Service", November, 1937.)*

## **THE LAW OF SUCCESSION AND INSTITUTIONAL STABILITY**

The Law of Succession does not cater for the interest of any victorious clan. It is for the service of the nation and is in the general interest of all Spaniards; it is the inevitable considered affirmation of a strong Regime in the face of the inherent instability characterizing all human institutions. Its essence is the national spirit itself, and its *raison d'être*, the continuity of the nation.

The need for the referendum from this, and from the juridical, point of view, is also an obligation. The law instituting the referendum as a system for laws and decisions of great moment having been

promulgated, there is no law of greater interest or importance than this which, after its elaboration and approval by the Cortes, is today offered for your consideration. It is the indispensable duty of a Regime to define the State and to establish in its institutional laws the manner in which the succession of its headship should be effected in the future, so that the intrinsic values of the country may be ensured and guaranteed. Lighting the way for a new order is not enough. It must be defined and given stability and permanence above the personalities and hazards of this perilous life.

*(Address given on Radio Nacional, 4th July, 1947.)*

## **ORGANIC DEMOCRACY**

Against this false democracy, the destroyer of the individual, we shall build an organic democracy. We have no faith in political parties, for did they not reduce Spain to virtual incapacity after a century of merciless conflicts? For us, the existence of the country cannot be a matter of discussion among men; there are things that are superior to the rights of man. The faith of a people and the existence of a nation form the inalienable patrimony that we receive from our elders and which we must pass on to our children and successors, if possible increased and enriched.

That ingenious division of right and left, fanned by the flame of the liberal regime that brought us independence, was destined to lead us to ruin, to



the days we endured before the National Movement — people divided against one another, cities in conflict, Spaniards against Spaniards, the values of the country scorned, work brought to a standstill, consciences in tumult, progress halted, without the least advantage to the common good, the object of any honourable policy.

*(Address given in Pamplona,  
4th December, 1952.)*

## **A MOVEMENT — NOT A PARTY**

Those who sometimes speak of the party are in error. We have no party. We are a **Movement**, for the Traditionalists and the Falangists never wished to be parties, although they appeared as such during the conflict; we are a **Movement** that has taken from all the ideals of Spain and from our traditions that element that is common to us, which unites us and does not divide us. And on this element we have fashioned our **Movement** — a **Movement** that is not impenetrable and without hierarchies; a **Movement** open to every Spaniard of good faith who wishes to render political service to the nation. We deny no one a post, we open our arms to all and we grieve when certain elements, with mistaken beliefs or clinging to old errors, remain at home and do not lend their brains and brawn to the common effort of lifting Spain out of her ruins.

*(Address given in Pamplona,  
4th December, 1952.)*

## THE LAW OF SUCCESSION AND ITS CONSTITUTIONAL TRANSCENDENCE

A Law of Succession was one day presented to the Cortes, and after being approved by that body, it was submitted to a national referendum, with a resultant vote of 90 per cent in favour of its institution. There exists, therefore, a law of constitutional transcendence which regulates the questions of the succession to the Headship of State. The Spanish nation has constituted itself as a kingdom, in keeping with its traditions. Spain, for practically the whole of its existence, has been a Monarchy, which presided over the best periods of our history. This does not mean a return to the Monarchy in the form and concept prevailing when it fell, but to the essence of the institution, or in other words, with certain qualifications of integrity, intellectual capacity and moral identification required of the person who, at the proper moment, will be called upon to succeed. The Law offers solutions for those cases in which the law of inheritance fails to produce a person suitable to rule; that is to say, that if the person called upon to succeed does not fulfil the necessary conditions, that person is passed over, the Headship being transferred to a Regent. If this safeguard had been provided in other epochs of our history, our past successions would not have been fraught with so many upheavals and complications. Today, the institutions are perfectly consolidated, and we can thus look to the future with tranquil hearts. If the moment should come when I am no longer here (this problem would have had no solution before because I myself had not yet found one), the Council of the Realm will be convoked, and

Spain shall have a ruling prince or a Regent, and so its life will continue uninterrupted, with all our institutions intact.

Our political Movement is firmly rooted, and the succession has more safeguards than it has ever had in the last century of our history.

*(Declarations to the Director of "Alerta", of Havana, 5th December, 1954.)*

## **THE INSTITUTIONAL PROCESS OF THE KINGDOM**

Laws, no matter how wise or farseeing they may be, are not sufficient in themselves to ensure a system if this is not rooted in the mind of the nation and if it is not in the interests of all to preserve it. This is not the case here, for our Regime and its concepts constitute the expression of the will of the nation conquered with blood. Under its device, we have weathered the most difficult times in the life of Spain. Its decisive efficacy, in war and in peace, in external and internal battles, whether political, economic or social, imbue it with a vigour never achieved by any other political system. For this reason, it may be improved, but never twisted or detracted.

From the political unity indispensable to the future life of Spain, defined and promulgated in the first days of the Crusade, in the laws which were later proposed to, and accepted by, the nation, its aims

have been pursued and guaranteed within the limits of human possibility.

Let us not forget that the Council of the Realm, that substantial part of our system, called upon to intervene, not only in the succession, but in the resolutions falling within the exclusive competence of the Head of State, is the most faithful representative of the nation at all times. Within it, the Cortes are represented by their President; the Church, by one of her highest Prelates; the Armed Forces, by the most qualified General; the political Movement, by its National Council; Justice and Law, by their supreme magistrates; intellectual life, by the Universities and liberal professions; the productive forces, by their Trade Unions; and the people in general, by their Town Councils. On the other hand, the institution of the Regency forestalls the vacuum which may some day be left by persons; but above all this is the will of the Spanish people and the firm decision of the generations guarding the concepts of our Crusade not to allow the detraction of the religious, political and social values of a Movement brought to light at so high a price.

*(Declarations to the newspaper "Arriba", 27th November, 1955.)*

## **A REGIME WITH AN OPEN CONSTITUTION**

Our Regime is of an open, not a closed, constitution, and is disposed to absorb all the improvements that the needs of the country may advise, as the years

go by, without injuring the essence and principles of a Movement like the national Movement, whose birth cost so much blood and sacrifice and which has amply demonstrated its efficacy for twenty years.

*(End-of-year Message, 31st  
December, 1955.)*

## **GENERAL LINES OF CONSTITUTIONAL DEVELOPMENT**

The general lines of our constitutional development have been traced in subjection to our traditions and to the imperatives of our character. Such is the politico-social evolution of peoples in the era in which we live, that it would be madness for us to attempt to copy the rigid lines of the political constitutions of the nineteenth century, which have left Spain with so bitter a memory.

Spain is today a country with an open constitution, in which guarantees normally established by other constitutions, and many more important ones in the realms of social welfare and labour not guaranteed by other constitutions, are brought together and protected by basic laws promulgated during the last few years: the Labour Law, the *Fuero de los Españoles* (Statute Law of the Spanish People), the Law of the Cortes, the Law of Referendum and the Law of Succession, submitted to referendum several years ago and approved almost unanimously by the nation.

There is little left to be instituted in this basic constitutional order and, after the usual procedure involving public information and debates in the

Cortes, this will be submitted in the near future to the nation for its approval.

*(Declarations to "The New York Times", 19th March, 1957.)*

## **THE CONSTITUTIONAL SYSTEM. THE HEADSHIP OF STATE AND OF THE GOVERNMENT**

I have stressed many times before that our constitutional system provides for an open Constitution. This does not mean that its basic laws lack the stability of the Constitutions of other countries. But, when there is need for improving it, at the wish of, or in the service of, the nation, there is no reason why it should fall apart, as some do, during a period of reconstruction and revolution, of which Spain has so often been the victim. The institution of the referendum permits direct consultation with the nation, and not the fiction and duplicity linked with political parties, with the nation giving its approval to the basic laws that govern the country, any variation of these laws having to go through the same channels.

What is lacking in this basic order, particularly as regards the delimitation and separation of the functions of the Headship of State from those of the Government in the future, must take the same course as the previous laws.

*(Declarations to the newspaper "A B C", 2nd April, 1957.)*

## **THE FOUR FUNDAMENTAL UNITS OF THE SPANISH NATIONAL REVOLUTION**

There is virtually a difference of substance between a legislative organ formed by the legitimate representatives of the different sectors and entities that naturally constitute the community and those of the past formed by persons representing factions and completely artificial political parties. In the latter, group interests, partial and often contradictory, or at least divergent, always predominated over the true interests of the nation, whereas the interests of the entities and social sectors organically represented by yourselves, on the lines of prudence and reason, always coincide with the common good of the nation, of which they are an integral part and without which your private welfare would not be promoted. This is the intrinsic virtuality that particularizes and distinguishes organic political representation from the turbulent, blind, emotional representation founded on a multiplicity of parties and the sterility of inorganic universal suffrage. Our representation is the protector of our political unity, which with religious unity, national unity and social unity, enlightened and sustained by the National Movement, shapes on their doctrinal bases the four fundamental units of the Spanish national revolution. They harbour within them the tones and methods capable of dealing with concrete problems and finding adequate solutions, without these tones and methods being used as a clever contrivance to provoke the disability or subversion of the system, of the principles, values and institutions, on which the unity of the country rests and was re-established.

This institutional system of doctrinal principles and moral, religious and cultural values, which has to be respected and served with absolute loyalty, with unbreakable word and daily deeds, delimits, the exact dimensions of the field within which the exercise of personal liberty, rightly understood, is licit and advantageous for Spain, to which all of us — legislators, governors and governed — owe everything.

*(Address delivered to the Spanish Cortes on promulgating the Principles of the National Movement, 17th May, 1958.)*

## **ELABORATION OF THE FUNDAMENTAL LAWS**

Our victory would have been empty if, instead of concentrating our efforts on the arduous task of national reconstruction and the moral and material uplifting of our people, we had occupied ourselves with the drafting of constitutions, immersing ourselves in the whirlpools of verbiage and elegant irrelevancies, of which the history of Spain has a sad memory. "Deeds, not words" was the cry of our country in its desperate hour. The institutional process of the Regime called for spontaneity, maturity and wide experience.

Thus have the norms of our Public Law been elaborated; thus sprang forth the first fundamental laws of the State. And now, with the experience of over twenty years, we can affirm without arrogance that the National Movement is the most profound



and transcendent political enterprise of our contemporary history. Its vitality, born of an unforgettable and fruitful victory, stirs it to restore, with absolute fidelity to its principles, a complete and fundamental system of laws that responds to the noblest Spanish tradition, as the fruit of present needs and a guarantee to the nation, so far as is humanly possible, of the social and political continuity of a stable and secure future.

Steadfast in this course, we have devoted our energies to the elaboration of the fundamental draft laws (Bills) which are necessary to complete the firm institutional process of our State and which will duly be submitted to the Cortes for their study and approval. The importance of the legal texts under review and the desire to assimilate all the advice and counsel demanded by the interest of the nation, explains the detailed elaboration to which they are being subjected. The Cortes, as the supreme representative Body of the nation, will bring to these laws, not only their proven matureness and competence, but the indispensable popular assent manifested through their organic and natural channels.

*(Address delivered to the  
Cortes on promulgating the  
Principles of the National  
Movement, 17th May, 1958.)*

## **OUR SYSTEM OF PRINCIPLES**

Because of its programmatic nature, many of the points with which the Movement began shall continue to be, with others, an inspiring concept,

but it is clear that, to a large extent, they have already been converted into the substance of Spain, for they have been the spirit that has given impetus, without wavering or vacillation, to the monument and the very structure of the State. Today, with the historical panorama offered us by time and the tasks accomplished, we can face the prospect of formulating with precision, this system of principles already felicitously consolidated, and which because of the range of the dispositions that brought them into being, have not achieved, however, the formal status of basic laws.

We must take into account that the Law of Succession establishes in Article 9 that, in order to exercise the Headship of State as King or Regent, an oath of allegiance to the fundamental laws of the Kingdom and to the principles informing the National Movement will be required. The fulfilment of this basic precept demands a precise and articulate formulation of those principles, so that over its text the required solemn oath may be taken, when the will of God dictates the implementation of the provisions of the Law.

This natural improvement of our basic laws has often been used by our political adversaries abroad, aided and abetted by certain residual elements of the old policy at home, to speculate on these provisions, in an attempt to sow confusion as to their meaning, and to convert them into a bridge which may one day take them back to the opprobrious system that was demolished so opportunely.

To arrive at that conclusion, they have tried to attribute the brilliant results registered over the past years in the government and resurgence of the country to certain exceptional personal gifts and virtues which would disappear with my person, so

as to link the existence of the Regime with my physical life. It is precisely the Law of Succession that has forestalled them by establishing in lucid terms the regulated succession of the persons who will serve to give permanence and stability to the Regime.

*(Address delivered to the Cortes on promulgating the Principles of the National Movement, 17th May, 1958.)*

## **OUR REGIME HAS ITS OWN EXISTENCE AND WILL BE ITS OWN SUCCESSOR**

Our regime lives on its own, is not dependent on anything outside it, will be its own successor and no other successions are being prepared. We are not a parenthesis, nor a dictatorship between two periods, as our adversaries pretend. We constitute a true historical rectification, a new order, the fruit of Spanish genius, created by our Movement in 1936 in an hour of utter failure by the old systems.

There is no question of returning to the archaic and to the past, but of incorporating the principles of our historical tradition, bringing them up to date, preserving their continuity, and maintaining, throughout the years, with the inevitable substitution of persons inherent in all things human when physical death or exhaustion take their toll, the unalterable course of our Movement, to which the blood of our generation gave life and projection into the future. It is essential that the national conscience be founded, above all, on the affirmation of the unity of the country and the Catholicity of the Spanish people,

two principles firmly rooted in the most profound element of the nation, which are formulated categorically in the first two declarations.

But the ideal of Spain and of her religious faith have always had an oecumenical connotation. This, in effect, is the reason why our patriotic ideals have always been linked with peace and justice among peoples. This factor has bred the two aspirations without which our conduct in the concert of nations cannot be understood: Christianity and *Hispanidad*. This exclusively Spanish idea should also be asserted in the present promulgation.

The Armed Forces in this State are much more than a simple instrument of defence; they are the safeguard of permanence and the pillar of the country; their strength is an absolute necessity and not a circumstantial tactical convenience.

Every affirmation of a collective and institutional nature has to be based on total respect for the primary rights of man, the bearer of eternal values. This postulate should consecrate the recognition of the natural entities appearing in the midst of the community for the better fulfilment of its ends. The Movement is not, and has never been, indifferent to the forms of Government. Our Regime is incompatible with the clumsy Republican experiments, which experience proved, tragically and irrefutably, to be disastrous for the nation. The political form of the national State, proclaimed by the Law of Succession and approved unanimously by all Spaniards, is the traditional, Catholic, social and representative Monarchy. The channel of representation is established through the organic course itself of a united and coherent collectivity and not through the individual and artful atomization of inorganic systems.

The Movement was formed with the firm purpose of abolishing privilege and of ensuring for the Spanish people, justice, social peace, access to culture and security, and economic well-being. Thus came respect for private property, subordinated to the common good, and protection of enterprise, understood as an association of capital, technical skill and labour in the service of the national economy. These are, in brief, the foundations of the affirmations I consider it vital to proclaim. The historical importance of this declaration demands that it be promulgated as a Fundamental Law of the Kingdom, with the character derived from its intrinsic nature, and that it be permanent and unalterable.

*(Address delivered to the Cortes on promulgating the Principles of the National Movement, 17th May, 1958.)*

## **LAW OF SUCCESSION AND COUNCIL OF THE REALM**

It is my feeling that many Spaniards have not given sufficient value to the Law of Succession, the institution of the Council of the Realm and the rôle to be played not only with the superior council on matters of the exclusive personal competence of the Head of State, but in the solutions of the natural crises that befall all peoples sooner or later. When this institution exists and its members enjoy prestige and authority, the line of least resistance is that of accepting the solutions offered, legally and wisely instituted.

The institution, which Spain approved in an almost unanimous plebiscite, is constituted by the highest and most representative elements of the nation; by persons who have achieved in their career the highest posts, or who are the most eminent in public life. The Church is represented by its highest ranking Prelates; the judiciary, by distinguished magistrates; culture and liberal professions, by the Universities and Professional Colleges, and the people, by the Municipalities and Trade Unions. If we add the faithful guardianship that the armed institutions and forces of public order maintain in defence of the legally constituted Regime, we would have a better appreciation of how our system is being endowed with the maximum guarantees of a temporal order. There was a vacuum that had to be filled, which was not only lacking in the great contemporary crises of other nations, but which was more sharply felt by ours throughout the past centuries.

*(End-of-year Message, 31st  
December, 1958.)*

## **FUNDAMENTAL LAW OF THE PRINCIPLES OF THE NATIONAL MOVEMENT**

So that no one may snatch from us the fruits of this efficacious continuity, one basis was, is and always shall be indispensable: unity. National unity, religious unity, social unity and political unity; the unity felt, defended and practised, not merely proclaimed as an assumed tactic of one who operates with impunity from the side-lines, or against those postulates on which that unity rightly rests, and which

were already definitively established in the Fundamental Law on the Principles of the National Movement.

Those principles have to be accepted in their entirety. They form an organic whole; none of them are provisional in character. No one may attribute to any of them a transitory existence nor limit their extension and scope in accordance with selfish desires and purely personal criteria. By virtue of this Fundamental Law, the Movement has its proper status within our institutional scheme and an obligatory acceptance by the governing and the governed in the present and in the future.

*(End-of-year Message, 31st  
December, 1958.)*

## **THE DIFFERENCE BETWEEN MOVEMENT AND PARTY**

A Movement cannot become stagnant nor stop its course; it is subject to periodic renewal. A national policy worthy of this name must look to the future, set for itself ambitious goals and mobilize all the means necessary to achieve them. A Movement has to struggle and exert itself without cease for the realization, up to the extreme limits that circumstances and the available means prudently permit, of those aspirations it believes to be necessary for the good and the improvement of the person and society. It is at this point that the substantial difference between party and Movement, between inscription in a programme and faith applied to a

national problem, between a political label and a way of life, manifests itself.

*(End-of-year Message, 31st  
December, 1958.)*

## **THE INSTITUTIONAL CONTINUITY AND THE ESSENTIAL AIMS OF THE MOVEMENT**

To confuse the continuity of a Regime with the correct functioning of a juridical procedure of succession based on an elective mechanism or on inheritance is a serious mistake. There will only be true continuity if there is permanence in the "being" and in the building, in the objects, purposes and fundamental aims, and when these objects, purposes and aims are served efficaciously and without interruption. The institutions and the persons that occupy them successively have to serve what they essentially define and specify and what vitally characterizes the political system, the Regime. Any other terms of reference lead inevitably into a falsification of the system, and this falsification may result, as has happened so many times in our history, in nothing but a mere appearance of the political system; what is more, what actually exists may be absolutely different from the original system, if not its direct opposite or antithesis, which, sooner or later, ends by demanding to be recognized by its own name or staging an irruption as such in historical reality.

*(End-of-year Message, 31st  
December, 1958.)*



## **THE LAW OF SUCCESSION**

The Law of Succession, which governs the process of succession, has been solemnly approved by the people, and is only questioned by those exiguous minorities of politicians who hope to take the water to their mill, and exaggerate the strength of my personality so that, later on, the Law may be considered lacking in efficacy. The Council of the Realm, the key piece in the Law of Succession, is the most representative agent of the nation at all times. Its authority derives from its constitutional legal strength and from the support given it by the sectors and forces represented in it. It is a faithful reflection of the forces and elements to which all nations resort in moments of grave crisis.

*(Address delivered to the  
Cortes, 3rd June, 1961.)*

## **ORGANIC DEMOCRACY—FAMILY, MUNICIPAL AND TRADE UNION REPRESENTATION**

We are all familiar, particularly those of us who are old, with the fiction of the political parties, in which the relation between the representatives and the represented was limited to the election of various names which the party committees presented, and which were practically unknown to the electors, but once their investiture was secured, they operated as their fancy dictated, without the least regard for the interests or the wishes of the voters. Against this we place our organic democracy, in which represen-

tation is effected through the family, the Municipality and the Trade Union, in the spheres wheré men live and adjust themselves, and in which the elected keep alive the link with the society that elected them, without being able to betray the homogeneous and legitimate interests of those represented; but even this honest institution is not enough to satisfy the true essentials of a democracy. We consider it necessary that democracy should be a living thing, that all should participate in public life, and that it is absolutely vital that periodic economic trade union congresses should be held on a provincial scale, so that the problems of the province may be debated openly, and that aspirations may find a channel for their direct presentation to the public authorities, and later examination by the Government with the object of translating them into Bills (draft laws).

And that is not all. There exists in our basic legislation the institution of the referendum, through which the fundamental laws have been submitted to the nation, for its approval, and through which other laws of acknowledged importance are also submitted to the nation.

They may or may not like abroad what we have in Spain, but it is incomparably more democratic in essence and practice than the other systems operating in the rest of the world. And if we look at its effects, can anyone deny its success? Twenty-three years of uninterrupted peace, of economic progress and strength to resist the attacks aimed at us from abroad surely add up to an important achievement.

*(Address given at the inauguration of the new Provincial Hospital in Valencia, 18th June, 1962.)*

## **A RIGHTIST POLITICO-SOCIAL SYSTEM**

What was forged by the Movement and the Crusade is not a bridge for re-establishing commerce between two banks, but a political concept and a State structure which, being of lawful origin, having been grafted biologically to the vitals of tradition, and being in step with the imperatives of our times, crystallized into a rightist politico-social system, hispanically original, overpowering, without motives nor allowances, with a sense of historical continuity and a vital synchronization with the demands of justice and social transformation that characterize and particularize the present phase of history.

*(Address given at the  
Monastery of Las Huelgas,  
Burgos, IX National Council,  
2nd October, 1961.)*

## **A CONSTITUTIONAL STATE**

Finally, in the political terrain, we have created a constitutional State, equipped with fundamental organs. We have approved a legislation that is provident and adaptable to our needs. We have a capable, honest and organized Administration. We enjoy certain precepts and concepts which the immense majority of Spaniards share, and we note with satisfaction that the rest of the world, far from drawing away from us, are, on the contrary, adopting solutions and doctrines which, save for the historical peculiarities of each country, are coming closer and closer to ours.

We can, therefore, look to the future with confidence, wait for the fruits of our labour, adapt the detail to the changing necessity of each circumstance, observe the functioning of our institutions, encourage the necessary evolutions prompted by historical events and embark upon new advances in every field of human activity.

*(End-of-year Message, 30th  
December, 1962.)*

## **THE LABOUR LAW AND THE TRANSFORMATION OF SPANISH SOCIETY**

That the Labour Law should maintain at this level, and during the accelerated process of social transformation of the century, the intact effectiveness of its essential solutions is the best proof of the solidity of the foundations of our doctrinal concept and the wealth of the possibilities of the future that attends all the doctrines of the Movement. On this 25th Anniversary, it is within the sight of all, how we have creditably fulfilled those aspirations, how we have kept the promises and declarations we made in this regard in the heat of battle. In this case, the rest of the world, which at times has displayed such a lack of sympathy with Spain and still harbours hostile feeling towards her, may look at our record and reflect upon our achievements. Could anyone, in circumstances like ours, have accomplished more?

The Labour Law announced, as an aspiration of the

new State, a profound transformation of Spanish society and planned the erection of a powerful social institution, which Spain lacked completely. It made a pledge to dignify labour, and to acknowledge its worth and its place of honour in collective life; to liberate it from the conception of materialist thought, which had so far dominated it; to give effectiveness to the "right to work", when the spectre of forced unemployment was a daily reality, which in the years prior to the Movement, had reached the figure of almost one million men. It proposed to regulate labour relations, securing for labour the guarantees and benefits already enjoyed by the other forms of professional activity; to ensure fair wages; to forge a link between labour and enterprise, so that both sides may become aware of their respective problems and responsibilities. It offered protection to the noble work performed by families and artisans, and to promote the professional capacity of industrial and agricultural labour, as well as to embellish rural life. It promised to look into the situation of tenant farmers; to seek due protection for maritime workers; to bring labour conflicts under proper jurisdiction, with all the guarantees of legal machinery. It aimed to restore the confidence of the masses and to ensure for the *entrepreneur* the prestige and security without which he would find it difficult to carry out his mission; to organize credit in order to attend to the needs of the poorest sectors of the community; to set in motion the services responsible for social security loans; to guarantee continuity in employment; to promote access to property; to safeguard the family; to create a trade union organization to cope with the needs of our time. It established agencies to deal with immigra-

tion and emigration problems in the interest of the nation. And, finally, when arms were still being poised all over Spain, it tried to trace for the heroic combatants a series of aims and objects of the new Spain that was being built.

*(Address delivered at the IX National Congress of the Movement, 9th March, 1963.)*

## **LABOUR - THE DOMINANT FACTOR**

The most inspired idea of our political movement was the discovery thirty years ago that we were facing a new era, although since that time the general political process has gained impetus; that the capitalists, liberal and individualist society, despite its resistance, had to give way to a society in which labour was the dominant factor. The principle of social justice that we proclaimed is hardly ever discussed nowadays, except in terms of its practical methods of application and in generalities. For not even the greatest human advancement imaginable can exclude the transcendence of man as the bearer of eternal values, a definition which we applied from the outset.

*(Address delivered at the Extraordinary Session of the Spanish Cortes, on introducing the draft of the Organic Law of the State, 22nd November, 1966.)*

## **DISCUSSION—THE BASIS OF POLITICS**

No system, no matter how perfectly conceived, can justify itself without properly oriented political action, which cannot exist without an idea or concept behind it. Discussion is the basis of politics; not the anarchic and artificial discussion indulged in by parties, the impostors of the true values of the nation, but the discourse of the loyal representatives of the people. The diversity of thought in politics, as inevitable as it is proper, needs to accept and respect a common denominator, a single field and certain rules of the game, without which politics metamorphose into an entirely larval state of civil war, of which we have had a living example in Spain over the past century.

*(Address delivered at the Extraordinary Session of the Spanish Cortes, on introducing the draft of the Organic Law of the State, 22nd November, 1966.)*

## **THERE IS NO DEMOCRACY WITHOUT WELL-BEING**

Democracy, which in its true sense is the most precious civilizing legacy of western culture, appears in each epoch bound to concrete circumstances that resolve themselves in political and other formulae throughout history. There is no democracy without well-being; there is no real liberty if people are

incapable of satisfying their moral and material needs; there is no true representation without true citizenship, for men and the natural units of society must present themselves before the State as masters of themselves, which is the only way in which the State can maintain authority in the service of the Law, without imposing servitude under the pretext of liberating one group or another from other artificial disciplines.

*(Address delivered at the Extraordinary Session of the Spanish Cortes, on introducing the draft of the Organic Law of the State, 22nd November, 1966.)*

## **DEMOCRACY AND THE PARTY SYSTEM**

The party system is not an essential and permanent element of democracy. Throughout history, many democratic systems have been instituted without the phenomenon of political parties, which are, of course, a relatively recent feature, born of the crisis and deterioration of the organic bonds of traditional society.

From the moment that parties become platforms for class wars and dividers of national unity, they cease to be a constructive solution, or a tolerable one, for the introduction of Spanish society into a true, orderly and efficacious democracy. But the exclusion of political parties in no way implies the exclusion of the legitimate contrast of opinions, of the critical analysis of Government measures, of the public



formulation of programmes and means contributing to the improvement of the progress of the community.

*(Address delivered at the Extraordinary Session of the Spanish Cortes, on introducing the draft of the Organic Law of the State, 22nd November, 1966.)*

## **THE MATURING OF OUR PRINCIPLES**

During the past few years, we have been establishing, in a progressive and judicious manner, a system that permits the State to function, without oppressing individuals and natural intermediate groups, after exploring all its possibilities. Our principles of dogma are recorded in the Law of 1953, our basic rights and guarantees, in the *Fuero de los Españoles* (Statute Law of the Spanish People) of 1945; our desires and wishes for social justice, in the Labour Law of 1938. This, which we may call the dogmatic part of our institutional organization is complemented by an organic part consisting of the Law of the Creation of the Spanish Cortes of 1942 (revised in 1945 and regulated on three occasions, the last being in 1957); the Law of National Referendum of 1945; and the Law of Succession in the Headship of State of 1947.

This brief outline of the fundamental laws suffices to bring two elements to light: the first is the due caution we have exercised, in the midst of the incredible phases of the past thirty years, in not compromising the future while its foundations were

being laid; the second is the opportuneness of proceeding at this time, on the one hand, to revise those dispositions in the light of the experience of these years and our increased possibilities, and on the other, to take a new and decisive step towards our goal, with the help of an agency that could function in any eventuality of future years. It is clear that neither one nor the other presupposes the opening of an unnecessary period of constitution; on the contrary, it involves the maturing of something we already have, the extraction of the wisdom gained by our experience to institutionalize and perfect these dispositions to the utmost. It means, in brief, staying on the course that has been the salvation of Spain, and continuing on it, meeting every contingency and preparing against any pitfalls that might appear.

*(Address delivered at the Extraordinary Session of the Spanish Cortes, on introducing the draft of the Organic Law of the State, 22nd November, 1966.)*

## **THE LAW OF SUCCESSION**

The Law of Succession to the Headship of State had the dual purpose of determining the nature of our Regime, to forestall speculation liable to lead to division, and avoiding the risks derived from the contingencies of human life. At the same time, it permitted the establishment of key institutions, such as the Regency Council, the Council of the Realm and the Regency in a balanced mechanism, which,

had it existed in other times, would have avoided the grave crises that beleaguered the succession on more than one occasion in the past. The Law of Succession provided, therefore, a splendid opportunity to put the national referendum to the test, affording the electorate a total adhesion to the activities of Spain over a period of ten years, and to give the lie to foreign accusations of the lack of foundation in our Regime, as well as to ratify your confidence in the National Movement, in its institutions and in its servants.

*(Address delivered at the Extraordinary Session of the Spanish Cortes, on introducing the draft of the Organic Law of the State, 22nd November, 1966.)*



# I N D E X

	Page
<b>A</b>	
Abdication	118
Accidents, Work	38, 52
Adjudication, Free	23, 74
Administration, Local	82, 83
Administration of State	79, 80
Agrarian Reform	24, 49
Agriculture	24, 39, 49, 51
Appeals	81, 89 foll
Appointments	64, 66, 67, 68, 88, 89
Approval of Government Decisions	64
Arbitration	80, 81
Armed Forces	22 78 foll.
Arrest —	
Deputies of Cortes	102
Illegal	35
Association	24, 34
Attorney General's Office	77
<b>B</b>	
Bills (Draft Laws)	86, 106
<b>C</b>	
Capital	37
Catholic Church	21, 32, 38, 111
Caudillo	93 112
Census	124
Common Good	38, 50 61 62
Community, National	22, 30, 61
Concurrence of Criteria	62

	Page
Confession (Catholic) ... ..	21, 32
Confiscation ... ..	39
Contrafuero ... ..	89, 90, 91, 92
Corporations ... ..	24, 23
Cortes ... ..	63, 64, 65, 96 foll., 115 foll.
Cortes —	
Committees ... ..	104, 105, 106, 107
Competence ... ..	104, 105, 106, 107
Convocation ... ..	63
Decisions ... ..	85, 104
Council of Ministers ... ..	66, 67
Council, National ... ..	70-74
Council of the Realm ... ..	87, 113
Council, Regency ... ..	112, 113
Council of State ... ..	80
Court of Exchequer of Kingdom ... ..	82, 87
Credit ... ..	24, 51, 52
Crown ... ..	118
Crusade ... ..	21
<b>D</b>	
Decree-Laws ... ..	106
Deputies of Cortes ... ..	99 foll.
Discrimination ... ..	31
Duties of Spanish People —	
Military Service ... ..	32
Support of Public Debt ... ..	33
Work ... ..	37, 44 foll.
<b>E</b>	
Economy ... ..	24, 52, 55, 104
Education ... ..	31, 49
Employment ... ..	45, 50
Enterprise ... ..	24, 37, 50, 51
Entities, Natural ... ..	22, 23, 36, 82
Equality —	
Before Law ... ..	23, 31
Of Opportunity ... ..	31
Expropriation, Enforced ... ..	39

## F

Family ... ..	22, 31, 36, 46, 49, 53, ...54, 100
Fuero de los Españoles ... ..	27 foll.
Fundamental Ends of State ... ..	61, 62

## G

Government of Nation ... ..	66 foll,
-----------------------------	----------

## H

Handicraft ... ..	48
Head of State ... ..	62 foll., 109 foll.
Head of State —	
Absence ... ..	66
Acts ... ..	63, 64, 65, 66
Authority ... ..	64
Authorization of Cortes ... ..	64, 65
Incapacity ... ..	118, 119
Health ... ..	24
Heir to Crown ... ..	66, 117, 118
Hispanidad ... ..	21
Holidays ... ..	46
Honour ... ..	31
House Search ... ..	34
Housing ... ..	39, 49

## I

Illegal Organization ... ..	23
Independence —	
Country ... ..	22, 61
Judiciary ... ..	74
Industrialization ... ..	24
Institutions ... ..	22, 61
Institutional System ... ..	81
Integrity of Country ... ..	22, 61
Interests, Individual & Collective ... ..	22
International Treaties ... ..	65, 106
Irrigation ... ..	24

## J

Judiciary & Tribunals ... ..	74 foll., 77
Jurisdiction —	
Ecclesiastical ... ..	76
Military ... ..	76
Ordinary ... ..	76
Jurisdictional Conflicts ... ..	87
Justice ... ..	23, 34, 74

## K

King ... ..	115 foll.
Kingdom ... ..	61, 111

## L

Labour ... ..	37
Labour —	
Conditions ... ..	24, 47, 55
Defence of Worker ... ..	45
Magistrature ... ..	50
Land, Exploitation ... ..	49, 50
Law —	
Civil ... ..	105
Litigation ... ..	105
Mercantile ... ..	105
Penal ... ..	105
Social ... ..	105
Law of God ... ..	21
Laws ... ..	30
Laws —	
Elaboration & Approval ... ..	98
Guarantee ... ..	31, 80, 85
Nullity ... ..	25, 89 foll.
Promulgation ... ..	63
Sanction ... ..	63, 98, 107
Laws, Fundamental —	
Constitutive Law of Cortes ... ..	95 foll.
Fuero de los Españoles ... ..	27 foll.
Fundamental Principles of National Movement	19 foll.



	<u>Page</u>
Labour Law ... ..	41 foll.
Law of Referendum ... ..	121 foll.
Law of Succession to Headship of State ... ..	109 foll.
Organic Law of State ... ..	57 foll.
Laws, Fundamental —	
Derogation ... ..	117
Return to Cortes ... ..	65
Elaboration ... ..	12, 98 foll., 104 foll.
Leases ... ..	49
Legislative Term ... ..	63, 65
Loyalty to Country ... ..	30

### M

Magistrature ... ..	76
Management .. ..	50
Marketing, Control ... ..	50, 52, 53
Maritime Activities ... ..	24, 50
Matrimony ... ..	36
Mineral Resources ... ..	24
Ministers ... ..	66 foll.
Monarchy ... ..	23
Municipality ... ..	22, 33, 82

### N

National Council ... ..	64, 72
National Defence ... ..	22, 61, 78
National Defence Junta ... ..	78
National Flag ... ..	62
National Movement ... ..	21 foll., 62, 68, 70, 93
National Movement - Principles ... ..	19 foll.
National Territory ... ..	22, 34, 61
Nationality, Loss of ... ..	35
Navy ... ..	24
Nullity of Laws ... ..	25, 89

### O

Oaths of Office ... ..	25, 81
------------------------	--------

## P

Participation ... ..	23, 33, 54, 62, 111
<b>Patria Potestad</b> ... ..	37
Patrimony ... ..	54
Peace ... ..	65
Person, Dignity and Liberty ... ..	30
Placement Bureaux ... ..	55
Political Organization ... ..	23, 62
Political System ... ..	22, 62, 111
Prerogative of Pardon ... ..	63
President —	
Cortes ... ..	102, 103
Council of State ... ..	88
Court of Exchequer ... ..	88
Economic Council ... ..	88
Government ... ..	67, 68
National Council ... ..	73
Supreme Court of Justice ... ..	88
Price Policy ... ..	49
Private Initiative ... ..	23, 24, 53
Proclamation of King, Regent ... ..	115, 116
Production, National ... ..	24, 52, 53
Profit ... ..	37, 51
Property ... ..	23, 39, 49, 53
Provinces ... ..	82, 83, 100
Public Administration ... ..	79 foll.
Public Disturbance ... ..	63, 77
Public Expenditure ... ..	86, 87
Public Office ... ..	33, 67, 79, 88, 89
Public Order ... ..	78 foll.
Public Utilities ... ..	39

## R

Referendum ... ..	63, 65, 121 foll.
Regent ... ..	115, 116, 117
Religion ... ..	21, 32, 38, 111
Religious Freedom ... ..	32
Representation ... ..	23, 54, 55, 62, 70, 83, 101

	Page
Representation —	
Diplomatic ... ..	63
Nation ... ..	100, 101
Residence ... ..	34
Revenue, Decrease ... ..	86
Rights —	
Of Appeal ... ..	35, 36
Cession of ... ..	118
Guarantee ... ..	27 foll.
Rights of Spanish People —	
Association ... ..	34
Correspondence ... ..	34
Education ... ..	33
Equality before Law ... ..	31
Expression ... ..	33
Family ... ..	36
Inviolability of Domicile ... ..	34
Juridical Security ... ..	35
Nationality ... ..	35
Residence ... ..	34
Rural Life ... ..	24, 49
<b>S</b>	
Scientific Research ... ..	24, 55
Service to Country ... ..	21, 30, 32, 45
Social Assistance ... ..	23, 38, 45, 46, 52
Social Interest ... ..	39
Social Order ... ..	62
Social Security ... ..	23, 38, 52
Social Welfare ... ..	52
Sovereignty ... ..	61, 62
Spanish State ... ..	22, 61
Standard of Living ... ..	24, 45, 46
Statistics ... ..	55
Statute Law of Spanish People ... ..	27 foll.
Succession —	
To Crown ... ..	117, 118
To Headship of State ... ..	115, 117, 118
Sunday Observance ... ..	46
Supreme Court of Justice ... ..	76, 88

	Page
Supreme Staff ... ..	78, 79
Suspension (Temporary) of Guarantees ... ..	40
<b>T</b>	
Taxes ... ..	33
Technical Aspects of Enterprise ... ..	37
Territorial Divisions ... ..	82, 83
Trade Union Organization ... ..	22, 23, 33, 54 foll., 100
Tutelage ... ..	36, 37, 66
<b>U</b>	
Unity ... ..	21, 22, 61
Usury ... ..	51
<b>V</b>	
Vice-President of Government ... ..	67, 68
<b>W</b>	
Wages ... ..	38, 46
War ... ..	65
Work ... ..	38, 41 foll., 52
<b>Y</b>	
Youth Training ... ..	70