



**KINGDOM OF CAMBODIA**  
**Nation Religion King**

**The Constitutional Council**

**CASE** N° 256/003/2015

Of July 06, 2015

**Decision** N° 155/003/2015 CC.D

Of July 27, 2015

**The Constitutional Council**

- Seen the Constitution of the Kingdom of Cambodia;
- ...
- Seen the letter N° 108/0715/S/DP dated July 06, 2015 of SAMDECH VIBOL SENA PHEAKDEI **SAY CHHUM**, President of the Senate, requesting the Constitutional Council to interpret Article 91 (New) of the Constitution of the Kingdom of Cambodia, letter received by the Secretariat General of the Constitutional Council on July 06, 2015 at 15:51;

**Having heard the rapporteur,**

**Having deliberated in compliance with the law,**

- Whereas the letter N° 108/0715/S/DP dated July 06, 2015 of SAMDECH VIBOL SENA PHEAKDEI **SAY CHHUM**, President of the Senate, requesting the Constitutional Council to interpret Article 91 (New) of the Constitution of the Kingdom of Cambodia, made in accordance with the Paragraph 1 of Article 136 (New), Article 141 (New) of the Constitution and Article 15 (New), Article 18 (New) of the Law on the Amendment of the Law on the Organization and the Functioning of the Constitutional Council, is therefore admissible;
- Whereas Article 91 (New) of the Constitution consisting of 2 Paragraphs stipulates that:

***"The Senators, the National Assembly's Members and the Prime Minister have the initiative of laws.***

***The National Assembly's Members have the right to propose amendments to the laws, but this proposal is not admissible if that amendment tends to reduce public incomes or to increase the burden on the citizens."***

Paragraph 1 of Article 91 (New) of the Constitution limits the right of the Senators, the National Assembly's Members and the Prime Minister in the initiative of laws. This paragraph 1 means:

- One or more Senators have the right to initiate the proposed law and the amendments to any in force laws;
- One or more National Assembly's Members have the right to initiate the proposed law and the amendments to any in force laws;
- The Senators and the National Assembly's Members jointly have the right to initiate the proposed law and the amendments to any in force laws;

The initiative of law and the initiative of amendment to any in force law by the Senators, the National Assembly's Members or the Senators and the National Assembly's Members as co-signers shall make proposed law and fulfill the forms in accordance with the law-making procedures.

- The Prime Minister has the right to initiate the draft law and the draft amendment to any in force law. The Prime Minister shall make draft law and fulfill the forms in accordance with the law-making procedures.

Paragraph 2 of Article 91 (New) of the Constitution is just the additional affirmation to the essence of Paragraph 1 by prohibiting the National Assembly's Member to amend the law which tends to reduce the public incomes or to increase the burden on the citizens.

- Whereas in according to aforementioned interpretation, the Senators have the right to amend the law;

### **Decides:**

**Article 1:** Article 91 (New) of the Constitution of the Kingdom of Cambodia shall be interpreted as the above-mentioned motives.

**Article 2:** This decision made in the plenary session of the Constitutional Council in Phnom Penh on July 27, 2015 shall be final, without recourse, shall have authority over all the instituted powers as stipulated in the Constitution, and shall be published in the Royal Gazette.

Phnom Penh, July 27, 2015

**On behalf of the Constitutional Council  
The President,**

Signed and Sealed: **EK SAM OL**

## **Glossary**

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- CC.D      Decision of the Constitutional Council
- S/DP      The Senate/ Department of Procedure