

Kingdom of Cambodia
Nation Religion King

The Constitutional Council

CASE

N°: 356/001/2019

Of January 11, 2019

Decision

N°: 198/001/2019 CC.D

Of January 16, 2019

The Constitutional Council

- Seen the Constitution of Kingdom of Cambodia;
- Seen Preah Reach Kram N° CS/RKM/0498/06 of April 08, 1998, promulgating the Law on the Organization and the Functioning of the Constitutional Council;
- Seen Preah Reach Kram N° NS/RKM/0107/005 of January 31, 2007, promulgating the Law on the Amendment of the Law on the Organization and the Functioning of the Constitutional Council;
- Seen Preah Reach Kram N° NS/RKM/0318/005 of March 10, 2018, promulgating the Law on the Amendment of the Article 26, Article 27 (New), Article 28, Article 31 and the Article 32 of the Law on the Organization and the Functioning of the Constitutional Council;
- Seen Preah Reach Kram N° NS/RKM/0508/017 of May 24, 2008, promulgating the Law on the Administration of the Capital City, Provinces, Municipalities, Districts and Khans;
- Seen the letter N° 015 N.A dated January 11, 2019 of Samdech Akka Moha Ponhea Chakrei **HENG SAMRIN**, President of the National Assembly, requesting the Constitutional Council to examine the constitutionality of the Law on the Amendment of the Law on the Administration of the Capital City, Provinces, Municipalities, Districts and Khans adopted by the National Assembly on January 03, 2019 in the 1st session of its 6th Legislature and reviewed and entirely approved by the Senate on the legal form and substance and considered as urgent in the 2nd plenary session of its 4th legislature on January 11, 2019, letter received by the Secretariat General of the Constitutional Council on January 11, 2019 at 16:00.

Having heard the rapporteur,

Having deliberated in compliance with the law,

- Whereas the National Assembly and the Senate have duly implemented the procedure stipulated in Article 113 (New) of the Constitution for reviewing and adopting the Law on the Amendment of the Law on the Administration of the Capital City, Provinces, Municipalities, Districts and Khans;
- Whereas the request of Samdech Akka Moha Ponhea Chakrei **HENG SAMRIN**, President of the National Assembly, made in accordance with Article 140 (New) of the Constitution and Article 16 (New) of the Law on the Amendment of the Law on the Organization and the Functioning of the Constitutional Council, is therefore admissible;
- Whereas the form in drafting and adopting the Law on the Amendment of the Law on the Administration of the Capital City, Provinces, Municipalities, Districts and Khans, is in conformity with the Constitution;
- Whereas the Law on the Amendment of the Law on the Administration of the Capital City, Provinces, Municipalities, Districts and Khans consists of **two Articles** with the following contents:

Article One – Article 18 of the Law on the Administration of the Capital City, Provinces, Municipalities, Districts and Khans promulgated by Preah Reach Kram N° NS/RKM/0508/017 dated May 24, 2008, is amended as follows:

Article 18 (New)

Article Two – This law is declared as urgent;

- Whereas **Article One** of the aforementioned Law on the Amendment of the Law on the Administration of the Capital City, Provinces, Municipalities, Districts and amends Article 18 into Article 18 (New) stipulating that:

“The number of Councillors of each council shall be determined based on demographic and geographic factors as follows:

- *The Phnom Penh Capital Council shall have a maximum of twenty-seven (27) councillors;*
- *A Provincial council shall have from fifteen (15) to twenty-seven (27) councillors;*
- *A Municipal council shall have from eleven (11) to twenty-one (21) Councillors;*

- *A District council and a Khan council shall have from eleven (11) to twenty-one (21) Councillors;*

The actual number of Councillors of each council shall be determined by a sub-decree based on a request of the Minister of the Ministry of Interior at least one hundred and twenty (120) days before the end of a council's mandate.

In the event that there is no sub-decree determining the number of Councillors for the next mandate, the total number of Councillors for each council shall be the total number of the old council.”

This Article is in conformity with Article 145-New (one) and Article 146-New (one) of the Constitution.

- Whereas **Article one** of the Law on the Amendment of the Law on the Administration of the Capital City, Provinces, Municipalities, Districts and Khans amends Article 18 into Article 18(New), is in conformity with all the provisions of the Constitution.
- Whereas **Article two** stipulating this Law shall be declared as urgent, is in conformity with Article 93(New) of the Constitution.
- Whereas all of the provisions of the Law on the Amendment of the Law on the Administration of the Capital City, Provinces, Municipalities, Districts and Khans are in conformity with all the provisions of the Constitution.

Decides:

Article 1: The Law on the Amendment of the Law on the Administration of the Capital City, Provinces, Municipalities, Districts and Khans adopted by the National Assembly on January 03, 2019, at the 1st session of its 6th legislature and entirely approved by the Senate on the legal form and substance and considered as urgent at the 2nd session of its 4th legislature on January 11, 2019 is declared in conformity with the Constitution.

Article 2: This decision made in the Plenary Session of the Constitutional Council in Phnom Penh on January 16, 2019, 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.

Unofficial Translation

Phnom Penh, January 16, 2019

On behalf of the Constitutional Council

The President,

Signed and Sealed: **Im Chunn Lim**