

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

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**The Constitutional Council**

**CASE**

N° 193/002/2012

Of July 19, 2012

**Decision**

N° 122/003/2012 CC.D

Of August 01, 2012

**The Constitutional Council**

- Seen the Constitution of the Kingdom of Cambodia;
- ...
- Seen the July 18, 2012 letter N° 026/0712 S/DP.S of **Samdech Akka Moha Thamma Pothisal CHEA SIM**, President of the Senate, requesting the Constitutional Council to examine the constitutionality of the Rules of Procedure of the Senate, adopted by 45 votes of the total members of the Senate on July 18, 2012 in the 1<sup>st</sup> Session of its 3<sup>rd</sup> legislature, letter received by the Secretariat General of the Constitutional Council on July 19, 2012 at 09:45.

**Having heard the rapporteur,**

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

- Whereas the request of **Samdech Akka Moha Thamma Pothisal CHEA SIM**, President of the Senate, 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, promulgated by Preah Reach Kram N° NS/RKM/0107/005 of January 31, 2007, is therefore admissible;
- Whereas the form in drafting and adopting the Rules of Procedure of the Senate, adopted by 45 votes of the total members of the Senate, is in compliance with Article 114 (New-One) of the Constitution;

- Whereas **Chapter 1 on the Provisional Office and Duties**, consisting of three Articles –Article 1 to Article 3–is in accordance with Article 106 (New-one) of the Constitution;
- Whereas **Chapter 2 on Validity of the Mandate of the Senators**, consisting of 2 Articles–Article 4 and Article 5–has nothing contrary to the Constitution;
- Whereas **Chapter 3 on the President, Vice-President, Standing Committee and Commissions of the Senate**, consisting of 21 Articles–Article 6 to Article 26 – has nothing contrary to the Constitution;
- Whereas **Chapter 4 on the Secretariat General of the Senate**, consisting of 4 Articles–Article 27 to Article 30–has nothing contrary to the Constitution;
- Whereas **Chapter 5 on the Budget**, consisting of 1 Articles–Article 31–is in accordance with Article 105 (New) of the Constitution;
- Whereas **Chapter 6 on the Examination of the Draft Law or the Proposed Law or Other Diverse questions**, consisting of 4 Articles–Article 32 to Article 35–has nothing contrary to the Constitution;
- Whereas **Chapter 7 on the Agenda of the Meeting**, consisting of 2 Articles–Article 36 and Article 37–has nothing contrary to the Constitution;
- Whereas **Chapter 8 on the Procedure of the Meeting**, consisting of 19 Articles–Article 38 to Article 56–is in accordance with Article 110 (New) and Article 111 (New-two) of the Constitution;
- Whereas **Chapter 9 on the Examination and Opinions given on the Draft Law or the Proposed Law or Other Diverse questions during the Meeting of the Senate**, consisting of 4 Articles–Article 57 to Article 60–is in accordance with Article 113 (New) of the Constitution;
- Whereas **Chapter 10 on Expression of Opinions**, consisting of 7 Articles–Article 61 to Article 67–has nothing contrary to the Constitution;
- Whereas **Chapter 11 on the Maintenance of Order during the meeting**, consisting of 3 Articles–Article 68 to Article 70–has nothing contrary to the Constitution;
- Whereas **Chapter 12 on the Absence or Missing the meeting**, consisting of 5 Articles–Article 71 to Article 75–has nothing contrary to the Constitution;
- Whereas **Chapter 13 on the Disciplines of the Senate**, consisting of 6 Articles–Article 76 to Article 81–has nothing contrary to the Constitution;
- Whereas **Chapter 14 on the Modification of the Rules of Procedure of the Senate**, consisting of 2 Articles–Article 82 and Article 83–has nothing contrary to the Constitution;
- Whereas **Chapter 15 on the Final Provision**, consisting of one Article–Article 84–has nothing contrary to the Constitution;
- Whereas all provisions of 84 Articles in 15 Chapters of the Rules of Procedure of the Senate have nothing contrary to the Constitution.

**Decides:**

**Article 1:** The Rules of Procedure of the Senate of the Kingdom of Cambodia, adopted by the Senate on July 18, 2012 in the 1<sup>st</sup> Session of its 3<sup>rd</sup> legislature, is declared in conformity with the Constitution;

**Article 2:** This decision made in the plenary session of the Constitutional Council in Phnom Penh on August 01, 2012 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, August 01, 2012

**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
Preah Reach Kram	Royal Kram (the legal act signed by His Majesty the King for promulgating the Constitution or Law)
NS	Norodom Sihamoni (His Majesty the King of the Kingdom of Cambodia)
RKM	Royal Kram
S/DP.S	Senate/Department of Procedures. Special