

Kuwaiti Constitution

Chapter III: The National Assembly

Article 79 [Exclusive Legislation]

No law may be promulgated unless it has been passed by the National Assembly and sanctioned by the Amir.

Article 80 [Election, Ministerial Members]

- (1) The National Assembly is composed of fifty members elected directly by universal suffrage and secret ballot in accordance with the provisions prescribed by the electoral law.
- (2) Ministers who are not elected members of the National Assembly are considered exofficio members thereof.

Article 81 [Constituencies]

Electoral constituencies are determined by law.

Article 82 [Qualifications]

A member of the National Assembly shall:

- (1) be a Kuwaiti by origin in accordance with law;
- (2) be qualified as an elector in accordance with the electoral law;
- (3) be not less than thirty calendar years of age on the day of election;
- (4) be able to read and write Arabic well.

Article 83 [Term, Re-election]

- (1) The term of the National Assembly is four calendar years commencing with the day of its first sitting. Elections for the new Assembly take place within the sixty days preceding the expiry of the said term, due regard being given to the provisions of Article 107.
- ~~(2) Members whose term of office expires may be re-elected.~~
- (3) The term of the Assembly may not be extended except for necessity in time of war and by a law.

Article 84 [Vacancy]

- (1) If, for any reason, a seat in the National Assembly becomes vacant before the end of the term, the vacancy is filled by election within two months from the date on which the Assembly declares the vacancy. The mandate of the new member lasts until the end of that of his predecessor.
- (2) If the vacancy occurs within six months prior to the expiry of the legislative term of the Assembly, no successor is elected.

Article 85 [Annual Ordinary Session]

The National Assembly has an annual session of not less than eight months. The said session may not be prorogued before the budget is approved.

Article 86 [Start of Ordinary Session]

The Assembly starts its ordinary session during the month of October of every year upon a convocation by the Amir. If the decree of convocation is not issued before the first of the said month, the time for the meeting is deemed to be 9 a.m. on the third Saturday of that month. If such day happens to be an official holiday, the Assembly meets on the morning of the first day thereafter.

Article 87 [First Session]

- (1) Notwithstanding the provisions of the preceding two Articles, the Amir summons the National Assembly to hold its first meeting within two weeks of the end of the general election. If the decree of convocation is not issued within the said period, the Assembly is deemed to have been convoked for the morning of the day following these two weeks, due regard being given to the relevant provision of the preceding Article.
- (2) If the date of the meeting of the Assembly falls after the annual date mentioned in Article 86, the term of the session specified in Article 85 is reduced by the difference between the said two dates.

Article 88 [Extraordinary Sessions]

- (1) The National Assembly is called by decree to an extraordinary session if the Amir deems it necessary, or upon the demand of the majority of the members of the Assembly.
- (2) In an extraordinary session, the Assembly may not consider matters other than those for which it has been convened except with the consent of the Cabinet.

Article 89 [Prorogation of Sessions]

The Amir announces the prorogation of ordinary and extraordinary sessions.

Article 90 [Place of Meeting]

Every meeting held by the Assembly at a time or place other than that assigned for its meeting is invalid, and resolutions passed thereat are void by virtue of law.

Article 91 [Oath of Members]

Before assuming his duties in the Assembly or in its committees, a member of the National Assembly must take the following oath before the Assembly in a public sitting:

"I swear by Almighty God to be faithful to the Country and to the Amir, to respect the Constitution and the laws of the State, to defend the liberties, interests, and properties of the people, and to discharge my duties honestly and truthfully."

Article 92 [President of Assembly]

- (1) The National Assembly elects at its first sitting and for the duration of its term a President and a Deputy President from amongst its members. If either office becomes vacant, the Assembly elects a successor for the remainder of its term.
- (2) In all cases, election is by an absolute majority vote of the members present. If this majority vote is not attained in the first ballot, another election is held between the two candidates receiving the highest number of votes. If more than one candidate receives an equal number of votes in the second place, all such candidates shall participate in the second ballot. In this case, the candidate who receives the greatest number of votes is elected. If there is a tie in this last ballot, the choice is by lot.
- (3) The oldest member presides over the first sitting until the President is elected.

Article 93 [Committees]

The Assembly forms, within the first week of its annual session, the committees necessary for its functions. These committees may discharge their duties during the recess of the Assembly with a view to submitting their recommendations to it when it meets.

Article 94 [Publicity]

Sittings of the National Assembly are public, though they may be held in secret upon the request of the Government, the President of the Assembly, or of ten of its members. The debate on such request is held in secret.

Article 95 [Validation of Election]

The National Assembly decides upon the validity of the election of its members. No election may be declared invalid except by a majority vote of the members constituting the Assembly. This jurisdiction may, by law, be entrusted to a judicial body.

Article 96 [Resignation of Members]

The National Assembly is the competent authority to accept resignation of its members.

Article 97 [Quorum, Majority]

For a meeting of the National Assembly to be valid, more than half of its members must be present. Resolutions are passed by an absolute majority vote of the members present, except in cases where a special majority is required. When votes are equally divided, the motion is rejected.

Article 98 [Government Program]

Immediately upon its formation, every Cabinet presents its program to the National Assembly. The Assembly may make comments with regard to such a program.

Article 99 [Questioning Government]

Every member of the National Assembly may put to the Prime Minister and to Ministers questions with a view to clarifying matters falling within their competence. The questioner alone has the right to comment once upon the answer.

Article 100 [Interpellations]

- (1) Every member of the National Assembly may address to the Prime Minister and to Ministers interpellations with regard to matters falling within their competence.
- (2) The debate on such an interpellation shall not take place until at least eight days have elapsed after its presentation, except in case of urgency and with the consent of the Minister concerned.
- (3) Subject to the provisions of Articles 101 and 102, an interpellation may lead to the question of no confidence being put to the Assembly.

Article 101 [Vote of No-Confidence]

- (1) Every Minister is responsible to the National Assembly for the affairs of his ministry.

If the Assembly passes a vote of no confidence against a Minister, he is considered to have resigned his office as from the date of the vote of no confidence and shall immediately submit his formal resignation. The question of confidence in a Minister may not be raised except upon his request or upon a demand signed by ten members, following a debate on an interpellation addressed to him. The Assembly may not make its decision upon such a request before the lapse of seven days from the presentation thereof.

- (2) Withdrawal of confidence from a Minister is by a majority vote of the members constituting the Assembly excluding Ministers. Ministers do not participate in the vote of confidence.

Article 102 [No-Confidence in Prime Minister]

- (1) The Prime Minister does not hold any portfolio; nor shall the question of confidence in him be raised before the National Assembly.
- (2) Nevertheless, if the National Assembly decides, in the manner specified in the preceding Article, that it cannot co-operate with the Prime Minister, the matter is submitted to the Head of State. In such a case, the Amir may either relieve the Prime Minister of office and appoint a new Cabinet or dissolve the National Assembly.
- (3) In the event of dissolution, if the new Assembly decides by the abovementioned majority vote that it cannot co-operate with the said Prime Minister, he shall be considered to have resigned as from the date of the decision of the Assembly in this respect, and a new Cabinet shall be formed.

Article 103 [Continuation of Government]

If, for any reason, the Prime Minister or a Minister vacates his office, he shall continue to discharge the urgent business thereof until his successor is appointed.

Article 104 [Amiri Speech]

- (1) The Amir opens the annual session of the National Assembly whereupon he delivers an Amiri Speech reviewing the situation of the country and the important public matters which happened during the preceding year, and outlining the projects and reforms the Government plans to undertake during the coming year.
- (2) The Amir may depute the Prime Minister to open the Assembly or to deliver the Amiri Speech.

Article 105 [Response to Amiri Speech]

The National Assembly chooses, from amongst its members, a committee to draft the reply to the Amiri Speech which will embody the comments and wishes of the Assembly. After the said reply has been approved by the Assembly, it is submitted to the Amir.

Article 106 [Adjournment]

The Amir may, by a decree, adjourn the meeting of the National Assembly for a period not exceeding one month. Adjournment may be repeated during the same session with the consent of the Assembly and then only once. A period of adjournment is not counted in computing the duration of the session.

Article 107 [Dissolution]

- (1) The Amir may dissolve the National Assembly by a decree in which the reasons for dissolution is indicated. However, dissolution of the Assembly may not be repeated for the same reasons.
- (2) In the event of dissolution, elections for the new Assembly are held within a period not exceeding two months from the date of dissolution.

- (3) If the elections are not held within the said period, the dissolved Assembly is restored to its full constitutional authority and meets immediately as if the dissolution had not taken place. The Assembly then continues to function until the new Assembly is elected.
- (4) A member of the Assembly represents the whole nation. He safeguards the public interest and is not subject to any authority in the discharge of his duties in the Assembly or in its committees.

Article 108 {...}

Article 109 [Member Bills]

- (1) A member of the Assembly has the right to initiate bills.
- (2) No bill initiated by a member and rejected by the National Assembly may be reintroduced during the same session.

Article 110 [Indemnity]

A member of the National Assembly is free to express any views or opinions in the Assembly or in its committees. Under no circumstances can he be held liable in respect thereof.

Article 111 [Immunity]

Except in cases of flagrante delicto, no measures of inquiry, search, arrest, detention, or any other penal measure may be taken against a member while the Assembly is in session, except with the authorization of the Assembly. The Assembly must be notified of any penal measure that may be taken during its session in accordance with the foregoing provision. The Assembly, at its first meeting, is always notified of any such measure taken against any of its members while it was not sitting. In all cases, if the Assembly does not give a decision regarding a request for authorization within one month from the date of its receipt, permission is deemed to have been given.

Article 112 [Assembly Discussions]

Upon a request signed by five members, any subject of general interest may be put to the National Assembly for discussion with a view to securing clarification of the Government's policy and to exchanging views thereof. All other members also have the right to participate in the discussion.

Article 113 [Assembly Requests]

The National Assembly may express to the Government wishes regarding public matters. If the Government cannot comply with these wishes, it shall state to the Assembly the reasons therefore. The Assembly may comment once on the Government's statement.

Article 114 [Committees of Inquiry]

The National Assembly at all times has the right to set up committees of inquiry or to delegate one or more of its members to investigate any matter within its competence. Ministers and all Government officials must produce testimonials, documents, and statements requested from them.

Article 115 [Petition Committee]

- (1) The Assembly sets up, among its annual standing committees, a special committee to deal with petitions and complaints submitted to the Assembly by citizens. The committee seeks explanation thereon from the competent authorities and informs the person concerned of the result.
- (2) A member of the National Assembly may not interfere with the work of either the Judicial or the Executive Power.

Article 116 [Governmental Right to Speak]

The Prime Minister and Ministers are given the floor whenever they ask for it. They may call for assistance upon any senior officials or depute them to speak on their behalf. The Assembly may ask for a Minister to be present whenever a matter relating to his ministry is under discussion. The Cabinet must be represented in the sittings of the Assembly by the Prime Minister or by some Ministers.

Article 117 [Standing Orders, Duty to Presence]

The National Assembly determines its standing orders, which include the procedure of the Assembly and its committees and the rules pertaining to discussion, voting, questions, interpellation, and all other functions prescribed in the Constitution. The standing orders prescribe the sanctions to be imposed on any member who violates order or absents himself from the meetings of the Assembly or the committees without a legitimate excuse.

Article 118 [Order in the Assembly, No Presence of Forces]

- (1) Maintaining order in the National Assembly is the responsibility of its President. The Assembly has a special guard under the authority of the President of the Assembly.
- (2) No armed forces may enter the Assembly or be stationed close to its gates unless so requested by the President.

Article 119 [Remuneration]

The remuneration of the President of the National Assembly, the Deputy President, and the Members are fixed by law. In the event of a modification of the said remuneration, such modification may not take effect until the next legislative term.

Article 120 [Incompatibilities]

- (1) Membership of the National Assembly is incompatible with public office except in the cases where compatibility is permitted in accordance with the Constitution. In such cases, the right to the remuneration for membership and the right to the salary of the public office may not be cumulated.
- (2) The law specifies other cases of incompatibility.

Article 121 [Economic Incompatibility]

- (1) During his mandate, a member of the National Assembly may not be appointed on the board of directors of a company, nor may he participate in concessions granted by the Government or by public bodies.
- (2) Further, during the said mandate, he may not buy or rent any property of the State, nor let, sell, or barter any of his property to the Government, except by public auction or tender, or in compliance with the system of compulsory acquisition.

Article 122 [No Decorations]

During their mandate, members of the National Assembly with the exception of those occupying a public office not incompatible with the membership of the National Assembly, may not be awarded decorations