

# **THE SICILIAN AUTONOMY STATUTE APPROVED WITH R.D.L. the 15th MAY 1946, N.455**

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THE REGIONAL ASSEMBLY

PRESIDENTEN OF REGION AND REGIONAL COUNCIL

FUNCTIONS OF THE REGIONAL ASSEMBLY

FUNCTIONS OF THE PRESIDENT AND OF THE REGIONAL COUNCIL

JURISDICTIONAL BODIES

POLICE

PATRIMONY AND FINANCE

TRANSITORY DISPOSITION

Article 1

Sicily, together with the Eolian, Egadi, Pelagie, Ustica and Pantelleria islands, is hereby constituted as an autonomous Region, having a juridical personality, within the political unity of the Italian State, on the bases of the democratic principles that inspire the life of the Nation. The city of Palermo is the Capital of the Region.

Title I

REGIONAL BODIES

Article 2

The bodies of the Region are: the Assembly, the Council, and the President of the Region. The President of the Region and the Council constitute the Government of the Region.

Section I

**THE REGIONAL ASSEMBLY**

Article 3

The Regional Assembly is composed of ninety deputies elected in the Region by direct, secret and universal vote, in accordance with the law approved by the Regional Assembly on the bases of the principles established by the Constitutional Assembly in matters of political elections.

The Regional Assembly is elected every five years.

The elections of the new Regional Assembly are announced by the President of the Region not less than thirty, and not more than forty-five days, before the end of the five-year term and for one day before the sixtieth day, following the end of the five-year term.

The new Assembly meets within twenty days after the proclamation of the new elected members upon convocation by the current President of the Region.

The Regional Deputies represent the entire Region.

#### Article 4

The Regional Assembly elects from its own members the President, two Vice Presidents, the Secretaries of the Assembly, and the permanent Committees, according to the norms of its internal rules, which contain additional dispositions regarding the exercise of the functions proper to the Regional Assembly.

#### Article 5

The Deputies, before being admitted to perform their functions, shall swear in the Regional Assembly that they will exercise those functions with the sole objective of the inseparable good of Italy and the Region.

#### Article 6

The Deputies cannot be prosecuted for votes given in the Regional Assembly and for the opinions expressed in the exercise of their functions.

#### Article 7

The Deputies have the right to question, interrogate, and make motions within the Assembly.

#### Article 8

The State Commissioner referred to in Article 27 can propose to the State the dissolution of the Regional Assembly for persistent violations of the present Statute. The decree to dissolve the Assembly must be preceded by the deliberation of the legislative assemblies of the State.

The ordinary administration of the Region will be entrusted to a three-member extraordinary commission, appointed by the national Government upon recommendation of the legislative Assemblies themselves.

The above named Commission will call for new elections for the Regional Assembly at the end of three months.

## Section II

### **PRESIDENT OF THE REGION AND THE REGIONAL COUNCIL**

#### Article 9

The President of the Region and the Councilmen are elected by the Regional Assembly at its first meeting, by an absolute majority of the secret ballots cast by the deputies.

The Regional Council is composed of the President and of the Councilmen. These are assigned by the President to oversee the single departments of the administration.

#### Article 10

The President of the Region designates a Councilman who will serve in his stead in case he is absent or incapacitated.

In case of resignation, incapacitation, or death of the Regional President, the President of the Assembly shall convene the Assembly within fifteen days to elect a new Regional President.

#### Title II

### **FUNCTIONS OF THE REGIONAL BODIES**

#### Section I

### **FUNCTIONS OF THE REGIONAL ASSEMBLY**

#### Article 11

The Regional Assembly is convened by its President in ordinary session during the first week of each two-month period, and in extraordinary session, upon request of the Regional Government or of at least twenty deputies.

#### Article 12

The initiative for regional laws belongs to the Government and to the regional Deputies.

Legislation projects are developed by the Regional Assembly's Committees with the participation of representatives of professional interests and the Region's technical staff.

The regulations for the execution of laws passed by the Regional Assembly are made public by the Regional Government.

#### Article 13

The laws approved by the Regional Assembly and the regulations promulgated by the Regional Government are not deemed valid without the signature of the Regional President and of the Councilman competent in the matter.

The laws are promulgated by the Regional President within the time limitations stated in Article 29, second comma, and published in the Official Gazette of the Region.

They become effective in the Region fifteen days after their publication, unless otherwise indicated in the specific law or regulation.

#### Article 14

The Assembly, in the context of the Region and within the limits of the Constitutional laws of the Nation, without prejudice against the agrarian and industrial reforms deliberated by the Constitutional Assembly of the Italian people, has exclusive legislative powers over the following matters:

- \* Agriculture and forest;
- \* Land reclamation;
- \* Civilian uses;
- \* Industry and commerce, excepting the discipline of private relations;
- \* Increasing agricultural and industrial production; valuation, distribution, defense of agricultural and industrial products and of commercial activities;
- \* Urban development;
- \* Public works, except large public works of a prevailing national interest;
- \* Mining, caves, peatbogs, salt beds;
- \* Public water, unless they are part of public works in the national interest;
- \* Fishing and hunting;
- \* Public welfare and charities;
- \* Tourism, hotel monitoring and landscape protection, preservation of antiquities and artistic works;
- \* Governance of local agencies and their relative districts;
- \* Structure of regional agencies and offices;
- \* Juridical and economic status of the Region's employees and functionaries, in any case not to be inferior to the status of the State personnel;
- \* Elementary education, museums, libraries and academies;
- \* Expropriations for public use.

#### Article 15

Within the Sicilian Region, provincial districts and the bodies and public agencies that derive from them are hereby terminated.

The structure of the local agencies within the Region itself is based on the Communes and on the free communal consortia, which possess the amplest administrative and financial autonomy.

In the framework of such general principles, the Region has exclusive legislative powers and direct execution in matters of districts, structure and control of local agencies.

#### Article 16

The administrative structure referred to in the previous article will be regulated, on the bases of the principles established in the present Statute, by the Regional Assembly.

#### Article 17

Within the limits of the principles and general interests informing State legislation, the Regional Assembly, in order to satisfy particular conditions and the Region's own interest, can promulgate laws, regarding the organization of services as well, on the following matters concerning the Region:

- \* Communications and regional transportation of any kind;
- \* Hygiene and public health;
- \* Medical assistance;
- \* Middle school education;
- \* Control of credit, insurance and savings institutions;
- \* Social legislation; labor relations, social security and assistance, in keeping with the minimum standards established by the State;
- \* Food-control agency;
- \* Inspection of public services;
- \* All other matters that imply services of a prevailing regional nature.

#### Article 18

On matters of competence of State bodies that may have a bearing on the Region, the Regional Assembly can vote and formulate projects to present to the Legislative Assemblies of the State.

#### Article 19

The Regional Assembly approves, not later than the month of January, the budget submitted by the Regional Council for the following new fiscal period.

The fiscal year has the same timetable as that of the State.

The Assembly also approves the general accounting of the Region.

#### Section II

### **FUNCTIONS OF THE PRESIDENT AND OF THE REGIONAL COUNCIL**

#### Article 20

The President and the Regional Councilmen, in addition to the functions stated in articles 12, 13, first and second comma, and 19, first comma, perform, within the Region, executive and administrative functions concerning the matters referred to in articles 14, 15, and 17. For the other functions not included in articles 14, 15 and 17, they perform administrative activities in accordance with directives from the State Government.

They are responsible for all their functions to the Regional Assembly and to the Government of the State, respectively.

#### Article 21

The President is the Head of the Regional Government and he represents the Region.

He also represents in the Region the Government of the State, which may, nevertheless, send its own commissioners on a temporary basis to carry out single State tasks.

He participates in the Council of Ministers with the rank of Minister, and can vote in deliberations on matters affecting the Region.

#### Article 22

The Region has the right to participate with its own representative, appointed by the Regional Government, to the setting of tariffs on State-owned railroads and to the establishment and regulation of national communication services, and land, sea, and air transportation that may affect the Region.

### Title III

## **JURISDICTIONAL BODIES**

### Article 23

The central jurisdictional bodies will have in Sicily their respective Sections to deal with matters concerning the Region.

The Sections of the State Council and of the Court of Accounts will also respectively perform consultation functions and administrative and accounting control.

The Magistrates in the Court of Accounts are appointed in agreement by the Governments of the State and of the Region.

Administrative appeals, submitted in an ordinary manner against regional administrative acts will be decided by the Regional President, after hearing the Regional Section of the State Council.

### Article 24

A High Court is hereby established in Rome, composed of six members and two substitutes, in addition to the President and the General Prosecutor, appointed in equal number by the Legislative Assemblies of the State and of the Region, and selected from among persons having special competence in juridical matters.

The President and the General Prosecutor are appointed by the High Court itself.

The financial burden for the High Court is divided equally between the State and the Region.

### Article 25

The High Court decides on the constitutionality :

- \* of the laws promulgated by the regional Assembly;
- \* of the laws and the regulations promulgated by the State, regarding the present Statute and to the effectiveness of the same within the Region.

### Article 26

The High Court also judges crimes committed by the Regional President and by the Regional Councilmen in the exercise of the functions stated in the present Statute, upon accusation by the Regional Assembly.

### Article 27

A Commissioner, appointed by the State Government, promotes judgments as related to articles 25 and 26, and in the latter case, even in the absence of accusations by the Regional Assembly.

#### Article 28

The laws of the Regional Assembly are sent within three days of approval to the State Commissioner, who can contest them within the next five days before the High Court.

#### Article 29

The High Court renders a decision on contested laws within twenty day of receipt of same.

If the Regional President does not receive a copy of the contested legislation after eight days, or if he has not received a verdict from the High Court, annulling the legislation, after thirty days from the day the legislation was contested, the laws are promulgated and immediately published in the Official Gazette of the Region.

#### Article 30

The Regional President, also with a vote from the Regional Assembly, and the Commissioner referred to in Article 27, can challenge the constitutionality of the laws and regulations of the State before the High Court within thirty days from the date of publication.

#### Title IV

### **POLICE**

#### Article 31

The maintenance of public order is the responsibility of the Regional President through the State police, which in the Region depends directly from the Regional Government for its displacement and utilization. The Regional President can call for the use of the State armed forces.

Nevertheless, the State Government can take over the command of the security forces, upon request by the Regional Government, acting jointly with the President of the Assembly, and in exceptional cases, through its own initiative, when the general interest of the State and its security are compromised.

The President also has the right to propose the removal or the transfer outside of the Island of Police functionaries, by providing the central Government due cause for the request.

The central Government can organize special units of administrative Police to safeguard special service and interests.

#### Title V

### **PATRIMONY AND FINANCE**

#### Article 32

The properties belonging to the State, including the public waters that exist in the Region, are assigned to the Region, except those that concern the defense of the State or services of a national nature.

### Article 33

The properties of the State that exist today in the territory of the Region and which are not part of those indicated in the previous article, are also assigned to the Region and constitute its patrimony.

The following constitute an integral part of the Region's patrimony: the forests which according to the laws on the matter constitute the forestry demesne of the State in the Region; the mines, caves, and peatbogs, when control has been taken away from the owner of the fund; objects of historical, archeological, paleo-ontological and artistic interest found in any way and by anyone below ground in the region; buildings, built to house public offices of the Region including all furnishings and other goods destined for the public service of the Region.

### Article 34

Property located in the Region that does not belong to anyone, belongs to the Region's patrimony.

### Article 35

Past obligations of the State toward regional agencies will be fulfilled adjusting the value of the currency at the time of the payment.

### Article 36

The financial needs of the Region are met through the patrimonial income of the Region and through contributions decided by the same.

The taxes on production and the income from tobacco products and the lottery, however, will be reserved for the State.

### Article 37

For industrial and commercial enterprises that have their main offices outside of the Region, but maintain factories and structures in the region, the portion of taxes to be paid by such factories and plants will be determined on the bases of the declared income produced by the same.

The taxes imposed on such income belong to the Region and will be collected by the collection agency of the same.

### Article 38

As an expression of national solidarity, the State will pay the Region an annual sum of money to be used, following an economic plan, in the realization of public works.

This sum will strive to offset the lower income produced in the Region in comparison to the national mean.

Every five years there will be a revision of the above mentioned sum based on the variation of the data used for the previous computation.

### Article 39

The State has exclusive competence as regards the Customs regulations of the Region.

The Customs tariffs, as far as they pertain to the Region and relative to the maximum limits, will be established in consultation with the Regional Government.

Agricultural tools and machinery, as well as any machinery intended for the transformation of industrial products of the Region, will be exempt from customs duties.

#### Article 40

The general regulations promulgated by the State as regards monetary control are valid in the Region.

Nevertheless, a Chamber of compensation is hereby established in the Banco di Sicilia, until the restrictions on currency remain in effect, with the task of making available for the needs of the Region foreign currencies derived from Sicilian exports, sent by emigrants, derived from tourism and from the rental income of ships registered in Sicilian districts.

#### Article 41

The Government of the Region has the right to extend internal loans.

### **TRANSITORY DISPOSITIONS**

#### Article 42

The High Commissioner and the Regional Council of Sicily, including the technical personnel, will continue to be employed with the present functions until the first election of the Regional Assembly, which will take place, under the tutelage of the State Government, within three months of the approval of the present Statute, on the basis of the yet to be promulgated political elections law of the State.

Nine districts of electoral colleges, however, have been established corresponding to the present provincial districts and dividing the number of deputies on the basis of the population of each district.

#### Article 43

A joint Committee of four members appointed by the High Commissioner for Sicily and by the State Government will determine the transitional norms regarding the transfer of the offices and personnel from the State to the Region, as well as the norms for enacting the present Statute.