

OFFICIAL GAZETTE

OF THE REPUBLIC OF SENEGAL

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OFFICIAL PART

ACT

ACT No. 2012-16 of 28 September 2012 amending the Constitution.

EXPLANATORY STATEMENT

In a context where Senegal is facing a strong social demand, it shall be of import to optimize public resources, which shall necessarily imply a rationalization of our institutions.

The purpose of this Act shall be to restore the single

chamber as the sole organ of the legislative system. Thus, the powers hitherto exercised by the National Assembly and the Senate shall now be devolved to the National Assembly.

The Act shall also seek to abolish the position of Vice President and to replace the current Economic and Social Council by an Economic, Social and Environmental Council which shall tackle environmental concerns in the design and implementation of development policies.

Parliament Congress adopted the bill by a majority of three-fifths of its members during its meeting on Wednesday, 19 September 2012;

The President of the Republic shall promulgate the Constitutional Act which shall read as follows:

Article One - The Senate provided for in Article 6 of the Constitution shall be abolished.

Accordingly, Articles 6, 41, 51, 59, 60-1, 62, 63, 65, 67, 68, 71, 74, 79, 80, 82, 83, 84, 85 and 100 shall be amended as follows:

“Article 6: – The third bullet shall be replaced by the words “the National Assembly”.

Article 41: – The words “Chairman of the Senate” shall be replaced by the words “Chairman of the National Assembly.”

Article 51: – After the words “National Assembly”, delete “Chairman of the Senate”.

Article 59: – The words “the Assemblies” shall be changed to “the National Assembly”.

After the words “National Assembly”, delete “and Senate.”

After “members in the National Assembly”, delete “and Senators”.

Article 60-1: (repealed)

Article 62: – After “the Rules of Procedure”, delete “each” and replace it by “the”.

The last paragraph shall be changed to: “The Rules of Procedure of the National Assembly cannot be enacted if the Constitutional Council, upon the exclusive application of the President of the Republic, does not declare them consistent with the Constitution.”

Article 63: – In the first paragraph after the words “National Assembly”, delete “or the Senate.”

After the words “the National Assembly decides”, delete the words “after consulting with the Chairman of the Senate.”

Paragraph 2 shall be replaced by the words “the Assembly shall meet as a matter of law for a single ordinary session which shall begin in the first half of October and end in the second half of June of the following year”.

In paragraph 4, delete the words “after consulting with the Chairman of the Senate.”

Article 65: – In the first paragraph, after the words “the National Assembly”, delete the words “and the Senate.”

In paragraph 2, replace the word “concerned” by “national”.

Article 67: – Delete the words “and Senate” and the last paragraph.

Article 68: – Article 68 of the Constitution shall be replaced by the following provisions:

“The National Assembly shall vote on the finance bill as provided for by an organic law.

The draft annual finance bill, which notably shall include the budget, shall be tabled before the National Assembly, no later than the opening day of the single ordinary session.

The National Assembly shall have a maximum of sixty days to vote on the draft finance bill.

Where, by reason of *force majeure*, the President of the Republic was unable to file the draft annual finance bill in time for the Assembly to have, before the end of the set session, the period specified in the preceding paragraph, the session shall be immediately and automatically extended right up to the adoption of the bill.

If the finance bill is not definitively voted on by the expiration of the sixty-day period provided for above, it shall be implemented by decree, taking into account the amendments passed by the National Assembly and accepted by the President of the Republic.

If, given the procedure above, the annual finance bill could not be enacted before the start of the fiscal year, the President of the Republic shall be authorized to extend, by decree, the services already voted on.

The Court of Auditors shall assist the President of the Republic, the Government and the National Assembly in overseeing the implementation of finance bills.”

Article 71: – Article 71 of the Constitution shall be replaced by the following provisions:

“Following its adoption by the National Assembly, the Act shall be passed on without delay to the President of the Republic for promulgation.”

Article 74: – The last bullet in Article 74 of the Constitution shall be deleted.

Article 79: –After the words “National Assembly” delete the words “and the Senate.”

Article 80: – Initiating legislation rests concurrently with the President of the Republic, the Prime Minister and the members of Parliament.”

Article 82: – In paragraph 2, after the words “by the members of Parliament,” delete the words “and the senators”.

Article 83: – In the last paragraph, after the words “the National Assembly”, delete “the Senate”.

Article 85: – In the first paragraph, after the words “the members of Parliament”, delete “and the senators”.

In paragraph 2, after the words: “the National Assembly”, delete the words “and the Senate”; replace “their” by “its”.

Article 100: – In the first paragraph, after the words “elected members” delete the words “in equal numbers”; after the words “by the National Assembly”; delete the words “and the Senate”; finally after the words “each renewal”, delete the words “these meetings”.

Article 2. – The powers exercised by the National Assembly and the Senate shall be devolved to the National Assembly.

Accordingly, articles 52, 61, 64, 65, 66, 67, 68, 77, 78, 82, 92, 95, 101 and 103 shall be amended as follows:

Title VI. – The heading of Title VI shall be changed to “the National Assembly”.

“THE PARLIAMENT” shall be changed to “THE NATIONAL ASSEMBLY”

Article 52: – Replace the words “the Parliament” by the words “the National Assembly”.

Article 61: – Replace the words “the Parliament” by “the National Assembly”.

Article 64: – In the first paragraph, replace “the Parliament” by the words “the National Assembly”.

Article 65: – Replace the words “the Parliament” by the words “the National Assembly”.

Article 66: – Replace the words “the Parliament” by the words “the National Assembly”.

Article 67: – Replace the words “the Parliament” by the words “the National Assembly” and then delete the last paragraph.

Article 68: – Replace the words “the Parliament” by the words “the National Assembly”.

Articles 77, 78 and 82: – Replace the words “the Parliament” by the words “the National Assembly”.

Article 92: – Replace the words “the Legislative Assemblies” by the words “the National Assembly”.

Article 95: – Replace the words “the Parliament” by the words “the National Assembly”.

Article 101: – Replace the words “both meetings” by the words “the National Assembly”.

Article 103: – Replace the words “Parliament convened in Congress” by the words “the National Assembly”. The rest shall remain unchanged.

Article 3. – The post of Vice President under paragraph 2 of Article 26 of the Constitution shall be abolished.

Accordingly, Articles 26 and 50 shall be amended as follows:

Article 26: – The last three paragraphs shall be repealed.

Article 50: – After “certain powers”, delete the words “to the Vice President”.

Article 4. – Deputizing for the President of the Republic under Article 39 of the Constitution shall be executed where necessary by the Chairman of the National Assembly in accordance with the provisions of said article.

Accordingly, Article 39 shall be worded as follows:

Article 39: – In the event of resignation, incapacity or death, the President of the Republic shall be replaced by the Chairman of the National Assembly.

Should the latter be affected by one of the above circumstances, one of the deputy chairmen of the National Assembly shall be designated for the replacement in the order of precedence”.

Article 5. – The Economic and Social Council under Article 6 of the Constitution shall be abolished and replaced by the Economic, Social and Environmental Council.

Accordingly, Articles 6 and 87-1 as well as the heading of Title VII-1 shall be worded as follows:

Title VII-1: The heading of Title VII-1 shall be changed to “The Economic, Social and Environmental Council.”

Article 6. – At the fourth bullet, replace the words “Economic and Social Council” by the words “Economic, social and environmental Council”.

Article 87-1: – Article 87 shall be replaced by the following provisions:

“The Economic, Social and Environmental Council may be consulted by the President of the Republic, the National Assembly and the Government on any problem of an economic, social or environmental nature. Any plan or programming bill of an economic, social or environmental nature shall be submitted to it for review.

It may also, on its own initiative, provide advice on the range of economic, social or environmental issues concerning the Nation's various sectors of activity.

An organic law shall determine the method to be used for the election or appointment of the members of the Economic, Social and Environmental Council as well as for establishing the conditions for organizing and operating the institution."

This constitutional Act shall be enforced as State law.

Done in Dakar on 28 September 2012

Macky SALL

By the President of the Republic:

The Prime Minister,

Abdoul MBAYE