

Sweden

The Instrument of Government^{*}

Chapter 1 Basic principles of the form of government

Art. 1. All public power in Sweden proceeds from the people.

Swedish democracy is founded on the free formation of opinion and on universal and equal suffrage. It shall be realised through a representative and parliamentary polity and through local self-government.

Public power shall be exercised under the law.

Art. 2. Public power shall be exercised with respect for the equal worth of all and the liberty and dignity of the private person.

The personal, economic and cultural welfare of the private person shall be fundamental aims of public activity. In particular, it shall be incumbent upon the public institutions to secure the right to health, employment, housing and education, and to promote social care and social security.

The public institutions shall promote sustainable development leading to a good environment for present and future generations.

The public institutions shall promote the ideals of democracy as guidelines in all sectors of society and protect the private and family lives of private persons. The public institutions shall promote the opportunity for all to attain participation and equality in society. The public institutions shall combat discrimination of persons on grounds of gender, colour, national or ethnic origin, linguistic or religious affiliation, functional disability, sexual orientation, age or other circumstance affecting the private person.

Opportunities should be promoted for ethnic, linguistic and religious minorities to preserve and develop a cultural and social life of their own.

Art. 3. The Instrument of Government, the Act of Succession, the Freedom of the Press Act and the Fundamental Law on Freedom of Expression are the fundamental laws of the Realm.

Art. 4. The Riksdag is the foremost representative of the people.

^{*} Svensk författningssamling, SFS nr: 1974:152, reprinted 2003:593. In addition to the Instrument of Government Sweden has three fundamental laws, the Act of Succession, the Freedom of the Press Act and the Fundamental Law on Freedom of Expression. The Riksdag Act occupies an intermediate position between a fundamental law and ordinary law. Full texts of all the fundamental acts and the Riksdag Act are available at "www.riksdagen.se/templates/R_Page_4393.aspx".

The Riksdag enacts the laws, determines State taxes and decides how State funds shall be employed. The Riksdag shall examine the government and administration of the Realm.

Art. 5. The King or Queen who occupies the throne of Sweden in accordance with the Act of Succession shall be the Head of State.

The provisions of this Instrument of Government which relate to the King shall apply to the Queen if the Queen is Head of State.

Art. 6. The Government governs the Realm. It is accountable to the Riksdag.

Art. 7. Sweden has municipalities and county councils. The decision-making power in these local authorities is exercised by elected assemblies.

The local authorities may levy taxes in order to perform their tasks.

Art. 8. Courts of law exist for the administration of justice, and central and local government administrative authorities exist for the public administration.

Art. 9. Courts of law, administrative authorities and others performing tasks within the public administration shall have regard in their work to the equality of all before the law and shall observe objectivity and impartiality.

Chapter 2 Fundamental rights and freedoms

Art. 1. Every citizen shall be guaranteed the following rights and freedoms in his relations with the public institutions:

1. freedom of expression: that is, the freedom to communicate information and express thoughts, opinions and sentiments, whether orally, pictorially, in writing, or in any other way;

2. freedom of information: that is, the freedom to procure and receive information and otherwise acquaint oneself with the utterances of others;

3. freedom of assembly: that is, the freedom to organise or attend a meeting for the purposes of information or the expression of opinion or for any other similar purpose, or for the purpose of presenting artistic work;

4. freedom to demonstrate: that is, the freedom to organise or take part in a demonstration in a public place;

5. freedom of association: that is, the freedom to associate with others for public or private purposes;

6. freedom of worship: that is, the freedom to practise one's religion alone or in the company of others.

The provisions of the Freedom of the Press Act and the Fundamental Law on Freedom of Expression shall apply concerning the freedom of the press and the corresponding freedom of expression on sound radio, television and certain like transmissions, as well as in films, video recordings, sound recordings and other technical recordings.

The Freedom of the Press Act also contains provisions concerning the right of access to official documents.

Art. 2. Every citizen shall be protected in his relations with the public institutions against any coercion to divulge an opinion in a political, religious, cultural or other such connection. He shall furthermore be protected in his relations with the public

institutions against any coercion to participate in a meeting for the formation of opinion or a demonstration or other manifestation of opinion, or to belong to a political association, religious community or other association for opinion referred to in sentence one.

Art. 3. No record in a public register concerning a citizen may be based without his consent solely on his political opinions.

Every citizen shall be protected, to the extent set out in more detail in law, against any violation of personal integrity resulting from the registration of personal information by means of automatic data processing.

Art. 4. There shall be no capital punishment.

Art. 5. Every citizen shall be protected against corporal punishment. He shall likewise be protected against any torture or medical influence aimed at extorting or suppressing statements.

Art. 6. Every citizen shall be protected in his relations with the public institutions against any physical violation also in cases other than cases under Articles 4 and 5. He shall likewise be protected against body searches, house searches and other such invasions of privacy, against examination of mail or other confidential correspondence, and against eavesdropping and the recording of telephone conversations or other confidential communications.

Art. 7. No citizen may be deported from or refused entry into the Realm.

No citizen who is domiciled in the Realm or who has previously been domiciled in the Realm may be deprived of his citizenship unless he becomes at the same time a citizen of another state, either with his own express consent or because he has taken up employment in the public service. The foregoing notwithstanding, it may however be laid down that children under the age of eighteen shall have the same nationality as their parents or as one parent. It may further be laid down that, in pursuance of an agreement with another state, a person who has been a citizen also of the other state from birth, and who has his permanent domicile there, shall forfeit his Swedish nationality at or after the age of eighteen.

Art. 8. Every citizen shall be protected in his relations with the public institutions against deprivation of personal liberty. He shall also in other respects be guaranteed freedom of movement within the Realm and freedom to depart the Realm.

Art. 9. If a public authority other than a court of law has deprived a citizen of his liberty on account of a criminal act or because he is suspected of having committed such an act, he shall be entitled to have the matter examined before a court of law without undue delay. This shall not, however, apply where the question relates to the transfer to the Realm of responsibility for executing a penal sanction involving deprivation of liberty which has been imposed in another state.

If, for reasons other than those specified in paragraph one, a citizen has been taken forcibly into custody, he shall likewise be entitled to have the matter examined before a court of law without undue delay. In such a case, examination before a tribunal shall be equated with examination before a court of law, provided the composition of the tribunal has been laid down in law and it is stipulated that the chairman of the tribunal shall be currently, or shall have been previously, a permanent salaried judge.

If examination under paragraph one or two has not been referred to an authority which is competent under the provisions laid down therein, such examination shall take place before a court of general jurisdiction.

Art. 10. No penalty or penal sanction may be imposed in respect of an act which was not subject to a penal sanction at the time it was committed. Nor may any penal sanction be imposed which is more severe than that which was in force when the act was committed. The provisions thus laid down with respect to penal sanctions apply in like manner to forfeiture and other special legal effects attaching to a criminal act.

No taxes or charges due the State may be exacted except inasmuch as this follows from provisions which were in force when the circumstance arose which occasioned the liability for the tax or charge. Should the Riksdag find that special reasons so warrant, it may however provide under an act of law that taxes or charges due the State shall be exacted even although no such act had entered into force when the aforementioned circumstance arose, provided the Government, or a committee of the Riksdag, had submitted a proposal to this effect to the Riksdag at the time concerned. A written communication from the Government to the Riksdag announcing the forthcoming introduction of such a proposal is equated with a formal proposal. The Riksdag may furthermore prescribe that exceptions shall be made to the provisions of sentence one if it considers that this is warranted on special grounds connected with war, the danger of war, or grave economic crisis.

Art. 11. No court of law shall be established on account of an act already committed, or for a particular dispute or otherwise for a particular case.

Proceedings in courts of law shall be open to the public.

Art. 12. The rights and freedoms referred to in Article 1, points 1 to 5, in Articles 6 and 8, and in Article 11, paragraph two, may be restricted in law to the extent provided for in Articles 13 to 16. With authority in law, they may be restricted by other statute in cases under Chapter 8, Article 7, paragraph one, point 7, and Article 10. Freedom of assembly and freedom to demonstrate may similarly be restricted also in cases under Article 14, paragraph one, sentence two.

The restrictions referred to in paragraph one may be imposed only to satisfy a purpose acceptable in a democratic society. The restriction must never go beyond what is necessary having regard to the purpose which occasioned it, nor may it be carried so far as to constitute a threat to the free formation of opinion as one of the fundamentals of democracy. No restriction may be imposed solely on grounds of a political, religious, cultural or other such opinion.

A draft law under paragraph one, or a proposal for the amendment or abrogation of such a law, shall be held in abeyance, unless rejected by the Riksdag, for a minimum of twelve months from the date on which the first Riksdag committee report on the proposal was submitted to the Chamber, if so moved by at least ten members. This provision notwithstanding, the Riksdag may adopt the proposal, provided it has the support of at least five sixths of those voting.

Paragraph three shall not apply to any draft law prolonging the life of a law for a period not exceeding two years. Nor shall it apply to any draft law concerned only with

1. prohibition of the disclosure of matters which have come to a person's knowledge in the public service, or in the performance of official duties, where secrecy is called for having regard to interests under Chapter 2, Article 2 of the Freedom of the Press Act;
2. house searches and similar invasions of privacy; or
3. deprivation of liberty as a penal sanction for a specific act.

The Committee on the Constitution determines on behalf of the Riksdag whether paragraph three applies in respect of a particular draft law.

Art. 13. Freedom of expression and freedom of information may be restricted having regard to the security of the Realm, the national supply of goods, public order and public safety, the good name of the individual, the sanctity of private life, and the prevention and prosecution of crime. Freedom of expression may also be restricted in commercial activities. Freedom of expression and freedom of information may otherwise be restricted only where particularly important grounds so warrant.

In judging what restrictions may be introduced by virtue of paragraph one, particular regard shall be had to the importance of the widest possible freedom of expression and freedom of information in political, religious, professional, scientific and cultural matters.

The adoption of provisions which regulate in more detail a particular manner of disseminating or receiving information, without regard to its content, shall not be deemed a restriction of the freedom of expression or the freedom of information.

Art. 14. Freedom of assembly and freedom to demonstrate may be restricted in the interests of preserving public order and public safety at a meeting or demonstration, or having regard to the circulation of traffic. These freedoms may otherwise be restricted only having regard to the security of the Realm or in order to combat an epidemic.

Freedom of association may be restricted only in respect of organisations whose activities are of a military or quasimilitary nature, or constitute persecution of a population group of a particular race, colour, or ethnic origin.

Art. 15. No act of law or other provision may imply the unfavourable treatment of a citizen because he belongs to a minority group by reason of race, colour, or ethnic origin.

Art. 16. No act of law or other provision may imply the unfavourable treatment of a citizen on grounds of gender, unless the provision forms part of efforts to promote equality between men and women or relates to compulsory military service or other analogous official duties.

Art. 17. A trade union or an employer or employers' association shall be entitled to take industrial action unless otherwise provided in an act of law or under an agreement.

Art. 18. The property of every citizen shall be so guaranteed that none may be compelled by expropriation or other such disposition to surrender property to the public institutions or to a private subject, or tolerate restriction by the public institutions of the use of land or buildings, other than where necessary to satisfy pressing public interests.

A person who is compelled to surrender property by expropriation or other such disposition shall be guaranteed compensation for his loss. Such compensation shall also be guaranteed to a person whose use of land or buildings is restricted by the public institutions in such a manner that ongoing land use in the affected part of the property is substantially impaired, or injury results which is significant in relation to the value of that part of the property. Compensation shall be determined according to principles laid down in law.

There shall be access for all to the natural environment in accordance with the right of public access, notwithstanding the above provisions.

Art. 19. Authors, artists and photographers shall own the rights to their works in accordance with rules laid down in law.

Art. 20. Restrictions affecting the right to trade or practise a profession may be introduced only in order to protect pressing public interests and never solely in order to further the economic interests of a particular person or enterprise.

The right of the Sami population to practise reindeer husbandry is regulated in law.

Art. 21. All children covered by compulsory schooling shall be entitled to a free basic education at a public school. The public institutions shall be responsible also for the provision of higher education.

Art. 22. A foreign national within the Realm is equated with a Swedish citizen in respect of

1. protection against coercion to participate in a meeting for the formation of opinion or a demonstration or other manifestation of opinion, or to belong to a religious community or other association (Article 2, sentence two);

2. protection of personal integrity in connection with automatic data processing (Article 3, paragraph two);

3. protection against capital punishment, corporal punishment and torture, and against medical influence aimed at extorting or suppressing statements (Articles 4 and 5);

4. the right to have a deprivation of liberty on account of a criminal act or on suspicion of having committed such an act examined before a court of law (Article 9, paragraphs one and three);

5. protection against retroactive penal sanctions and other retroactive legal effects of criminal acts, and against retroactive taxes or charges due the State (Article 10);

6. protection against the establishment of a court of law for a particular case (Article 11, paragraph one);

7. protection against unfavourable treatment on grounds of race, colour or ethnic origin, or on grounds of gender (Articles 15 and 16);

8. the right to industrial action (Article 17);

9. protection against expropriation or other such disposition and against restriction of the use of land or buildings (Article 18);

10. the right to an education (Article 21).

Unless it follows otherwise from special provisions of law, a foreign national within the Realm is equated with a Swedish citizen also in respect of

1. freedom of expression, freedom of information, freedom of assembly, freedom to demonstrate, freedom of association and freedom of worship (Article 1);

2. protection against coercion to divulge an opinion (Article 2, sentence one);

3. protection against physical violations also in cases other than cases under Articles 4 and 5, against body searches, house searches and other such invasions of privacy, and against violations of confidential communications (Article 6);

4. protection against deprivation of liberty (Article 8, sentence one);

5. the right to have a deprivation of liberty other than a deprivation of liberty on account of a criminal act or on suspicion of having committed such an act examined before a court of law (Article 9, paragraphs two and three);

6. public court proceedings (Article 11, paragraph two);

7. protection against interventions on grounds of opinion (Article 12, paragraph two, sentence three);

8. authors', artists' and photographers' rights to their works (Article 19);

9. the right to trade or practise a profession (Article 20).

The provisions of Article 12, paragraph three; paragraph four, sentence one; and paragraph five shall apply with respect to the special provisions of law referred to in paragraph two.

Art. 23. No act of law or other provision may be adopted which contravenes Sweden's undertakings under the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Chapter 3 The Riksdag

Art. 1. The Riksdag is appointed by means of free, secret and direct elections. Voting in such elections is by party, with an option for the voter to express a preference for a particular candidate.

The Riksdag consists of a single chamber comprising three hundred and forty-nine members. Alternates shall be appointed for members.

Art. 2. Every Swedish citizen who is currently domiciled within the Realm or who has ever been domiciled within the Realm is entitled to vote in a Riksdag election. A person who has not attained the age of eighteen on or before election day is not entitled to vote.

The question of whether a right to vote exists under paragraph one is determined on the basis of an electoral roll drawn up prior to the election.

Art. 3. Ordinary elections for the Riksdag are held every four years.

Art. 4. The Government may order an extraordinary election for the Riksdag to be held between ordinary elections. An extraordinary election is held within three months from the issue of such an order.

After an election for the Riksdag has been held, the Government is debarred from calling an extraordinary election until three months from the date on which the newly-elected Riksdag first convened. Neither may the Government call an extraordinary election while ministers remain at their posts, after all have been formally discharged, pending assumption of office by a new Government.

Rules for an extraordinary election in a particular case are set out in Chapter 6, Article 3.

Art. 5. A newly-elected Riksdag convenes on the fifteenth day following election day but no sooner than the fourth day after the result of the election has been declared.

Each election is valid for the period from the date on which the newly-elected Riksdag convenes to the date on which the Riksdag elected next thereafter convenes. This period is the electoral period of the Riksdag.

Art. 6. The Realm is divided up into constituencies for the purpose of elections for the Riksdag.

The Riksdag comprises three hundred and ten fixed constituency seats and thirty-nine adjustment seats.

The fixed constituency seats are distributed among the constituencies on the basis of a calculation of the relationship between the number of persons entitled to vote in each constituency, and the total number of persons entitled to vote throughout the whole of the Realm. The distribution of seats among the constituencies is determined for four years at a time.

Art. 7. The seats are distributed among parties. Party is understood to mean any association or group of voters which runs for election under a particular designation.

Only a party which receives at least four per cent of the votes cast throughout the whole of the Realm is entitled to share in the distribution of seats. A party receiving fewer votes however participates in the distribution of the fixed constituency seats in any constituency in which it receives at least twelve per cent of the votes cast.

Art. 8. The fixed constituency seats in each constituency are distributed proportionately among the parties on the basis of the election result in that constituency.

The adjustment seats are distributed among the parties in such a way that the distribution of all the seats in the Riksdag, other than those fixed constituency seats which have been allocated to a party polling less than four per cent of the national vote, is in proportion to the total number of votes cast throughout the whole of the Realm for the respective parties participating in the distribution of seats. If, in the distribution of the fixed constituency seats, a party obtains seats which exceed the number corresponding to the proportional representation of that party in the Riksdag, then that party and the fixed constituency seats which it has obtained are disregarded in distributing the adjustment seats. The adjustment seats are allocated to constituencies after they have been distributed among the parties.

The odd-number method is used to distribute the seats among the parties, with the first divisor adjusted to 1.4.

Art. 9. One member is appointed for each seat a party obtains, together with alternates for that member.

Art. 10. Only a person who is entitled to vote may be a member or alternate member of the Riksdag.

Art. 11. Appeals against elections for the Riksdag may be lodged with an Election Review Board appointed by the Riksdag. A person who has been elected a member of the Riksdag exercises his mandate regardless of any such appeal. If the result of the election is revised, a new member takes his seat immediately after the revised result has been declared. This applies in like manner to alternate members.

The Election Review Board consists of a chairman, who shall be currently, or shall have been previously, a permanent salaried judge and who may not be a member of the Riksdag, and six other members. The members are elected after each ordinary election, as soon as the result of the election becomes final, and serve until a new election for the Board is held. The chairman is elected separately. There is no right of appeal against a decision of the Board.

Art. 12. Further rules concerning matters under Articles 2 to 11 and concerning the appointment of alternates for Riksdag members are laid down in the Riksdag Act or in another act of law.

Chapter 4 The work of the Riksdag

Art. 1. The Riksdag convenes in session every year. Sessions are held in Stockholm, unless otherwise determined by the Riksdag or the Speaker, having regard to the liberty or safety of parliament.

Art. 2. The Riksdag appoints a Speaker and First, Second, and Third Deputy Speakers from among its members for each electoral period.

Art. 3. The Government and every member of the Riksdag has the right to introduce proposals on any matter coming within the jurisdiction of the Riksdag, in accordance with more detailed rules laid down in the Riksdag Act, unless otherwise provided in the present Instrument of Government.

The Riksdag elects committees from among its members in accordance with rules laid down in the Riksdag Act, and these shall include a Committee on the Constitution and a Committee on Finance. Any matter raised by the Government or by a member of the Riksdag shall be prepared by a committee before it comes up for settlement, unless otherwise provided in the present Instrument of Government.

Art. 4. When a matter comes up for decision in the Chamber, every member of the Riksdag and every minister has the right to speak in accordance with more detailed rules laid down in the Riksdag Act. Rules concerning grounds for disqualification are laid down in the Riksdag Act.

Art. 5. When a vote is taken in the Riksdag, the opinion in which more than half of those voting concur constitutes the decision of the Riksdag, unless specially provided otherwise in the present Instrument of Government or, in the case of matters relating to Riksdag procedure, in a principal provision of the Riksdag Act. Rules concerning the procedure to be followed in the event of a tied vote are laid down in the Riksdag Act.

Art. 6. A member of the Riksdag or an alternate for such a member may exercise his mandate as a member notwithstanding any official duty or other similar obligation incumbent upon him.

Art. 7. A member of the Riksdag or an alternate for such a member may not resign his mandate without the Riksdag's consent.

Where grounds exist, the Election Review Board shall examine on its own initiative whether a particular member or an alternate is qualified under Chapter 3, Article 10. A person pronounced to be disqualified is deprived thereby of his mandate.

A member or an alternate may be deprived of his mandate in cases other than cases under paragraph two only if he has proved himself manifestly unfit to hold a mandate by reason of a criminal act. A decision in such a case shall be taken by a court of law.

Art. 8. No person may take legal action against a person who holds a man-date as a member of the Riksdag, or who has held such a mandate, deprive him of liberty, or restrict his movements within the Realm on account of an act or statement made in the exercise of his mandate, unless the Riksdag has given its consent thereto in a decision in which at least five sixths of those voting concur.

If, in any other case, a member of the Riksdag is suspected of having committed a criminal act, the relevant rules of law concerning arrest, detention or remand are applied only if he admits guilt or was caught in the act, or the minimum penalty for the offence is imprisonment for a minimum of two years.

Art. 9. During such time as a member is acting as Speaker of the Riksdag or is a member of the Government, his mandate as a member shall be exercised by an alternate. The Riksdag may stipulate in the Riksdag Act that an alternate shall replace a member when the latter is on leave of absence.

The rules laid down in Articles 6 and 8, paragraph one, concerning protection in respect of the exercise of a mandate as a member of the Riksdag apply also to the Speaker and the Speaker's mandate.

The rules relating to a member of the Riksdag apply also to an alternate exercising a mandate as a member.

Art. 10. Further rules concerning the work of the Riksdag are laid down in the Riksdag Act.

Chapter 5 The Head of State

Art. 1. The Head of State shall be kept informed by the Prime Minister concerning the affairs of the Realm. The Government convenes as Council of State under the chairmanship of the Head of State when so required.

Art. 2. No person who is not a Swedish citizen or who has not attained the age of eighteen may serve as Head of State. The Head of State may not at the same time be a minister or hold a mandate as Speaker or as a member of the Riksdag.

The Head of State shall consult the Prime Minister before undertaking travel abroad.

Art. 3. If, by reason of ill health, foreign travel or for any other cause, the King is prevented from performing his duties, that member of the Royal House under the valid order of succession who is not prevented therefrom shall assume and perform the duties of Head of State in the capacity of Regent *ad interim*.

Art. 4. Should the Royal House become extinct, the Riksdag appoints a Regent to perform the duties of Head of State until further notice. The Riksdag appoints a Deputy Regent at the same time.

The same applies if the King dies or abdicates and the heir to the throne has not yet attained the age of eighteen.

Art. 5. If the King has been continuously prevented for six months from performing his duties, or has failed to perform his duties, the Government shall notify the matter to the Riksdag. The Riksdag determines whether the King shall be deemed to have abdicated.

Art. 6. The Riksdag may appoint a person to serve as Regent *ad interim* under a Government order when no one competent under Article 3 or 4 is in a position to serve.

The Speaker, or, in his absence, one of the Deputy Speakers, serves as Regent *ad interim* under a Government order when no other competent person is in a position to serve.

Art. 7. The King cannot be prosecuted for his actions. Neither can a Regent be prosecuted for his actions as Head of State.

Chapter 6 The Government

Art. 1. The Government consists of the Prime Minister and other ministers.

The Prime Minister is appointed in accordance with the procedure laid down in Articles 2 to 4. The Prime Minister appoints the other ministers.

Art. 2. When a Prime Minister is to be appointed, the Speaker summons for consultation representatives from each party group in the Riksdag. The Speaker confers with the Deputy Speakers before placing a proposal before the Riksdag.

The Riksdag shall proceed to vote on the proposal no later than the fourth day following, without prior preparation in committee. If more than half the members of the Riksdag vote against the proposal, it is rejected. In any other case, it is adopted.

Art. 3. If the Riksdag rejects the Speaker's proposal, the procedure laid down in Article 2 is repeated. If the Riksdag rejects the Speaker's proposal four times, the procedure for appointing a Prime Minister is abandoned and resumed only after an election for the Riksdag has been held. If no ordinary election is due in any case to be held within three months, an extraordinary election shall be held within the same space of time.

Art. 4. When the Riksdag has approved a proposal for a new Prime Minister, he informs the Riksdag as soon as possible of the names of the ministers he has appointed. Government changes hands thereafter at a Council of State before the Head of State or, in his absence, before the Speaker. The Speaker is always summoned to attend such a Council.

The Speaker issues a letter of appointment for the Prime Minister on the Riksdag's behalf.

Art. 5. If the Riksdag declares that the Prime Minister, or any other minister, no longer enjoys the confidence of parliament, the Speaker shall discharge the minister concerned. If the Government is in a position to order an extraordinary election, however, no decision to discharge the minister shall be announced, provided the Government calls an extraordinary election within one week from the declaration of no confidence.

Art. 6. A minister shall be discharged if he so requests: the Prime Minister is discharged by the Speaker, and another minister by the Prime Minister. The Prime Minister may also discharge another minister in other circumstances.

Art. 7. If the Prime Minister is discharged or dies, the Speaker discharges the other ministers.

Art. 8. If all the members of the Government have been discharged, they remain at their posts until a new Government has assumed office. If a minister other than the Prime Minister has been discharged at his own request, he remains at his post until a successor has assumed office, should the Prime Minister so request.

Art. 9. Only a person who has been a Swedish citizen for at least ten years may be a minister.

A minister may not have any other public or private employment. Neither may he hold any appointment or engage in any activity which might impair public confidence in him.

Art. 10. In the absence of the Speaker, a Deputy Speaker shall assume the duties incumbent upon the Speaker under the present Chapter.

Chapter 7 The work of the Government

Art. 1. Government offices shall exist for the preparation of Government business. The Government Offices include ministries for different areas of activity. The Government allocates responsibilities among ministries. The Prime Minister appoints the heads of the respective ministries from among the ministers.

Art. 2. In preparing Government business the necessary information and opinions shall be obtained from the public authorities concerned. Organisations and private persons shall be afforded an opportunity to express an opinion as necessary.

Art. 3. Government business is settled by the Government at Government meetings. Government business relating to the implementation of statutes or special Government decisions within the armed forces may however be approved by the head of the ministry responsible for such matters, under the supervision of the Prime Minister and to the extent laid down in law.

Art. 4. The Prime Minister summons the other ministers to attend Government meetings and presides at such meetings. At least five ministers shall be present at a Government meeting.

Art. 5. At a Government meeting, the head of a ministry presents business falling within the purview of his ministry. The Prime Minister may, however, prescribe that a matter or group of matters coming within the purview of a particular ministry shall be presented by a minister other than the head of the ministry concerned.

Art. 6. A record is kept of Government meetings. A dissenting opinion shall be entered in the record.

Art. 7. Statutes, proposals for submission to the Riksdag, and other dispatches of Government decisions must be signed by the Prime Minister or another minister on behalf of the Government in order to be valid. The Government may, however, prescribe in a statutory instrument that an official may sign a dispatch of a Government decision in a particular case.

Art. 8. The Prime Minister may appoint one of the other ministers to perform the duties of Prime Minister in the capacity of Deputy Prime Minister and act in his absence. If the Prime Minister has not appointed a deputy, or if the deputy is also prevented from performing the duties of Prime Minister, these duties are assumed by that minister among those currently in office who has been a minister longest. When two or more ministers have been ministers equally long, the minister who is senior in age has precedence.

Chapter 8 Acts of law and other provisions

Art. 1. It follows from the rules laid down in Chapter 2 concerning fundamental rights and freedoms that provisions with a particular content may not be adopted, or may be adopted only by means of an act of law, and that in certain cases draft laws shall be dealt with in a particular way.

Art. 2. Provisions relating to the personal status or mutual personal and economic relations of private subjects are laid down in law. These provisions include:

1. provisions relating to Swedish citizenship;
2. provisions relating to the right to a family name, or relating to marriage and parenthood, wills and inheritance, or family matters in general;
3. provisions relating to the right to fixed and movable property, contracts, companies, associations, collectives and foundations.

Art. 3. Provisions concerning the relations between private subjects and the public institutions which relate to obligations incumbent upon private subjects, or which otherwise encroach on the personal or economic circumstances of private subjects, are laid down in law. These provisions include provisions relating to criminal acts and the legal effects of such acts, provisions relating to taxes due the State, and provisions relating to requisition and other such disposition.

Art. 4. Provisions concerning the holding of a consultative referendum throughout the whole of the Realm and the procedure for holding a referendum on a matter of fundamental law are laid down in law.

Provisions concerning elections for a parliamentary assembly within the European Union are also laid down in law.

Art. 5. The principles governing changes in the division of the Realm into local government districts, and the principles governing the organisation and working procedures of the local authorities and local taxation, are determined in law. Provisions relating to the competence of local authorities in other respects, and to their responsibilities, are likewise laid down in law.

Art. 6. Provisions concerning religious communities are laid down in law. Provisions concerning the bases of the Church of Sweden as a religious community shall also be laid down in an act of law.

The enactment, amendment or abrogation of such a law is governed by the provisions of Article 16 concerning enactment of the Riksdag Act.

Art. 7. With authority in law, the Government may, without hindrance of the provisions of Article 3 or 5, adopt, by means of a statutory instrument, provisions relating to matters other than taxes, provided such provisions relate to any of the following matters:

1. the protection of life, health, or personal safety;
2. the sojourn in the Realm of foreign nationals;
3. the import or export of goods, money or other assets, manufactures, transport and communications, granting of credits, business activities, rationing, re-use and recycling of materials, design of buildings, installations and human settlements, or the obligation to obtain a permit in respect of measures affecting buildings and installations;
4. the cultural environment, hunting, fishing, animal protection, or nature conservation and environmental protection;
5. the circulation of traffic or public order;
6. training and education;
7. prohibition of the disclosure of matters which have come to a person's knowledge in the public service or in the performance of official duties;
8. the protection of personal integrity when handling personal data.

Authority of the nature referred to in paragraph one does not confer the right to adopt provisions concerning the legal effects of criminal acts other than the imposition of fines. The Riksdag may prescribe legal effects other than fines for contraventions of provisions laid down by the Government in an act of law granting authority under paragraph one.

Art. 8. With authority in law, the Government may, without hindrance of the provisions of Article 2, 3 or 5, adopt, by means of a statutory instrument, provisions concerning the granting of respites for the meeting of obligations.

Art. 9. With authority in law, the Government may, without hindrance of the provisions of Article 3, adopt, by means of a statutory instrument, provisions concerning customs duties on the importation of goods.

With authority from the Riksdag, the Government or a local authority may adopt provisions concerning charges which otherwise fall under Article 3 to be adopted by the Riksdag.

Art. 10. With authority in law, the Government may, in any matter referred to in Article 7, paragraph one, or in Article 9, prescribe by means of a statutory instrument that a provision of such law shall come into force or cease to apply.

Art. 11. Where, under the present Chapter, the Riksdag authorises the Government to adopt provisions in a particular matter, the Riksdag may authorise the Government in such context to delegate the power to adopt regulations in the matter to an administrative authority or a local authority.

Art. 12. Provisions adopted by the Government by virtue of authority in law under the present Instrument of Government shall be submitted to the Riksdag for examination, should the Riksdag so decide.

Art. 13. In addition to what follows from Articles 7 to 10, the Government may adopt by means of a statutory instrument

1. provisions relating to the implementation of laws;
2. provisions which do not under fundamental law fall to be adopted by the Riksdag.

The Government may not by virtue of paragraph one adopt provisions which relate to the Riksdag or authorities under the Riksdag. Neither may the Government adopt by virtue of paragraph one, point 2, provisions which relate to local taxation.

The Government may, by means of a statutory instrument under paragraph one, delegate to an authority under the Government the task of adopting regulations in the matter. The provisions of paragraph two notwithstanding, the Government may also employ a statutory instrument to delegate to an authority under the Riksdag the task of adopting regulations under paragraph one which do not relate to the internal affairs of the Riksdag or an authority under the Riksdag.

Art. 14. The power conferred on the Government to adopt provisions in a particular matter does not preclude the Riksdag from adopting provisions in the same matter in an act of law.

The Riksdag may direct the Riksbank in an act of law to adopt provisions coming within its remit under Chapter 9 and concerning its duty to promote a secure and efficient payments system.

With authority in law, authorities under the Riksdag may adopt provisions relating to the internal affairs of the Riksdag or authorities under the Riksdag.

Art. 15. Fundamental law is enacted by means of two decisions of identical wording. The second decision may not be taken until elections for the Riksdag have been held throughout the whole of the Realm following the first decision, and the newly-elected Riksdag has convened. At least nine months shall elapse between the time when the matter was first submitted to the Chamber of the Riksdag and the date of the election, unless the Committee on the Constitution grants an exception from this provision by means of a decision taken no later than the committee stage, in which at least five sixths of members concur.

The Riksdag may not adopt as a decision held in abeyance over an election a proposal for the enactment of fundamental law which conflicts with any other proposal concerning fundamental law currently being held in abeyance, unless at the same time it rejects the proposal it first adopted.

A referendum shall be held on a proposal concerning fundamental law which is held in abeyance over an election, on a motion to this effect by at least one tenth of members, provided at least one third of members concur in approving the motion. Such a motion must be put forward within fifteen days from the date on which the Riksdag adopted the proposal which is to be held in abeyance. The motion shall not be referred for preparation in committee.

The referendum shall be held simultaneously with the election referred to in paragraph one. In the referendum, all those entitled to vote in the election are entitled to state whether or not they accept the proposal on fundamental law which is being held in abeyance. The proposal is rejected if a majority of those taking part in the referendum vote against it, and if the number of those voting against exceeds half the number of those who registered a valid vote in the election. In all other cases the proposal goes forward to the Riksdag for final consideration.

Art. 16. The Riksdag Act is enacted as prescribed in Article 15, paragraph one, sentences one and two, and paragraph two. It may also be enacted by means of a single decision, provided at least three fourths of those voting and more than half the total membership of the Riksdag concur. Supplementary provisions of the Riksdag Act are however adopted in the same manner as ordinary law.

Art. 17. No law may be amended or abrogated other than by an act of law. Articles 15 and 16 apply in like manner with respect to amendment or abrogation of fundamental law or of the Riksdag Act.

Art. 18. A Council on Legislation which includes justices, or, where necessary, former justices of the Supreme Court and the Supreme Administrative Court, shall exist to pronounce an opinion on draft legislation. The opinion of the Council on Legislation is obtained by the Government or, under more detailed rules laid down in the Riksdag Act, by a committee of the Riksdag.

The opinion of the Council on Legislation should be obtained before the Riksdag takes a decision on fundamental law relating to the freedom of the press or the corresponding freedom of expression on sound radio, television and certain like transmissions and technical recordings; on an act of law restricting the right of access to official documents; an act of law under Chapter 2, Article 3, paragraph two, Article 12, paragraph one, Articles 17 to 19 or Article 22, paragraph two, or an act of law amending or abrogating such an act; an act of law relating to local taxation; an act of law under Article 2 or 3; or an act of law under Chapter 11, if such an act has significance for private subjects, or having regard to the public interest. The foregoing does not however apply, if obtaining the opinion of the Council on Legislation would be without significance having regard to the nature of the matter, or would delay the handling of legislation in such a way that serious detriment would result. If the Government submits a proposal to the Riksdag for the making of an act of law in any matter referred to in sentence one, and there has been no prior consultation of the Council on Legislation, the Government shall at the same time inform the Riksdag of the reason for the omission. Failure to obtain the opinion of the Council on Legislation on a draft law never constitutes an obstacle to application of the law.

The Council's scrutiny shall relate to

1. the manner in which the draft law relates to the fundamental laws and the legal system in general;
2. the manner in which the different provisions of the draft law relate to one another;
3. the manner in which the draft law relates to the requirements of the rule of law;
4. whether the draft law is so framed that the resulting act of law may be expected to satisfy the stated purposes of the proposed law;
5. what problems are likely to arise in applying the act of law.

More detailed rules concerning the composition and working procedures of the Council on Legislation are laid down in law.

Art. 19. An act of law which has been adopted shall be promulgated by the Government without delay. An act containing provisions relating to the Riksdag or authorities under the Riksdag which shall not be incorporated in fundamental law, or in the Riksdag Act, may however be promulgated by the Riksdag.

Acts of law shall be published as soon as possible. The same applies to statutory instruments, unless otherwise laid down in law.

Chapter 9 Financial power

Art. 1. Rules concerning the right to approve taxes and charges due the State are laid down in Chapter 8.

Art. 2. State funds may not be used other than as determined by the Riksdag.

The Riksdag approves the use of such funds for different purposes by adopting a budget in accordance with Articles 3 to 5. The Riksdag may, however, determine that funds may be employed in accordance with some other procedure.

Art. 3. The Riksdag adopts a national budget for the next following budget year or, if special reasons so warrant, for some other budgetary period. In this connection, the Riksdag determines estimates of public revenue and makes appropriations for specific purposes. Decisions taken in this connection are incorporated in a national budget.

The Riksdag may decide that a particular appropriation within the national budget shall be made for a period other than the budgetary period.

When adopting a budget under this Article, the Riksdag shall have regard to the need for funds for the defence of the Realm in time of war, danger of war, or other exceptional circumstance.

Art. 4. If time does not permit final adoption of the national budget under Article 3 before the start of the budgetary period, the Riksdag makes appropriations, as required, to cover the period until a budget is adopted for the budgetary period concerned. The Riksdag may authorise the Committee on Finance to take such a decision on the Riksdag's behalf.

Art. 5. The Riksdag may revise its revenue estimates, alter appropriations already approved, and determine new appropriations for the current budget year in a supplementary budget.

Art. 6. The Government submits proposals for a national budget to the Riksdag.

Art. 7. The Riksdag may lay down guidelines for a particular activity of the State which cover a period exceeding that to which appropriations for the activity concerned relate, in conjunction with adoption of the budget or in some other context.

Art. 8. Funds and other assets of the State are at the disposal of the Government. This provision does not, however, apply to assets intended for the Riksdag or for authorities under the Riksdag, or which have been set aside in law for special administration.

Art. 9. The Riksdag determines the principles for the administration and disposition of State property as required. The Riksdag may prescribe in this connection that measures of a particular nature may not be taken without the consent of parliament.

Art. 10. The Government may not take up loans or otherwise assume financial obligations on behalf of the State unless authorised by the Riksdag.

Art. 11. Further rules concerning the competence and responsibilities of the Riksdag and the Government in respect of the adoption of the national budget are laid down in the Riksdag Act and separate legislation.

Art. 12. The Government is responsible for general currency policy matters. Other provisions concerning currency policy are laid down in law.

Art. 13. The Riksbank is the central bank of the Realm and an authority under the Riksdag. The Riksbank is responsible for monetary policy. No public authority may determine how the Riksbank shall decide in matters of monetary policy.

The Riksbank has a Governing Council comprising eleven members, who are elected by the Riksdag. The Riksbank is under the direction of an Executive Board appointed by the Governing Council.

The Riksdag considers whether the members of the Governing Council and the Executive Board shall be granted discharge of responsibility. If the Riksdag refuses a member of the Governing Council discharge of responsibility he is severed thereby from his appointment. The Governing Council may remove from office a member of the Executive Board only if he no longer fulfils the requirements laid down for performing his duties or if he has been guilty of gross negligence.

Rules concerning elections for the Governing Council and concerning the management and activities of the Riksbank are laid down in law.

Art. 14. The Riksbank alone has the right to issue coinage and banknotes. Further rules concerning the monetary and payments system are laid down in law.

Chapter 10 Relations with other states and international organisations

Art. 1. Agreements with other states or with international organisations are concluded by the Government.

Art. 2. The Government may not conclude an international agreement which is binding upon the Realm without Riksdag approval, if the agreement presupposes the amendment or abrogation of an act of law or the enactment of a new act of law, or if it otherwise concerns a matter which it is for the Riksdag to determine.

If, in a case under paragraph one, a special procedure has been prescribed for the Riksdag decision which is presupposed, the same procedure shall be applied in approving the agreement.

Nor may the Government, in cases other than cases under paragraph one, conclude an international agreement which is binding upon the Realm without Riksdag approval, if the agreement is of major significance. The Government may however act without obtaining the Riksdag's approval of the agreement if the interest of the Realm so requires. In such a case the Government shall confer instead with the Advisory Council on Foreign Affairs before concluding the agreement.

The Riksdag may approve an agreement under paragraphs one and three which is concluded within the framework of European Union cooperation, even if the agreement does not exist in final form.

Art. 3. The Government may commission an administrative authority to conclude an international agreement in a matter in which the agreement does not require the participation of the Riksdag or the Advisory Council on Foreign Affairs.

Art. 4. The rules laid down in Articles 1 to 3 apply in like manner to the commitment of the Realm to an international obligation in a form other than an agreement, and to the denunciation of an international agreement or obligation.

Art. 5. The Riksdag may transfer a right of decision-making which does not affect the principles of the form of government within the framework of European Union cooperation. Such transfer presupposes that protection for rights and freedoms in the field of cooperation to which the transfer relates corresponds to that afforded under this Instrument of Government and the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Riksdag approves such transfer by means of a decision in which at least three fourths of those voting concur. The Riksdag's decision may also be taken in accordance with the procedure prescribed for the enactment of fundamental law. Transfer cannot be approved until after the Riksdag has approved the agreement under Article 2.

A right of decision-making which is directly based on the present Instrument of Government and which purports at the laying down of provisions, the use of assets of the State or the conclusion or denunciation of an international agreement or obligation, may in other cases be transferred, to a limited extent, to an international organisation for peaceful cooperation of which Sweden is a member, or is about to become a member, or to an international court of law. No right of decision-making relating to matters concerning the enactment, amendment or abrogation of fundamental law, the Riksdag Act or a law on elections for the Riksdag, or relating to the restriction of any of the rights and freedoms referred to in Chapter 2 may be thus transferred. The provisions laid down for the enactment of fundamental law apply in respect of a decision relating to such transfer. If time does not permit a decision in accordance with these provisions, the Riksdag may approve transfer by means of a decision in which at least five sixths of those voting and at least three fourths of members concur.

If it has been laid down in law that an international agreement shall have validity as Swedish law, the Riksdag may prescribe, by means of a decision taken in accordance with the procedure laid down in paragraph two, that also any future amendment of the agreement binding upon the Realm shall apply within the Realm. Such a decision shall relate only to a future amendment of limited extent.

Any judicial or administrative function not directly based on this Instrument of Government may be transferred, in a case other than a case under paragraph one, to another state, international organisation, or foreign or international institution or

community by means of a decision of the Riksdag. The Riksdag may also in law authorise the Government or other public authority to approve such transfer of functions in particular cases. Where the function concerned involves the exercise of public authority, Riksdag approval shall take the form of a decision in which at least three fourths of those voting concur. The Riksdag's decision in the matter of such transfer may also be taken in accordance with the procedure prescribed for the enactment of fundamental law.

Art. 6. The Government shall keep the Riksdag continuously informed and confer with bodies appointed by the Riksdag concerning developments within the framework of European Union cooperation. More detailed rules concerning the obligation to inform and consult are laid down in the Riksdag Act.

The Government shall keep the Advisory Council on Foreign Affairs continuously informed of those matters relating to foreign relations which may be of significance for the Realm, and shall confer with the Council concerning these matters as necessary. In all foreign policy matters of major significance, the Government shall confer with the Council, if possible, before making its decision.

Art. 7. The Advisory Council on Foreign Affairs consists of the Speaker and nine other members elected by the Riksdag from among its members. More detailed rules concerning the composition of the Council are laid down in the Riksdag Act.

The Advisory Council on Foreign Affairs is convened by the Government. The Government is obliged to convene the Council if at least four members of the Council request consultations on a particular matter. Meetings of the Council are presided over by the Head of State or, in his absence, by the Prime Minister.

A member of the Advisory Council on Foreign Affairs and any person otherwise associated with the Council shall exercise caution in communicating to others matters which have come to his knowledge in this capacity. The person presiding over a meeting of the Council may rule that a duty of confidentiality shall apply unconditionally.

Art. 8. The head of the ministry responsible for foreign affairs shall be kept informed whenever a matter arises at another State authority which has significance for relations with another state or an international organisation.

Art. 9. The Government may commit the armed forces of the Realm, or any part of them, to battle in order to repel an armed attack upon the Realm. Swedish armed forces may otherwise be committed to battle or dispatched abroad only provided

1. the Riksdag consents thereto;
2. the action is permitted under an act of law which sets out the prerequisites for such action;
3. a duty to take such action follows from an international agreement or obligation which has been approved by the Riksdag.

A state of war may not be declared without the consent of the Riksdag, except in the event of an armed attack upon the Realm.

The Government may authorise the armed forces to use force in accordance with international law and custom to prevent violation of Swedish territory in time of peace or during a war between foreign states.

Chapter 11 Administration of justice and general administration

Art. 1. The Supreme Court is the highest court of general jurisdiction, and the Supreme Administrative Court is the highest administrative court. The right to have a case tried by the Supreme Court or by the Supreme Administrative Court may be restricted in law. A person may serve as a member of the Supreme Court or the Supreme Administrative Court only if he holds currently, or has held previously, an appointment as a permanent salaried justice of the Court.

A court of law other than the Supreme Court or the Supreme Administrative Court must be established by virtue of law. Provisions prohibiting the establishment of a court of law in particular cases are laid down in Chapter 2, Article 11, paragraph one.

There shall be a permanent salaried judge in any court under paragraph two. Exceptions to this rule in respect of courts established to try a specific group or specific groups of cases may however be laid down in law.

Art. 2. No public authority, including the Riksdag, may determine how a court of law shall adjudicate an individual case or otherwise apply a rule of law in a particular case.

Art. 3. A legal dispute between private subjects may not be settled by an authority other than a court of law except by virtue of law. Provisions concerning examination by a court of law of a deprivation of liberty are set out in Chapter 2, Article 9.

Art. 4. Provisions concerning the functions of the courts relevant to the administration of justice, the principal features of their organisation, and court procedure are laid down in law.

Art. 5. A person who has been appointed a permanent salaried judge may be removed from office only provided

1. he has shown himself through a criminal act or through gross or repeated neglect of his official duties to be manifestly unfit to hold the office;
2. he has reached the relevant retirement age or is otherwise obliged by law to retire on pension.

If a permanent salaried judge has been removed from office by means of a decision of a public authority other than a court of law it shall be possible for him to call for the decision to be examined before a court of law. The same applies to any decision as a result of which a permanent salaried judge is suspended from duty or ordered to undergo examination by a medical practitioner.

If organisational considerations so dictate, a person who has been appointed a permanent salaried judge may be transferred to another judicial office of equal status.

Art. 6. The Chancellor of Justice, the Prosecutor General, the central administrative boards and the county administrative boards come under the Government. Other State administrative authorities come under the Government, unless they are authorities under the Riksdag according to the present Instrument of Government or by virtue of other law.

Administrative functions may be entrusted to a local authority.

Administrative functions may be delegated to a limited company, association, collective, foundation, registered religious community or any part of its organisation, or to a private person. If such a function involves the exercise of public authority, delegation shall be made by virtue of law.

Art. 7. No public authority, including the Riksdag and the decision-making bodies of local authorities, may determine how an administrative authority shall decide in a particular case relating to the exercise of public authority vis-à-vis a private subject or a local authority, or relating to the application of law.

Art. 8. No judicial or administrative function may be performed by the Riksdag except inasmuch as this follows from fundamental law or from the Riksdag Act.

Art. 9. Appointments to posts at courts of law or administrative authorities coming under the Government are made by the Government or by a public authority designated by the Government.

When making appointments to posts within the State administration attention shall be directed only to objective factors such as merit and competence.

Only a Swedish citizen may hold or exercise the functions of a judicial office, an office coming directly under the Government, an office or appointment as head of an authority coming directly under the Riksdag or the Government, or as a member of such an authority or its governing board, an appointment in the Government Offices coming directly under a minister, or an appointment as a Swedish envoy. Also in other cases only a person who is a Swedish citizen may hold an office or appointment if the holder of such an office or appointment is elected by the Riksdag. Swedish nationality may otherwise be stipulated as a condition of qualification to hold an office or appointment under the State or under a local authority only with support in law or in accordance with conditions laid down in law.

Art. 10. Basic rules concerning the legal status of civil servants in respects other than those covered in this Instrument of Government are laid down in law.

Art. 11. Re-opening of closed cases and restoration of lapsed time are granted by the Supreme Administrative Court or, inasmuch as this has been laid down in law, by an inferior administrative court if the case concerns a matter in respect of which the Government, an administrative court or an administrative authority is the highest instance. In all other cases, re-opening of a closed case or restoration of lapsed time is granted by the Supreme Court or, inasmuch as this has been laid down in law, by another court of law which is not an administrative court.

More detailed rules concerning the retrial of closed cases and restoration of lapsed time may be laid down in law.

Art. 12. The Government may approve an exception from a provision of a statutory instrument, or from a provision adopted by virtue of a Government decision, unless otherwise provided in an act of law or in a decision concerning a budget appropriation.

Art. 13. The Government may, by exercising clemency, remit or reduce a penal sanction or other legal effect of a criminal act, and remit or reduce any other similar intervention by a public authority concerning the person or property of a private subject.

Where exceptional grounds exist, the Government may order that no further action shall be taken to investigate or prosecute a criminal act.

Art. 14. If a court or other public body finds that a provision conflicts with a rule of fundamental law or other superior statute, or finds that a procedure laid down in law has been disregarded in any important respect when the provision was made, the provision

may not be applied. If the provision has been approved by the Riksdag or by the Government, however, it shall be waived only if the error is manifest.

Chapter 12 Parliamentary control

Art. 1. The Committee on the Constitution shall examine ministers' performance of their official duties and the handling of Government business. The Committee is entitled for this purpose to have access to the records of decisions taken in Government matters and to all documents pertaining to such matters. Another Riksdag committee or a member of the Riksdag is entitled to raise in writing with the Committee on the Constitution any issue relating to a minister's performance of his official duties or the handling of Government business.

Art. 2. It shall be incumbent upon the Committee on the Constitution to communicate to the Riksdag, whenever reasons so warrant but at least once a year, any observations it may find worthy of attention in connection with its examination. The Riksdag may make a formal statement to the Government in consequence thereof.

Art. 3. A person who is currently, or who has been previously, a minister may be held accountable for a criminal act committed in the performance of his ministerial duties only if he has grossly neglected his official duty thereby. A decision to institute criminal proceedings is taken by the Committee on the Constitution and the case is tried before the Supreme Court.

Art. 4. The Riksdag may declare that a minister no longer enjoys the confidence of the Riksdag. Such a declaration of no confidence requires the concurrence of more than half the total membership of the Riksdag.

A motion calling for a declaration of no confidence shall be taken up for consideration only if raised by at least one tenth of the members of the Riksdag. It is not taken up for consideration during the period between the holding of an ordinary election, or the announcement of a decision to call an extraordinary election, and the date on which the Riksdag elected in such an election convenes. A motion relating to a minister who has remained at his post, under Chapter 6, Article 8, after having been formally discharged, may not in any circumstances be taken up for consideration.

A motion calling for a declaration of no confidence shall not be prepared in committee.

Art. 5. Under rules laid down in the Riksdag Act, any member of the Riksdag may submit an interpellation or put a question to a minister on any matter concerning the minister's performance of his official duties.

Art. 6. The Riksdag elects one or more Parliamentary Ombudsmen to supervise the application of laws and other statutes in the public service, under terms of reference drawn up by the Riksdag. An Ombudsman may institute criminal and disciplinary proceedings in the cases indicated in these terms of reference.

An Ombudsman is entitled to be present at the deliberations of a court of law or an administrative authority and shall have access to the records and other documents of such an authority. A court of law or an administrative authority and any State or local government official shall provide an Ombudsman with such information and opinions as he may request. A similar obligation is incumbent upon any other person coming

under the supervision of the Ombudsman. A public prosecutor shall assist an Ombudsman if so requested.

More detailed rules concerning the Ombudsmen are laid down in the Riksdag Act.

Art. 7. The National Audit Office is an authority under the Riksdag whose function is to audit the activities of the State. More detailed rules concerning the National Audit Office are laid down in the Riksdag Act and elsewhere in law. Under provisions laid down in such legislation, the National Audit Office's audit may extend also to activities other than activities of the State.

The National Audit Office is under the direction of three Auditors General, who are elected by the Riksdag. The Auditors General decide independently, having regard to the rules laid down in law, what activities shall be audited. They determine severally and independently how their audit shall be carried out and formulate their own conclusions on the basis of their audit.

The Office also has a Board, which is appointed by the Riksdag. The Board's task is to monitor audit activities, to put forward to the Riksdag the proposals and reports which result from the audit activities and audit statements of the Auditors General, and to determine draft appropriations under the national budget and the annual reports of the Office.

The Riksdag may remove an Auditor General from office only provided the Auditor General no longer fulfils the requirements for the office or has been guilty of gross negligence.

Art. 8. Legal proceedings on account of a criminal act committed by a member of the Supreme Court, or a member of the Supreme Administrative Court, in the exercise of his official duties shall be instituted in the Supreme Court by a Parliamentary Ombudsman or the Chancellor of Justice.

The Supreme Court likewise examines, under relevant provisions, whether a member of the Supreme Court or the Supreme Administrative Court shall be removed from office or suspended from duty, or shall be obliged to undergo examination by a medical practitioner. Proceedings of this nature are instituted by a Parliamentary Ombudsman or the Chancellor of Justice.

Chapter 13 War and danger of war

Art. 1. If the Realm finds itself at war or is exposed to the danger of war, the Government or the Speaker shall convene the Riksdag in session. Whoever issues the notice convening the meeting may determine that the Riksdag shall convene at some place other than Stockholm.

Art. 2. If the Realm is at war or exposed to the danger of war, a War Delegation appointed from among the members of the Riksdag shall replace the Riksdag if circumstances so warrant.

If the Realm is at war, the order instructing the War Delegation to replace the Riksdag shall be issued by the members of the Advisory Council on Foreign Affairs in accordance with more detailed rules laid down in the Riksdag Act. The Prime Minister shall be consulted, if possible, before the order is issued. If war conditions prevent the Council from convening, the order is issued by the Government. If the Realm is exposed to the danger of war, the aforementioned order is issued by the members of the Advisory Council on Foreign Affairs and the Prime Minister acting jointly. The issue of

such an order requires the concurrence of the Prime Minister and six members of the Council in order to be valid.

The War Delegation and the Government may determine, either jointly or severally, that the Riksdag shall resume its powers.

Rules concerning the composition of the War Delegation are laid down in the Riksdag Act.

Art. 3. While the War Delegation is acting in place of the Riksdag, it exercises the powers otherwise vested in the Riksdag. It may not however take decisions under Article 12, paragraph one, point 1, or paragraph two or four.

The War Delegation determines its own working procedures.

Art. 4. If the Realm is at war, and if, in consequence thereof, the Government is prevented from carrying out its duties, the Riksdag may decide on the formation of a Government and determine its working procedures.

Art. 5. If the Realm is at war, and if, in consequence thereof, neither the Riksdag nor the War Delegation is in a position to carry out its duties, the Government shall assume its powers to the extent it considers necessary to protect the Realm and bring hostilities to a close.

The Government may not by virtue of paragraph one enact, amend, or abrogate a fundamental law, the Riksdag Act, or a law on elections for the Riksdag.

Art. 6. If the Realm is at war or exposed to the danger of war, or if such exceptional conditions prevail as result from the war or the danger of war to which the Realm has been exposed, the Government may, with authority in law, adopt by means of a statutory instrument provisions in a particular matter which shall otherwise, under provisions of fundamental law, be laid down in an act of law. If necessary in any other case having regard to defence preparedness, the Government may, with authority in law, determine by means of a statutory instrument that any provisions laid down in law, which relate to requisition or other such disposition, shall be brought into force or cease to apply.

In an act of law granting authority under paragraph one, the conditions under which such authority may be invoked shall be scrupulously defined. Such authority shall not empower the Government to enact, amend, or abrogate a fundamental law, the Riksdag Act or a law on elections for the Riksdag.

Art. 7. If the Realm is at war or exposed to the immediate danger of war, the provisions of Chapter 2, Article 12, paragraph three, shall not apply. The same is true in any other circumstances in which the War Delegation is acting in place of the Riksdag.

Art. 8. If the Realm is at war or exposed to the immediate danger of war, the Government may, with authority from the Riksdag, determine that a task which falls to the Government by virtue of fundamental law shall be performed by some other public authority. Such authority may not extend to any powers under Article 5 or 6, unless the matter relates solely to a decision that a law concerning a particular matter shall come into force.

Art. 9. The Government may conclude a ceasefire agreement without seeking the approval of the Riksdag and without consulting the Advisory Council on Foreign Affairs, if deferment of the agreement would imperil the Realm.

Art. 10. Neither the Riksdag nor the Government may make decisions in occupied territory. Nor may any powers vested in a person in his capacity as a member of the Riksdag or as a minister be exercised in such territory.

It shall be incumbent upon any public body in occupied territory to act in the manner that best serves the defence effort and resistance activities, as well as the protection of the civilian population and Swedish interests at large. In no circumstances may a public body make any decision or take any action which, in contravention of international law, imposes on a citizen of the Realm the duty of rendering assistance to the occupying power.

Elections for the Riksdag or for decision-making local government assemblies may not be held in occupied territory.

Art. 11. If the Realm is at war, the Head of State should accompany the Government. Should he find himself in occupied territory or separated from the Government, he shall be deemed to be precluded from carrying out his duties as Head of State.

Art. 12. If the Realm is at war, elections for the Riksdag may be held only if the Riksdag so determines. If the Realm is exposed to the danger of war when an ordinary election falls due to be held, the Riksdag may decide to defer the election. Such a decision shall be reviewed within one year and at intervals of no more than one year thereafter. Decisions under this paragraph are valid only if at least three fourths of the members of the Riksdag concur therein.

If any part of the Realm is occupied when an election falls due to be held, the Riksdag shall approve any necessary modification of the rules laid down in Chapter 3. No exceptions may however be made from Chapter 3, Article 1, paragraph one; Article 2; Article 6, paragraph one; or Articles 7 to 11. Any reference to the Realm in Chapter 3, Article 6, paragraph one; Article 7, paragraph two; or Article 8, paragraph two, shall apply instead to that part of the Realm for which the election is to be held. At least one tenth of the total number of seats shall be adjustment seats.

An ordinary election which is not held at the time prescribed, in consequence of paragraph one, shall be held as soon as possible after the war ends or the danger of war has passed. It shall be incumbent upon the Government and the Speaker, jointly or severally, to ensure that the necessary steps are taken.

If, in consequence of this Article, an ordinary election has been held at a time other than the time at which it would normally have been held, the Riksdag shall set the date of the next ordinary election for that month in the fourth or fifth year following the first-named election in which an ordinary election is due to be held under the Riksdag Act.

Art. 13. If the Realm is at war or exposed to the danger of war, or if such exceptional conditions prevail as result from the war or the danger of war to which the Realm has been exposed, the decision-making powers of local authorities shall be exercised as laid down in law.

Transitional provisions

Transitional provisions 1974

1. This Instrument of Government supersedes the previous Instrument of Government. With the exceptions given below, the previous Instrument of Government shall however apply in place of the new Instrument of Government until the end of the calendar year in which the Riksdag adopts definitively the new Instrument of Government and, in the cases below, also thereafter.

6. Older statute or provisions shall continue to apply, notwithstanding that they have not been enacted in the manner laid down in this Instrument of Government. Authority granted under a joint decision of the King and the Riksdag, or the Riksdag acting alone, may be exercised even after the time appointed under point 1 above, until such time as the Riksdag determines otherwise.

The rules of Chapter 8, Article 17 of this Instrument of Government shall apply in respect of older statute adopted by joint decision of the King and the Riksdag, or by a decision of the Riksdag acting alone.

7. Rules of older law or other statute which refer to the King or the King in Council shall apply to the Government ... unless it follows from a statute, or is otherwise apparent from the circumstances, that the reference is to the King in person, the Supreme Court, the Supreme Administrative Court, or an administrative court of appeal.

Provisions which under older law or other statute shall be determined by joint decision of the King and the Riksdag shall be determined instead in an act of law.

8. Should an act of law or other statute contain a reference or allusion to a provision which has been superseded by a rule of this Instrument of Government, the new rule shall apply instead.

14. This Instrument of Government in no way alters the provisions laid down in Article 2 of the previous Instrument of Government.

Transitional provisions relating to 1976 amendments

1. The changes in the Instrument of Government come into force on 1 January 1977.

2. The provisions of Chapter 2, Article 16, notwithstanding, older provisions purporting at differential treatment on grounds of sex shall continue to apply for the time being. Such provisions may be amended, even if the amendment is to the effect that such differentiation shall be upheld.

4. The provisions of Chapter 2, Article 1, point 3, and Article 14, paragraph one, notwithstanding, it may be laid down in law that films and videograms shall not be shown in public without prior approval.

5. Older statute or provisions shall continue to apply, notwithstanding that they have not been enacted in the manner laid down in the Instrument of Government in its new wording.

Transitional provisions relating to 1979 amendments

1. The changes in the Instrument of Government come into force on 1 January 1980.

2. Older provisions relating to taxes or charges shall continue to apply, the provisions of Chapter 2, Article 10, paragraph two, notwithstanding.