

**Act I of 1920**  
**on the restoration of constitutionality and the temporary settlement of the**  
**exercise of public authorities**

The National Assembly, as the sole legal representation of the national sovereignty, declares that the exercise of royal power ceased on 13 November 1918. In addition, it declares that the indivisible and inseparable co-ownership of Hungary and its partner countries with the kingdoms and countries represented in the former Austrian Imperial Council has ceased as a result of the events that have taken place. The National Assembly reserves the right to determine the consequences of all these facts for the period after the conclusion of the peace.

Furthermore, it declares that the House of Representatives, legally convened on 21 June 1910, declared itself dissolved by a resolution of 16 November 1918 and that its House of Lords took note of this resolution and closed its deliberations at its sitting of the same day, thereby it also ceased to function. As a result, the exercise of state power among the ordinary forms of the constitution has become impossible.

In accordance with the principles of our constitution, the provisional governments formed since the 7th day of August 1919 turned to the nation to elect a National Assembly to represent its will on the basis of universal, secret, equal, direct and compulsory suffrage, including women as well.

As a result, the parliamentary elections were held in all parts of the country where the election was not made impossible by hostile occupation, and the elected members of the National Assembly gathered and formed a National Assembly in Budapest, in the rooms of the House of Representatives of Parliament on the 16th day of February 1920. The National Assembly thus formed shall, above all, enact the following act:

**CHAPTER ONE**

**Provisions aiming the restoration of constitutionality**

**1. §**

The National Assembly approves the government decrees under which the National Assembly convened.

[tags: government decrees]

**2. §**

The National Assembly declares itself to be the legal representation of Hungarian state sovereignty, which, according to our constitution, is also entitled to regulate the further way of exercising state power.

[tags: the National Assembly]

### 3. §

The National Assembly grants its members the same immunity that the members of Parliament have under the current legislation.

The National Assembly, its committees and members, as well as their operation and the acts enacted by the National Assembly, shall enjoy the same criminal protection as is provided by criminal law to the National Assembly, its two houses, committees and members, and to the protection of their operation and the law.

Anyone who unauthorisedly appears in the deliberations of the National Assembly or a committee and does not leave immediately at the request of the speaker of the National Assembly or the chairman of the committee, unless his act is subject to a more severe criminal offense, commits an offense and is punishable by imprisonment in a low-security penal institution for up to 1 year and suspension of the exercise of his political rights.

If an individual who has appeared in the Chamber unauthorised does not leave at the second call of the chairman, he shall be arrested and immediately brought before the prosecution.

If such an act were committed by a Member excluded from the sessions in accordance with the Rules of the House, the act shall not be protected by immunity; in such cases, the prosecutor may drop the charge only with the consent of the National Assembly.

[tags: the National Assembly, immunity of members of the National Assembly]

### 4. §

The legislative power shall be practised by the National Assembly.

[tags: the National Assembly, legislature, the legislative power]

### 5. §

Until a Governor is elected, the executive power shall be practised by the Government being solely responsible to the National Assembly.

[tags: the Government, executive, the executive power]

### 6. §

The Hungarian responsible Government shall be supplemented by the Ministers of Foreign Affairs, Wellbeing and Labour; the number of ministers without ministry – in accordance with Act XI of 1917 – shall be complemented with the Ministers of Smallholders, Public Nutrition and National Minorities. The responsibilities of these

ministers shall be determined in detail by the Government until the provision of the legislature.

The position of the minister around the king's person shall cease.

[tags: the Government, ministers]

## 7. §

Judicial power is exercised by the courts organised in accordance with the law on behalf of the Hungarian state until further notice.

[tags: judiciary, courts of law, the judicial power]

## 8. §

A national army, which will swear an oath to the Hungarian constitution, shall be set up to protect the country and contribute to the maintenance of internal order and security.

[tags: Hungarian army]

## 9. §

Any provisions of the bodies of the so-called people's republic and soviet republic issued under a people's act, decree or other name are invalid. Likewise, all provisions and decisions of the so-called national councils and their bodies are invalid.

The so-called people's resolutions and people's acts inserted there shall be deleted from the National Collection of Acts.

However, the National Assembly authorises the Government to temporarily maintain the provisions of the bodies of the so-called people's republic, if necessary for the rule of law and legal certainty, on its own responsibility within the framework of the Constitution, or to establish new provisions instead. As long as the Government takes action in this matter, the provisions of the bodies of the so-called people's republic shall remain in provisional application, provided that their content does not contradict the Constitution, existing acts and customary law, or have arisen under legal authority and have not yet been abolished.

The Ministry is also empowered to take, until the further provision of the legislature, the measures necessary to abolish the situation established by the provisions of the bodies of the so-called soviet republic and to restore the rule of law.

The Government is instructed to submit the appropriate bills to the National Assembly as soon as possible if further legislative action is required in respect of the provisions referred to in this section.

[tags: invalidity of communist legislation]

## 10. §

The National Assembly recognises the validity of the decrees of the governments and their members formed since the 7th day of August 1919 to restore the constitutional order and legal certainty; however, it authorizes the Government to repeal, amend or supplement these regulations, as necessary. At the same time, the Government is instructed to submit the appropriate bills to the National Assembly as soon as possible, insofar as these provisions apply to matters within the competence of the legislature.

[tags: validity of the decrees of the governments since 7th August 1919]

## 11. §

With the cessation of relations of common interest with the kingdoms and countries represented in the former Austrian Imperial Council, Act XII of 1867 and other legal provisions relating to these relations have lapsed and the free disposition of the Hungarian state deriving from its ancient independence has also been fully restored in respect of these relations.

The National Assembly reserves all the needs of the Hungarian state, which may be due to the former common institutions and property relations or in other aspects as a result of the cessation of relations with the mentioned kingdoms and countries.

[tags: Act XII of 1867, relations between Hungary and other kingdoms and countries represented in the former Austrian Imperial Council]

# CHAPTER TWO

## Power of the Governor

## 12. §

Until the National Assembly permanently settles the exercise of the power of the head of state, who, on that basis, takes over the office, it shall elect a Governor from the Hungarian citizens by secret ballot to perform the duties of the head of state temporarily.

[tags: the Governor]

## 13. §

The Governor is entitled to the constitutional exercise of the rights contained in the royal power within the limits set forth below.

Act enacted by the National Assembly shall not be subject to sanctification; they shall be provided with a clause of promulgation and signed by the Governor within 60 days at the latest. Before ordering the promulgation, the Governor may return the act to the National Assembly once for further consideration, by stating his reasons. If the act thus returned is maintained by the National Assembly, the governor shall promulgate it within 15 days. The Governor may not exercise the right of return with respect to acts enacted on the questions of the form of the state and the person of the head of state. In any case, the Governor can exercise the right of return only if the National Assembly is able to decide before the expiration of the 2-year period on the returned act.

The Governor may not postpone the National Assembly and may exercise the right to dissolve the National Assembly under the royal power of dissolution only if the National Assembly has become permanently incapacitated despite the governor's message and the Speaker of the National Assembly is not able to restore the ability to work with his power provided in the rules of the house. In case of dissolution, however, the Governor shall provide in the dissolution decree for the convening of a new National Assembly in such a way that the National Assembly shall, based on the new law election or – should it not be enacted – the law on election being the basis of convening of the current National Assembly, meet within 3 months of the dissolution. The Governor represents Hungary in international relations. He may send and welcome ambassadors. On behalf of Hungary, it may enter into alliances and other agreements with foreign authorities through the responsible Government, but should they relate to the subjects of legislation, then only with the consent of the National Assembly.

The prior consent of the National Assembly is required for a declaration of war or the use of the army outside the country's borders or for peace-making.

The executive power shall solely be exercised by the Governor through the Government responsible to the National Assembly. All his provisions and measures, including those relating to the armed forces, shall be valid only if they are countersigned by the competent responsible minister. However, this does not affect the constitutional rights of the Governor in the field of warfare with respect to the lead, command, and internal organisation of the national army.

He shall not grant nobility.

He shall not exercise *ius supremae patronatus*.

Amnesty shall only be granted by an act.

[tags: competences of the Governor]

## 14. §

The person of the Governor is inviolable and enjoys the same criminal protection as the king under our laws.

The Governor may be held liable by the National Assembly for violations of the constitution or the law. Impeachment may be made only on the basis of a motion

signed by at least one hundred members of the National Assembly and by a 2/3 majority of all its members. This procedure will be regulated in a separate act.

[tags: protection of the Governor, liability of the Governor]

## 15. §

The Governor is entitled to use the title “His Excellency the Governor”.

[tags: the title of the Governor]

## 16. §

The National Assembly establishes an honorarium for the Governor.

[tags: the honorarium of the Governor]

## 17. §

Besides the Governor, the office necessary for the performance of official duties is organised by the Government within the budget established by the National Assembly.

[tags: the office of the Governor]

## 18. §

The Governor may exercise his office only if he takes the following oath before the National Assembly: “I, N. N., the elected governor of Hungary, swear to the living God that I will be loyal to Hungary, I keep the laws, the old good and remained customs and have them kept with others; I protect her independence and area; I practise my office of governor in accordance with the constitution, with consent of the National Assembly, through the responsible Government and I will do everything that I rightfully can for the country and her glory. So help me God.”

[tags: the oath of the Governor]

# CHAPTER THREE

## Closing provisions

## 19. §

This Act shall be promulgated in the National Collection of Acts as Act I of 1920.

For the purposes of promulgation, the following introduction shall be made to this Act: “We commemorate everyone who is concerned that the National Assembly of Hungary has created the following act.”

This is followed by the text of the Act.

The text of the Act is closed by the following clause: “This Act, as the will of the nation, shall be upheld by all.”

The clause is signed by the speaker, the notary of the National Assembly and the Prime Minister.

[tags: promulgation of the Act]

## 20. §

This Act shall come into force immediately on the day of its promulgation.

[tags: vacatio legis]