

CODE OF THE ABELDANE EMPIRE

SECOND EDITION (REVISION ONE)

ABELDANE EMPIRE

CODE OF THE ABELDANE EMPIRE—SECOND EDITION

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The latest edition of the Code of the Abeldane Empire is the authoritative record of all permanent public law enacted prior to that edition's publication.

A revision of the Code may be published at any time; but such revision may only make non-substantive corrections, indicate a law that is no longer in force or add explanatory notes.

The Code **may not** be amended without an Act of the Reichsversammlung.

Please report any errors.

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TITLE 1: GENERAL PROVISIONS

Chapter 1: Interpretation

§1 **Repeal of repealing laws**

Whenever an Act is repealed, which repealed a former Act, such former Act is not to be thereby revived, unless expressly provided.

§2 **Conflict**

- (1) If possible, laws must be interpreted such that they do not conflict.
 - (2) But if such an interpretation is not possible, the law issued last takes precedence.
-

Chapter 2: Code of the Abeldane Empire

§3 **Code as authoritative record**

The latest edition of the Code of the Abeldane Empire is the authoritative record of all permanent public law enacted prior to that edition's publication.

§4 **Revisions**

A revision of the Code may be published at any time; but such revision may only make non-substantive corrections, indicate a law that is no longer in force or add explanatory notes.

§5 **No amendment without an Act of the Reichsversammlung**

The Code may not be amended without an Act of the Reichsversammlung.

TITLE 2: STATES AND TERRITORY

Explanatory note

The Festungrad Protected Area Act 2020 (30 May 2020) creates a protected area in the Alenshkan city of Festungrad.

The Ekkseland Protected Area Act 2020 (6 June 2020) creates a protected area in the Alenshkan city of Ekkesland.

Chapter 1: Cities

§1 Cities

A distinct geographical territory claimed by the Empire is a city. Every city belongs to a specific federal state.

§2 Creation of new cities

- (1) A city is created by order of the Minister of Homeland and Geographical Affairs.
- (2) No city may be created without the consent of the relevant state's monarch.
- (3) The Minister of Homeland and Geographical Affairs may create a city only if they have—
 - (a) of the land on which the city is to be created—
 - (i) details of the land's area,
 - (ii) a map and
 - (iii) at least one photo and
 - (b) a list of all people who would be resident in the city at the time of its creation.
- (4) A city must have at least one citizen resident either on its territory or within 500 metres of the city's border.

§3 Mayors

- (1) Every city must have a mayor.
- (2) At the discretion of the states, a mayor may either be appointed by the state monarch or elected by the city's residents.

Chapter 2: Crown dependencies

§4 Creation

- (1) A crown dependency is created by Imperial Decree.

TITLE 2: STATES AND TERRITORY

- (2) No crown dependency may be created without the consent of—
 - (a) the Vorsitzender and
 - (b) the Minister of Homeland and Geographical Affairs.

§5 **Governor; power to create legislature**

- (1) The Monarch must appoint (and may dismiss) a Governor for each crown dependency.
- (2) The Governor is responsible for the routine governance of the dependency.
- (3) The Governor may by order establish a legislature for the dependency, whose members must be appointed in regular, free, and secret elections.

§6 **Federal judiciary to have exclusive jurisdiction**

The federal judiciary has exclusive jurisdiction over all crown dependencies.

Chapter 3: Dominions

§7 **Monarch as head of state**

- (1) The Monarch is head of state of all Imperial dominions.
- (2) If a dominion has a national monarch, that monarch retains their ceremonial powers and their powers of appointment and dismissal, unless explicitly stated otherwise by a treaty between the state and the Empire.

§8 **Governor-General**

- (1) An Imperial dominion must have a Governor-General.
- (2) The Governor-General of a dominion represents the monarch.
- (3) The Governor-General must be regularly elected by the dominion's voting citizens in a free and secret election.

§9 **New dominion procedure**

- (1) A state becomes an Imperial dominion of the Empire by treaty.
- (2) A state may become a dominion with the consent of—
 - (a) the Reichsversammlung and
 - (b) a majority of the state's voting citizens, expressed through a free and secret referendum.
- (3) If the state has a national legislature, the legislation enabling the referendum under subsection (1)(b) must be passed by a two-thirds majority of that legislature.

§10 **Independence**

- (1) A dominion may regain independence if a majority of its voting citizens express consent in a free and secret referendum.

TITLE 2: STATES AND TERRITORY

- (2) If the dominion has a national legislature, the legislation enabling the referendum under subsection (1) must be passed by a two-thirds majority of that legislature.
-

Chapter 4: State jurisdictions

§11 State jurisdictions

- (1) A state jurisdiction is any administrative subdivision of a state.
 - (2) A state government may create a state jurisdiction at any time.
 - (3) After creating a state jurisdiction, the state government must provide the Minister of Homeland and Geographical Affairs with details of the jurisdiction's—
 - (a) name;
 - (b) population;
 - (c) purpose;
 - (d) governance;
 - (e) flags and other symbols.
 - (4) If the state government fails to act under subsection (3), the state jurisdiction does not exist under federal law.
-

Chapter 5: Protected areas

§12 Designation; naming

- (1) A protected area may be declared by only the Reichsversammlung.
- (2) A protected area must be—
 - (a) a geographical space within Abeldane territory,
 - (b) at least 60% covered with vegetation and
 - (c) physically accessible to the authorities of the state it is located in.
- (3) A protected area must in its official name carry the term—
 - (a) Protected Area;
 - (b) Special Federal Territory;
 - (c) Federal Park; or
 - (d) National Park.

§13 Protected area authorities

- (1) A protected area must have a protected area authority.
- (2) The government of the state in which a protected area is located must create the protected area's authority.

TITLE 2: STATES AND TERRITORY

- (3) If a state government fails to act under subsection (2) within seven days, the federal government may create the authority; and may transfer responsibility for that authority to the state government at any time.
- (4) A protected area authority must provide monthly reports on their area's condition to the Reichsversammlung.

§14 **Duty to protect**

- (1) The objective of a protected area authority is to conserve nature and natural resources.
- (2) No public authority may act or allow another party to act in a way likely to harm, directly or indirectly—
 - (a) the protected area's ecosystems;
 - (b) the conservation efforts of the protected area authority.
- (3) A protected area authority must make a monthly inspection of their area.

§15 **Promotion**

The Minister of Culture, Education and Social Welfare must promote the mission of protected areas authorities, to raise awareness of the need to protect biodiversity.

§16 **List of protected areas**

There are currently no protected areas.

Chapter 6: State monarchies

§17 **Demirelia (succession)**

- (1) The ruling house of the Kingdom of Demirelia is the House of Renwick.
- (2) Succession to the throne is determined by the law of absolute primogeniture.
- (3) The heir apparent to the throne is granted the title Crown Prince of Demirelia and Prince of Volkania.

TITLE 3: SYMBOLS

Chapter 1: National flag

§1 Status

The national flag (in this chapter, ‘the flag’) is the official flag and civil ensign of the Empire. It must be given respect at all times.

§2 Design

- (1) The flag has 2:3 height-to-width ratio.
- (2) The precise construction and colours of the flag are shown in schedule 1.1 of the Flags Act 2019.

§3 Position of the flag

- (1) If there are multiple flagpoles arranged in a straight line—
 - (a) the flag must take the tallest or
 - (b) if all poles are the same height, the flag must take the pole furthest left.
- (2) If there are four or more flagpoles arranged in a circle, the flag must take either a separate pole in the middle of the circle; or, if one exists, the pole considered to be at the centre of the circle’s line.

~~§4 Punishment for defacement or disrespect~~

~~A person who disrespects or defaces the flag may be punished at the Monarch’s direction.~~

Explanatory note

This provision was declared unconstitutional in the case *Clark v the Crown [2020] FFA 1*.

Chapter 2: State flags

§5 Requirement to have flag; registration

- (1) Every state must have a flag, with a design defined by law.
- (2) A state flag design must be registered by the Instuerwappadel.

§6 Position of state flags

- (1) If there are multiple flag poles arranged in a straight line—
 - (a) if the poles are of different heights, the state flag must take—
 - (i) if there are more than two poles, the pole to the left of the tallest pole;
 - (ii) otherwise, the second-tallest; or

TITLE 3: SYMBOLS

- (b) if all poles are the same height, the state flag must take the pole second from left.
- (2) If there are four or more flagpoles arranged in a circle, the state flag must take the pole to the left of the national flag.

Chapter 3: Military flags

§7 **Military flags to share colours with national flag**

The colours of the military flags must be the same as those used on the national flag.

§8 **Flag of the Army**

- (1) The flag of the Army is quartered by cross Argent: first and fourth Azure, and second and third Vert.
- (2) The precise construction and colours of this flag are shown in schedule 1.3 of the Flag Act 2019.

§9 **Flag of the Navy**

- (1) The flag of the Navy is parted per saltire: upper and lower Vert, and dexter and sinister Azure.
- (2) The precise construction and colours of this flag are shown in schedule 1.4 of the Flag Act 2019.

§10 **Jack of the Navy**

- (1) The jack of the Navy is parted per saltire: upper and lower Argent, dexter Azure and sinister Vert.
- (2) The precise construction and colours of the jack are shown in schedule 1.5 of the Flag Act 2019.

§11 **Flag and ensign of the Air Force**

- (1) The flag and ensign of the Air Force is gyronny of twelve Argent, Vert and Azure.
- (2) The precise construction and colours of this flag are shown in schedule 1.6 of the Flag Act 2019.

Chapter 4: Imperial Standards

§12 **Imperial Standard**

- (1) The design of the Imperial Standard is the shield of the Arms of His Imperial and Royal Exalted Majesty without the inescutcheon: Quarterly, first and fourth Gules three Lions passant crowned in pale Or armed and langued Gules. Second and third Or an eagle Sable armed and beaked Or, langued Gules. Crowned and wings charged with a trefoil Or. Overall an escutcheon Azure and Vert, a bend sinister Argent.
- (2) The Imperial Standard must be raised at the residence where the Monarch is staying and lowered when the Monarch leaves.
- (3) The Imperial Standard must be present at the top of any vehicle the Monarch is using.

TITLE 3: SYMBOLS

§13 **Standard of the Ervecysarich**

- (1) The design of the Standard of the Ervecysarich is the shield of the Arms of His Imperial and Royal Highness the Ervecysarich without the inescutcheon: Quarterly, first and fourth Gules three Lions passant crowned in pale Or armed and langued Gules. Second and third Or, an eagle displayed Sable armed and beaked Or, langued Gules. Crowned and wings charged with a trefoil Or. All within a bordure compony Argent and Azure.
- (2) The Standard of the Ervecysarich must be raised at the residence where the Ervecysarich is staying and lowered when the Monarch leaves.
- (3) The Standard of the Ervecysarich must be present at the top of any vehicle the Ervecysarich is using.

§14 **Standard of the Duke of Pleston**

The design of the Imperial Standard is the shield of the Arms of His Imperial and Royal Highness the Duke of Pleston without the inescutcheon: Quarterly, first and fourth Gules three Lions passant crowned in pale Or armed and langued Gules. Second and third Or, an eagle displayed Sable armed and beaked Or, langued Gules. Crowned and wings charged with a trefoil Or. All within a bordure compony Argent and Sable.

Chapter 5: Mourning

§15 **Mourning**

- (1) If the Monarch, the Imperial Government or a state government declares a period of mourning, then a black pennant must be attached to the top of both national and state flags; and the flags must be lowered to half-mast.
 - (2) If the Monarch, the Imperial Government or a state government declares a period of mourning, then a black pennant must be attached to the top of the standards of the Monarch and the Imperial Family; but these standard may never be lowered to half-mast.
-

Chapter 6: National anthem

§16 **National anthem**

The national anthem is to be determined by the Monarch with the consent of the Reichsversammlung.

TITLE 4: NOBILITY

Chapter 1: General provisions

§1 Creation of peerage

A dukedom, a marquessate or an earldom must be named after a city (whether historical or extant) in the Empire.

§2 Record keeping

- (1) The Imperial Household must maintain a public list of all noble titles (both Imperial and state).
- (2) The Instuerwappadel must maintain the roll of arms and genealogical line of each peer.

§3 Titles and style

- (1) The peerage includes:

Title	Style
Duke; Duchess	His Grace; Her Grace
Marquis; Marchioness	His Grace; Her Grace
Count or Earl; Countess	The Right Honourable
Baron; Baroness	

- (2) Dukes, Duchesses, Marquesses and Marchionesses may use the style Lord or Lady, as appropriate.

§4 Arms

At their request, a peer is entitled to have their arms granted by the Instuerwappadel.

§5 State nobility

All state titles of nobility are inferior to titles of the Imperial Nobility.

Chapter 2: Revocation; disclaiming

§6 Revocation

Only the Monarch may revoke a peerage.

§7 Disclaiming

A peer may unilaterally disclaim their title.

TITLE 5: DECORATIONS

Chapter 1: General provisions

§1 Public list of decorations

The Imperial Household must maintain a public list of all Imperial decorations.

§2 Revocation

Only the Monarch may revoke an Imperial decoration.

Chapter 2: Federal orders of chivalry

§3 List of orders

- (1) The following are the Imperial orders of chivalry, in decreasing order of seniority:
 - (a) Order of the Two Eagles;
 - (b) Order of Saint Philip the Apostle;
 - (c) Order of Saint Bartholomew;
 - (d) Order of Memery;
 - (e) Abeldane Order.
- (2) The Monarch may bestow the Order of the Two Eagles, the Order of Saint Philip the Apostle and the Abeldane Order only with the Vorsitzender's consent.

§4 Dormant orders

The Monarch may abolish an order only with the Vorsitzender's consent.

§5 Extinct orders

- (1) A member of an extinct order is entitled to compensation, unless—
 - (a) they were awarded the extinct order as compensation for a different, previously extinct order;
 - (b) they hold another order of chivalry; or
 - (c) they hold a peerage.
 - (2) The Monarch may revive an extinct order only with the Vorsitzender's consent.
-

Chapter 3: Military decorations

TITLE 5: DECORATIONS

§6 **Creation of military decorations**

- (1) A military decoration may be awarded to any member of the military who acts bravely to protect the Empire.
 - (2) Only the Monarch may create a military decoration.
 - (3) The eligibility criteria for each military decoration must be decided and published by the Imperial Household.
-

Chapter 4: Ad hoc decorations

§7 **Creation of ad hoc decorations**

- (1) An ad hoc decoration is a decoration that relates to a specific event.
- (2) Only the Monarch may create an ad hoc decoration.
- (3) If a decoration under this section is created prior to or at the same time as the relevant event, it must not be awarded after the event.

TITLE 6: GOVERNMENT AT LARGE

Explanatory note

The Abelden Domain Act 2020 (16 May 2020) provides for an official internet domain, government websites, email addresses, and the Secretary of Communications (Ministry of Media and Orthography).

The Konrat Act 2020 (30 May 2020) creates an advisory body to assist the Monarch, which will also serve as a Regency Council if a Regent is incapacitated.

Chapter 1: Federal Personnel Tribunal

§1 Federal Personnel Tribunal

The Federal Personnel Tribunal (in this Chapter, ‘the Tribunal’) is hereby established.

§2 Jurisdiction

- (1) The Tribunal has original and exclusive jurisdiction over any civil action arising from a personnel action.
- (2) For the purposes of this section, ‘personnel action’ means—
 - (a) an appointment;
 - (b) a promotion or demotion;
 - (c) a dismissal;
 - (d) a suspension;
 - (e) a detail, transfer, or reassignment;
 - (f) a reinstatement, restoration, or reemployment;
 - (g) a decision concerning pay, benefits, awards, training, or education;
 - (h) the implementation or enforcement of any nondisclosure policy, form, or agreement;
 - (i) any other significant change in duties, responsibilities or working conditions.
- (3) The actions listed in subsection (2) are to be read only in respect to—
 - (a) an employee of a federal public authority;
 - (b) an applicant for a position of employment with a federal public authority.

Chapter 2: Federal Counsel

§3 Federal Counsel

- (1) The Monarch may appoint and dismiss a Federal Counsel.

TITLE 6: GOVERNMENT AT LARGE

- (2) The Federal Counsel is responsible for advising any branch of the federal government with respect to legal matters.
-

Chapter 3: Legal representation

§4 Representation by Attorney-General

Unless otherwise ordered by the Vorsitzender, the Attorney-General or an assistant federal attorney is to represent the Crown and the Government (and all its subsidiary public authorities) in all court actions; and must contest all claims made against such unless otherwise authorised by the Monarch or Vorsitzender.

TITLE 7: EXECUTIVE BRANCH

Chapter 1: Ministers

§1 Powers exercised on behalf of the Monarch

The Vorsitzender, Stellvertreter des Vorsitzenden and the Ministers of the Crown exercise their powers on behalf on the Monarch.

§2 Minister of Foreign and Commonwealth Affairs

The office of the Minister of the Crown of Foreign and Commonwealth Affairs ('Minister of Foreign and Commonwealth Affairs') is hereby established.

§3 Minister of State and Reichsregierungskabinett Affairs

- (1) The office of the Minister of the Crown of State and Reichsregierungskabinett Affairs ('Minister of State and Reichsregierungskabinett Affairs') is hereby established.
- (2) The Stellvertreter des Vorsitzenden is to hold office as Minister of State and Reichsregierungskabinett Affairs.

§4 Chancellor of the Treasury

The office of the Chancellor of the Treasury is hereby established.

§5 Minister of Finance, Economic Development and Commerce

- (1) The office of the Minister of the Crown of Finance, Economic Development and Commerce ('Minister of Finance, Economic Development and Commerce') is hereby established.
- (2) The Chancellor of the Treasury is to hold office as Minister of Finance, Economic Development and Commerce.

§6 Minister of Homeland and Geographical Affairs

The office of the Minister of the Crown of Homeland and Geographical Affairs ('Minister of Homeland and Geographical Affairs') is hereby established.

§7 Attorney-General

The office of the Attorney-General is hereby established.

§8 Deputy Attorney-General

The office of the Deputy Attorney-General is hereby established.

§9 Minister of Justice and Constitutional Affairs

TITLE 7: EXECUTIVE BRANCH

- (1) The office of the Minister of the Crown of Justice and Constitutional Affairs ('Minister of Justice and Constitutional Affairs') is hereby established.
- (2) The Attorney-General is to hold office as Minister of Justice and Constitutional Affairs.

§10 **Minister of Media and Orthography**

The office of the Minister of the Crown of Media and Orthography ('Minister of Media and Orthography') is hereby established.

§11 **Generalmememarschall**

The office of the Generalmememarschall is hereby established.

§12 **Minister of Culture, Education and Social Welfare**

- (1) The office of the Minister of the Crown of Culture, Education and Social Welfare ('Minister of Culture, Education and Social Welfare') is hereby established.
- (2) The Generalmememarschall is to hold office as Minister of Culture, Education and Social Welfare.

Chapter 2: Alternate ministers of the Crown

§13 **Alternate ministers of the Crown**

- (1) An alternate minister of the Crown ('alternate minister') is a junior minister under the authority of a minister of the Crown.
- (2) An alternate minister may be appointed and dismissed by the Vorsitzender.
- (3) There is no limit to the number of alternate ministers who may serve under the authority of a minister of the Crown.

§14 **Qualification**

A person is qualified to be an alternate minister if they are an Abeldane citizen.

§15 **Powers of alternate ministers**

A minister of the Crown may authorise one of their alternate ministers to exercise a power vested in the minister of the Crown.

§16 **Reichsregierungskabinett**

- (1) On appointment, an alternate minister does not automatically become a member of the Reichsregierungskabinett.
- (2) An alternate minister may attend meetings of the Reichsregierungskabinett.

§17 **Privy Council**

Alternate ministers are members of His Imperial and Royal Exalted Majesty's Most Honourable Privy Council.

Chapter 3: Deputy Attorney-General; assistant federal attorneys

§18 **Deputy Attorney-General**

The Deputy Attorney-General may exercise any power of the Attorney-General; but the decisions and actions of the Attorney-General are supreme.

§19 **Assistant federal attorneys**

- (1) The Attorney-General may appoint and dismiss assistant federal attorneys.
 - (2) A person is qualified to be an assistant federal attorney if they are an Abeldane citizen.
 - (3) A reference to an assistant federal attorney must be read to include the Deputy Attorney-General.
 - (4) The Attorney-General may authorise an assistant federal attorney to exercise a power of the Attorney-General.
-

Chapter 4: Reichsregierungskabinett reports

§20 **Duty to provide report**

- (1) A Minister of the Crown must provide a report to the Reichsregierungskabinett every month.
- (2) A report under this section must detail the Minister's progress in fulfilling the responsibilities of their role.
- (3) The Vorsitzender may exempt a Minister from the duty under this section.

§21 **Publication**

- (1) The Vorsitzender must publish a report under section 20 no sooner than 10 days and no later than 12 days after the report was provided.
- (2) For publication, a report may be redacted, in part or in full, by the Vorsitzender, the Monarch or a competent court.

TITLE 8: REICHSVERSAMMLUNG

Chapter 1: Members

§1 Term of office

The term of office of a member of the Reichsversammlung (in this title, ‘a member’) begins on the day they are returned as a member and ends on the day—

- (a) the Reichsversammlung is dissolved or
- (b) they resign or are removed from their office in accordance with law.

§2 Judicial removal

Any federal court or tribunal may make an order removing a member from office if the court or tribunal considers the member to be unfit for office.

Chapter 2: Legal proceedings

§3 Actions by or against the Reichsversammlung

In the event of any action by or against the Reichsversammlung, the Reichsversammlung is to appoint a member to be responsible for the action and will instruct the member to that purpose.

§4 Suspension of members facing charges

- (1) The Speaker may suspend a member from the service of the Reichsversammlung if a member is currently facing a criminal charge.
 - (2) A decision of the Speaker to suspend a member under this section may be overturned by majority vote.
-

Chapter 3: Election of the Speaker

§5 Election to take priority

The election of the Speaker takes priority over all other business of the Reichsversammlung.

§6 Chair during the election

- (1) For the purposes of the election of the Speaker, the eldest member of the Reichsversammlung is to take the chair.
- (2) The chair is not to vote in the election of the Speaker, except if they are required to give a casting vote.

TITLE 8: REICHSVERSAMMLUNG

§7 Nominations

- (1) The election of the Speaker is initiated by the chair asking for nominations.
- (2) On the chair asking for nominations, any member may—
 - (a) nominate another member;
 - (b) nominate themselves.
- (3) A nomination is valid only if seconded by another member.

§8 Voting; return

- (1) When the chair is satisfied that enough time has been allowed for nominations, they must declare the names of all members nominated ('candidates').
- (2) The chair must then ask all members to vote publicly for one of the candidates.
- (3) In the event of a tie, the chair must ask members to vote for one of the tied candidates.
- (4) In the event of a tie after such vote as specified in subsection (3), the chair has the casting vote.
- (5) The successful candidate must be declared returned as Speaker by the chair.
- (6) The new Speaker is to take the chair immediately.

§9 Vote of no confidence

- (1) For the purposes of a vote of no confidence in the Speaker, a deputy speaker is to take the chair.
- (2) If no deputy speaker is available, the eldest member of the Reichsversammlung is to take the chair.

Chapter 4: Deputy speakers; absence of speaker

§10 Power to appoint

- (1) The Reichsversammlung may elect and dismiss members as deputy speakers at any time during a term.
- (2) No member may be appointed as deputy speaker without their consent.

§11 Number to be appointed

There must not be more than three deputy speakers in office at any one time.

§12 Absence of speaker

In the absence of the Speaker and all three deputy speakers, the Monarch may chair a session.

Chapter 5: Public access

§13 Public access

- (1) The Speaker may allow any person to observe the Reichsversammlung's business.

TITLE 8: REICHSVERSAMMLUNG

- (2) If the Reichsversammlung moves to sit in private, then all observers must leave the chamber.
- (3) If an observer's behaviour is disruptive to the functioning of the Reichsversammlung, the chair may revoke observership either permanently or for the sitting's remainder; but a Speaker may revoke observership only for the sitting's remainder.

Chapter 6: Order

§14 Forms of address

In the Reichsversammlung, a member must be referred to by one of the following forms—

- (a) their government office or
- (b) 'Hon.' and their surname, or, if they are a member of the Privy Council, 'Rt Hon.' And their surname.

§15 Disorderly conduct

A member's conduct is disorderly if they—

- (a) persistently and wilfully obstruct the Reichsversammlung;
- (b) refuse to conform to any law relating to the conduct of the Reichsversammlung;
- (c) refer disrespectfully to any person;
- (d) use offensive or discourteous words;
- (e) accuse a member of having improper motives;
- (f) make any personal reflection on another member;
- (g) commit a criminal offence;
- (h) behave in a manner considered disorderly by the Speaker.

§16 Suspension procedure

- (1) The chair may order a disorderly member to leave the chamber immediately.
- (2) The chair must then immediately put the question that the member be suspended from the service of the Reichsversammlung.
- (3) A question under subsection (2) must specify the period of suspension.
- (4) If the question is resolved in the negative, the member may return to the chamber.

§17 Grave disorder

- (1) In the event of grave disorder occurring in the Reichsversammlung, the chair may, without any question being put, suspend any proceeding and state the time at which proceedings will resume.
- (2) A federal court may order that proceedings are to resume, contrary to the instruction of the chair.

Chapter 7: Voting

TITLE 8: REICHSVERSAMMLUNG

§18 Procedure

- (1) The chair may put a question at any time when they determine that the question has been sufficiently debated.
- (2) The chair is to put a question by—
 - (a) stating its terms to the Reichsversammlung;
 - (b) asking members in favour of the question to say ‘Aye;’
 - (c) asking members against the question to say ‘Nay.’
- (3) A member may abstain on any question.
- (4) Voting on a question remains open for five minutes, or, at the chair’s discretion, until all members present have cast their vote.
- (5) Subsection (4) does not apply to any vote which may only be passed by a majority or supermajority of all members; in such case, the vote remains open until all members have voted or, at the chair’s discretion, until a time when all votes cast create a sufficient majority to pass the vote.
- (6) A member may change their vote at any time prior to voting on the question closing.

§19 Absentee votes

- (1) A member may cast their vote on a question before the question is put.
- (2) A member casts their vote under this section by—
 - (a) if the Reichsversammlung is in session, informing the chair;
 - (b) otherwise—
 - (i) if the members knows that the next session will be chaired by a specific Speaker, informing that Speaker;
 - (ii) otherwise, informing the Speaker.
- (3) If the Speaker instructs a deputy speaker to chair a session, the Speaker must inform that deputy speaker of all votes that they have been informed of under subsection (2)(b)(ii).
- (4) If the chair is unaware of a vote cast properly under subsection (2) at the time voting on the question closes, that vote must be re-calculated using all votes.
- (5) But a vote cast under subsection (2) that is not considered at the time voting on the question closes expires after seven days.

Chapter 8: Bills

§20 Initiation

- (1) A bill may be put before the Speaker at any time by a member.
- (2) The Speaker must put the bill before the Reichsversammlung, unless they determine that the bill is unsound to become law.

§21 Passage

A bill is passed if a majority of all members vote in favour.

TITLE 8: REICHSVERSAMMLUNG

§22 Expiry prior to assent

- (1) If the Monarch does neither grants or refuses assent within 30 days of a bill's passage, then the bill expires and must not be enacted.
 - (2) If a bill expires, the Reichsversammlung may pass the bill again.
 - (3) The Reichsversammlung may act under subsection (2) an unlimited number of times per bill.
-

Chapter 9: Participation

§23 Expulsion due to inactivity

- (1) A member acts under this subsection if they—
 - (a) during a session—
 - (i) contribute to a debate;
 - (ii) ask a question of an executive official;
 - (iii) state a motion; or
 - (iv) second a motion; or
 - (b) not during a session—
 - (i) submit a bill; or
 - (ii) contribute to drafting legislation.
 - (2) The Speaker may order that any other action is an action under subsection (1).
 - (3) If a member does not act under subsection one for 30 days, any other member may move that they are removed from office.
 - (4) A motion under subsection (3) requires a second and is debatable.
 - (5) A motion under subsection (3)—
 - (a) requires a two-thirds majority to pass;
 - (b) may be reconsidered only if it passes.
-

Chapter 10: Select committees

§24 Attendance by invitation

A select committee may invite anyone to attend the committee on a temporary basis.

§25 Economic Committee

- (1) There is to be an Economic Select Committee.
- (2) The committee will have the following permanent members:
 - (a) the Monarch;
 - (b) the Vorsitzender;
 - (c) the Chancellor of the Treasury;

TITLE 8: REICHSVERSAMMLUNG

- (d) the Minister of Commerce.
-

Chapter 11: Conflicts of interest

§26 Conflicts of Interest Register Committee

The Conflicts of Register Committee ('the Committee') has the following members:

- (a) the Speaker;
- (b) the Deputy Speakers;
- (c) the Clerk of the Reichsversammlung.

§27 Duty to notify

- (1) A member must notify the Committee if—
 - (a) they are employed by any person, company or organisation that is headquartered in or does business in Abelden;
 - (b) they hold foreign public office;
 - (c) in their election, they received organised support from any person, company or organisation other than a political party they were affiliated to for the purpose of their election;
 - (d) in their capacity as a member, they accept a gift of a value equal to or exceeding the value of 25 United States Dollars.
- (2) A member must act under subsection (1) within 15 days of the notifiable matter arising.

§28 Duty to maintain register

The Speaker (or, if the Speaker delegates the responsibility, a deputy speaker or the Clerk of the Reichsversammlung) must maintain a public register of all matters notified under section 27.

TITLE 9: ELECTIONS

Explanatory note

An Imperial decree (5 June 2020) requires that federal political parties must have at least 2 members.

Chapter 1: Reichswahlkommission

§1 Establishment

- (1) There is to be a Reichswahlkommission, responsible for—
 - (a) the regulation of political parties ('parties');
 - (b) the administration of elections and referenda.
- (2) The head of the Reichswahlkommission is to be appointed and dismissed by the Monarch.

Chapter 2: Parties

§2 Application

- (1) To begin the process of registering a party, a registration application must be sent to the Reichswahlkommission.
- (2) The form of the registration application is to be determined by the Reichswahlkommission.

§3 Granting of application

- (1) A registration application must be granted unless—
 - (a) the registration application is invalid;
 - (b) a party officer has been convicted of a criminal offence under Abeldane foreign or international law and the Reichswahlkommission determines that such conviction would be unreasonably prejudicial to the democratic process;
 - (c) none of the party officers are readily contactable;
 - (d) the party name proposed—
 - (i) is the same as the name of an already registered party;
 - (ii) is likely to result in voters confusing the party with an already registered party;
 - (iii) comprises more than six words;
 - (iv) is obscene or offensive;
 - (v) includes words the publication of which would likely amount to the commission of an offence;

TITLE 9: ELECTIONS

- (e) the Reichswahlkommission has evidence to believe that the party does not intend to contest any elections;
 - (f) the Reichswahlkommission determines registration would be otherwise—
 - (i) unlawful;
 - (ii) unreasonably prejudicial to the overriding interests.
- (2) For the purposes of subsection (1), the ‘overriding interests’ mean the interests of the Abeldane democratic process.

§4 Registration

- (1) A party is registered on receiving notice from the Reichswahlkommission to that effect.
- (2) A party must inform the Reichswahlkommission of any changes to the party’s details.

§5 Dissolution

A party may be dissolved at any time in accordance with its own procedures.

§6 De-registration

- (1) A party is de-registered on a public notice of such being issued by—
 - (a) the Reichswahlkommission;
 - (b) a competent court.
- (2) The Reichswahlkommission must not act under subsection (1)(a) unless—
 - (a) the relevant conditions are satisfied and
 - (b) the party has not remedied the grounds under which the relevant conditions are satisfied within seven days of receiving notice from the Reichswahlkommission that they intend to act under subsection (1)(a).
- (3) The relevant conditions are that—
 - (a) the party is dissolved;
 - (b) the party would not have been granted registration had it applied at the current time; or
 - (c) the party is defunct.
- (4) On de-registration, a party is dissolved.

Chapter 3: Voters

§7 Eligible voters

- (1) An eligible voter is—
 - (a) a citizen with suffrage, or
 - (b) a citizen with suffrage who has registered with the Reichswahlkommission if the head of the Reichswahlkommission has made an order to that effect.
- (2) An order made under subsection (1)(b) is valid only if laid before the Reichsversammlung.

TITLE 9: ELECTIONS

Chapter 4: Electoral candidates

§8 Eligibility for candidacy

A person is ineligible to be put forwards for election if—

- (a) the Monarch issues a decree to that effect;
- (b) a court makes an order to that effect.

Chapter 5: General elections

§9 General provision

Sections 10 through 16 concern general elections.

§10 Candidate lists

- (1) A candidate list is a list of people ('candidates') to be put forwards for election, in order of priority for allocation of seats.
- (2) A candidate list may list no more than the number of seats electable (but may list only one candidate).
- (3) No person may be listed on multiple candidate lists.

§11 Submission of candidate lists

Candidate lists must be submitted to the Reichsversammlung no later than one hour before the commencement of the election.

§12 Insufficient candidates

If the number of candidates put forwards for election equals or is less than the number of electable seats—

- (a) all candidates are to receive a seat automatically;
- (b) no election will occur.

§13 Voting

- (1) To cast a valid vote, a voter must select one candidate list.
- (2) The election ends either—
 - (a) 48 hours after its commencement, or
 - (b) when all eligible voters have cast a vote in the election, whichever is sooner.
- (3) The Monarch may order that the end of an election is postponed by up to ten weekdays.
- (4) A vote is valid only if it is cast—
 - (a) after the election commences;
 - (b) before the election ends.

TITLE 9: ELECTIONS

§14 Allocation quotients

- (1) For each candidate list, the allocation quotient is—
 - (a) the total number of votes cast for that listdivided by
 - (b) the sum of one and any seats that candidate list has already been allocated in the election.
- (2) Each time a candidate list is allocated a seat, the allocation quotient must be recalculated.

§15 Allocation of seats

- (1) The first seat must be allocated to the candidate list with the highest allocation quotient.
- (2) The second and subsequent seats must be allocated to candidate lists with the highest allocation quotient after any recalculation required by section 13(2) has been carried out.
- (3) Once a candidate list has been exhausted, it is to be disregarded.
- (4) Seats allocated to a candidate list must be filled by candidates in the order they appear on that list.
- (5) If, on the application of subsection (1) or (2), the highest allocation quotient is the allocation quotient of two or more candidate lists—
 - (a) the subsection in question is to apply to each of them, or
 - (b) if paragraph (a) would cause more than the number of electable seats being allocated, the subsection in question is to apply as if the allocation quotient for each of those candidate lists had been adjusted in accordance with subsection (6).
- (6) The allocation quotient for a candidate list is adjusted in accordance with this subsection by—
 - (a) adding one vote to the total number of votes cast for that candidate list and
 - (b) recalculating the allocation quotient accordingly.
- (7) If, following the application of subsection (6), seats would be allocated to two or more candidate lists and that would cause more than the number of electable seats being allocated, the Reichswahlkommission is to decide between them by lot.

§16 Return of candidates

Following the allocation of all electable seats, the candidates allocated a seat are returned as members of the Reichsversammlung.

Chapter 6: Vacant seats

§17 Vacant seats to be filled from candidate lists

- (1) The 'relevant list' is the candidate list on which a vacant seat's previous holder was listed at the last general election.
- (2) A vacant seat must be filled by the first candidate on the relevant list who was not elected at the last general election.
- (3) If no eligible candidates remain on the relevant list, that party must select someone to fill the vacant seat.

TITLE 9: ELECTIONS

- (4) If the party that submitted the list fails to act under subsection (3) within seven days of the seat becoming vacant, then a by-election must take place.

§18 **General provision**

Sections 19 through 26 concern by-elections.

§19 **Merger of by-elections**

If there is more than one vacant seat, those vacant seats may all be filled by the same by-election.

§20 **Submission of candidates**

Candidates must submit their names to the Reichswahlkommission no later than one hour before the commencement of the election.

§21 **Insufficient candidates**

If the number of candidates put forwards for election equals or less than the number of electable seats—

- (a) all candidates are to receive a seat automatically;
- (b) no election will occur.

§22 **Voting**

- (1) To cast a valid vote, a voter must indicate an order of preference for the candidates.
- (2) The election ends either—
 - (a) 48 hours after its commencement, or
 - (b) when all eligible voters have cast a vote in the election,whichever is sooner.
- (3) The Monarch may order that the end of an election is postponed by up to ten business days.
- (4) A vote is valid only if it is cast—
 - (a) after the election commences;
 - (b) before the election ends.

§23 **Allocation quota**

The allocation quota is—

$$1 + \frac{\text{total number of valid votes}}{2}$$

§24 **Credited votes**

A candidate is credited with all first preference votes for them and any votes transferred to them.

§25 **Allocation of seats**

TITLE 9: ELECTIONS

- (1) Where, at any stage of the count, a candidate's number of credited votes equals or exceeds the allocation quota, the candidate is allocated a seat.
- (2) Where, at any stage of the count, one or more seats remain to be allocated—
 - (a) the candidate with the then lowest number of credited votes is excluded from election and
 - (b) the votes for that candidate are transferred to the other candidates according to the votes' next available preference.
- (3) If—
 - (a) two or more candidates are credited with the same number of votes,
 - (b) the application of subsection (1) would cause those candidates to be allocated a seat, and
 - (c) the application of subsection (1) would cause more than the number of electable seats being allocatedthe Reichswahlkommission is to decide between them by lot.

§26 **Return of candidates**

Following the allocation of all electable seats, the candidates allocated a seat are returned as members of the Reichsversammlung.

Chapter 7: Federal Electoral Tribunal; appeals

§27 **Federal Electoral Tribunal**

The Federal Electoral Tribunal (in this Chapter, 'the Tribunal') is hereby established.

§28 **Jurisdiction**

The Tribunal has original and exclusive jurisdiction over—

- (a) any judicial review action against the Reichswahlkommission;
- (b) any charge of casting multiple votes or preventing lawful voting.

§29 **Method of appealing election result**

A party may apply for judicial review against the Reichswahlkommission with respect to the result of any election.

§30 **Court orders relating to election**

- (1) A court order may—
 - (a) make a declaration amending the result of or otherwise with respect to an election;
 - (b) require that a new election is held.
- (2) No order under subsection (1) may be made unless pursuant to a judgement in an action under section 29.

TITLE 10: JUDICIARY

PART I: GENERAL PROVISIONS

Chapter 1: Interpretation

§1 **'Court' to include tribunals**

Unless expressly stated, 'court' in any legislative instrument includes any federal tribunal.

Chapter 2: State judiciaries

§2 **Monarch to be head of judiciary**

Unless otherwise provided in state law, the state's judicial powers are vested in that state's monarch.

PART II: ORGANISATION OF COURTS

Chapter 3: Courts of appeal

§3 **Composition of circuits**

The four judicial circuits are composed as follows—

First Circuit	Alenshka, Alexander, Tusmore.
Second Circuit	Rai, Morgannwg, Demirelia.
Federal Circuit	Federal tribunals.

§4 **Courts of Appeals**

For each judicial circuit, there is to be a court of appeal.

Chapter 4: First-tier courts

§5 **First-tier federal courts**

For each state, there is to be a first-tier federal court.

§6 **First-tier state courts**

For each state without its own system of courts, there is to be a first-tier state court.

PART III: JURISDICTION AND VENUE

Chapter 5: Residency

§7 **Residency (natural people)**

A natural person with Abeldane citizenship is a resident of their state.

§8 **Residency (companies)**

A company incorporated under Abeldane law is a resident of—

- (a) if it has its principal place of business in the state in which it is incorporated, the state in which it is incorporated;
- (b) otherwise, the state in which it has its principal place of business (if it has its principal place of business in Abelden) and the state in which it is incorporated.

§9 **Residency (unincorporated associations)**

(1) An unincorporated association is Abeldane if—

- (a) it has its principal place of business in Abelden or
- (b) it is expressed or widely recognised as Abeldane.

(2) An Abeldane unincorporated association is a resident of—

- (a) the state in which it has its principal place of business;
 - (b) if it does not have a principal place of business or if it does not have its principal place of business in Abelden, Alenshka.
-

Chapter 6: Reichshöchstgericht

§10 **Court of appeal judgements**

- (1) The Reichshöchstgericht has appellate jurisdiction over any judgement of a court of appeal or the highest state court of any state.
- (2) The Reichshöchstgericht may, on its own accord, dismiss any application for appeal laid before it if the court determines the appeal does not raise a question of law of general public importance.

§11 **Leapfrog appeals**

- (1) The Reichshöchstgericht has appellate jurisdiction over any judgement of any first-tier court or state court of original jurisdiction.
 - (2) The appellate jurisdiction under this section is to be exercised only when the interests of justice require an appeal's prompt hearing by the Reichshöchstgericht.
-

TITLE 10: JUDICIARY

Chapter 7: Courts of appeal

§12 **First-tier court judgements**

The courts of appeal (other than the Court of Appeal for the Federal Circuit) have appellate jurisdiction over any judgement of—

- (a) a first-tier federal court or a first-tier state court of one of the states that constitutes the judicial circuit of that court of appeal;
- (b) if a state has no appeals process, an independent state court.

§13 **Federal circuit judgements**

The Court of Appeal for the Federal Circuit has appellate jurisdiction over any judgement of a federal tribunal.

Chapter 8: First-tier federal courts

Subchapter 1: Jurisdiction

§14 **Federal question**

The first-tier federal courts have original jurisdiction over any civil action arising under the Constitution, federal laws or treaties of Abelden.

§15 **Federal criminal statute**

The first-tier federal courts have original and exclusive jurisdiction over any charge for offences established by federal law.

§16 **Diversity of citizenship**

The first-tier federal courts have original jurisdiction over any civil action where the parties are or are of different states.

§17 **Unincorporated associations without a principal place of business in Abelden**

The first-tier federal court for Alenshka has original jurisdiction over any action against an Abeldane unincorporated association without a principal place of business in Abelden.

§18 **Foreign states**

The first-tier federal courts have original and exclusive jurisdiction over any action in which

- (a) a foreign state or one of its officers or
 - (b) citizens or subjects of a foreign state
- are parties.

§19 **International law**

TITLE 10: JUDICIARY

The first-tier federal courts have original jurisdiction over any civil or criminal action arising under international law.

§20 **Federal government as claimant**

Except as otherwise provided by federal law, the first-tier federal courts have original jurisdiction over any civil action commenced by a federal public authority.

§21 **Federal judicial review**

The first-tier federal courts have original jurisdiction over any judicial review action initiated against a federal public authority or federal law.

§22 **Supplemental jurisdiction**

- (1) In any action of which the first-tier federal courts have original jurisdiction, the first-tier federal courts have supplemental jurisdiction over any other actions that are so related to the action within such original jurisdiction that they form part of the same case or controversy.
- (2) The first-tier federal courts may decline to exercise supplemental jurisdiction under subsection (1) if—
 - (a) the action raises a novel or complex issue of state law;
 - (b) the action substantially predominates over the action or actions over which the first-tier federal court has original jurisdiction;
 - (c) the first-tier federal court has dismissed all actions over which it has original jurisdiction;
 - (d) in exceptional circumstances, there are other compelling reasons for declining jurisdiction.

§23 **Jurisdiction of federal tribunals**

Nothing in sections 14 to 22 is to be construed to prevent a federal tribunal from exercising—

- (a) original jurisdiction or
- (b) original and exclusive jurisdiction

if specified by law.

Subchapter 2: Venue

§24 **Venue in general**

- (1) This section applies to any action over which the first-tier federal courts have subject-matter jurisdiction.
- (2) A civil action may be brought in—
 - (a) a state in which any defendant resides;
 - (b) a state in which a substantial part of the events or omissions giving rise to the action occurred or a substantial part of property that is the subject of the action is situated;
 - (c) if a defendant is the Abeldane Empire, a federal public authority or one of its officers, Alenshka;

TITLE 10: JUDICIARY

- (d) if there is no state in which an action may otherwise be brought as provided in this subsection—
 - (i) if the petitioner resides in Abelden, in the state in which the petitioner resides;
 - (ii) if the petitioner does not reside in Abelden, Alenshka.
- (3) A criminal action may be brought in—
 - (a) any state in which any charged offence or any part of any charged offence was committed;
 - (b) if a defendant is a federal public authority or one of its officers, Alenshka;
 - (c) if no charged offence was committed in any particular state—
 - (i) in a state in which any defendant resides;
 - (ii) if no defendant is an Abeldane citizen, Alenshka.

§25 **Removal of actions from state courts**

- (1) Any action brought in a state court of which the first-tier federal courts have original or supplemental jurisdiction may be removed by a defendant to a first-tier federal court of appropriate venue.
- (2) If an action includes a claim or charge not within the original or supplemental jurisdiction of the first-tier federal court the entire action may be removed if the action would be removable without the inclusion of such claim or charge.
- (3) Upon removal of an action described in paragraph (1), the first-tier federal court must sever from the action all claims or charges not within the original or supplemental jurisdiction of the first-tier federal court and must remand the severed claims or charges to the state court from which the action was removed.
- (4) No removal under this section may be made without the consent of all defendants to claims or charges remaining after subsection (3) is applied.
- (5) The court to which an action is removed under this section is not precluded from hearing and determining any claim or charge in such action because the state court from which such action is removed did not have jurisdiction over that claim or charge.

§26 **Multidistrict litigation**

- (1) When actions involving one or more common questions of fact are pending in different states, such actions may be transferred to any one of those states for trial.
- (2) When any one such action is pending in Alenshka, such actions may only be transferred to Alenshka.
- (3) Such transfers are to be made by the Chief Justice upon their determination that transfers for such proceedings will be for the convenience of parties and witnesses and will promote the just and efficient conduct of such actions.
- (4) Proceedings for the transfer of an action under this section may be initiated—
 - (a) by the Chief Justice, on its own accord;
 - (b) on the motion of any party.

§27 **Transfer**

TITLE 10: JUDICIARY

In the interest of justice, a first-tier federal court may transfer any action to any other state where it might have been brought or to any state to which all parties have consented.

Chapter 9: First-tier state courts

§28 Jurisdiction

The first-tier state courts have original jurisdiction over any action that no other court or tribunal has exclusive jurisdiction over.

§29 Venue in general

- (1) This section applies to any action over which the first-tier state courts have subject-matter jurisdiction.
- (2) A civil action may be brought in—
 - (a) the state in which any defendant resides, if all defendants are citizens of that state;
 - (b) the state in which a substantial part of the events or omissions giving rise to the action occurred or a substantial part of property that is the subject of the action is situated;
 - (c) if a defendant is the Abeldane Empire, a federal public authority or one of its officers, Alenshka;
 - (d) if there is no state in which an action may otherwise be brought as provided in this subsection—
 - (i) if the petitioner resides in Abelden, in the state in which the petitioner resides;
 - (ii) if the petitioner does not reside in Abelden, Alenshka.
- (3) A criminal action may be brought in—
 - (a) any state in which any charged offence or any part of any charged offence was committed;
 - (b) if a defendant is a federal public authority or one of its officers, Alenshka;
 - (c) if no charged offence was committed in any particular judicial district—
 - (i) in any state in which any defendant resides;
 - (ii) if no defendant is an Abeldane citizen, Alenshka.

§30 Multistate litigation

- (1) When actions involving one or more common questions of fact are pending in different state courts, such actions may be transferred to any one of those courts for trial.
- (2) When any one such action is pending in Alenshka, such actions may only be transferred to Alenshka.
- (3) Such transfers are to be made by the Chief Justice upon their determination that transfers for such proceedings will be for the convenience of parties and witnesses and will promote the just and efficient conduct of such actions.
- (4) Proceedings for the transfer of an action under this section may be initiated—
 - (a) by the Chief Justice, on its own accord;

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- (b) on the motion of any party.

§31 **Transfer**

In the interest of justice, a state court may transfer any action to any other state where it might have been brought or to any state to which all parties have consented.

Chapter 10: Immunity

§32 **Immunity as granted by the Monarch**

The Monarch may by written notice to the Chief Justice grant a party immunity from criminal or civil liability arising generally or from specific occurrences—

- (a) on an individually occurring basis or
- (b) indefinitely.

§33 **Reichsversammlung immunity**

A member of the Reichsversammlung is immune from criminal or civil liability arising from any statement—

- (a) made during proceedings in the Reichsversammlung;
- (b) published under the authority of the Reichsversammlung.

PART IV: PROCEDURE (UNIFORM)

Chapter 11: Overriding objective

§34 **Overriding objective of judicial proceedings**

- (1) The overriding objective of judicial proceedings is to deal with matters justly.
- (2) Dealing with a matter justly includes but is not limited to—
 - (a) establishing the truth;
 - (b) making orders that consider—
 - (i) the circumstances and severity of the conduct in question;
 - (ii) the circumstances of the parties;
 - (iii) the severity of the consequences for the defendant and other affected;
 - (iv) the needs of other proceedings;
 - (c) dealing with all parties fairly;
 - (d) recognising the rights of the defendant;
 - (e) in criminal actions, respecting the rights of victims and witnesses and keeping them informed of the progress of the action;
 - (f) dealing with the proceedings efficiently and expeditiously.
- (3) For the purposes of subsection (2)(e), the ‘rights of victims’ include the right to—
 - (a) reasonable protection from the accused;
 - (b) reasonable, accurate, and timely notice of any public court proceeding involving the crime;
 - (c) not be excluded from any such public court proceeding involving the crime, unless the court determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding;
 - (d) full and timely restitution as provided in law;
 - (e) proceedings free from unreasonable delay;
 - (f) be treated with fairness and with respect for the victim’s dignity and privacy.
- (4) In a proceeding, an action or decision is unlawful if it contravenes the overriding objective.

Chapter 12: Numbering; neutral citations

§35 **Court codes**

Each court using these rules is assigned an alphabetic code as follows—

Reichshöchstgericht	RHG
Court of Appeal for the First; Second; Federal Circuit	CAF; CAS; CAFD

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First-Tier Federal Court for Alenshka; Morgannwg; Demirelia; Alexander; Rai; Tusmore	FFA; FFM; FFD; FFA; FFR; FFT
First-Tier State Court for Alenshka; Morgannwg; Demirelia; Alexander; Rai; Tusmore (all as applicable)	FSA; FSM; FSD; FSX; FSR; FST
Federal Personnel Tribunal	FPT
Federal Electoral Tribunal	FET
Federal Naturalisation Tribunal	FNT
Federal Information Tribunal	FIT

§36 **Case numbers**

Every new case must be assigned a case number in the format—

[X]/[year]

—where X is the total number of cases filed that year in courts using these rules, plus one.

§37 **Register numbers**

Every time a case is filed, transferred, or appealed to a new court, it must be assigned a register number in the format—

[X]/[court code]/[year]/[Y]

—where X is the total number of cases filed that year in that court plus one, and Y is the month expressed in digits (e.g. in March, Y is 3).

§38 **Neutral citation**

Every judgement must be assigned a neutral citation in the format—

[year] [court code] [X]

—where X is the total number of judgements issued by that court that year plus one.

Chapter 13: Documentation

§39 **Refusal**

A document may be rejected or considered invalid if—

- (a) it fails to meet any lawful regulation as to its format or content;
- (b) its format is otherwise unsound or improper.

Chapter 14: Service

§40 Documents that must be served

All documents filed in a proceeding must be served unless otherwise ordered by the court.

§41 Proper service

A document is properly served if—

- (a) it is served to all parties to an action (unless otherwise specified by the court);
- (b) it is served either by means communicated by a party to the court as preferable to them, or by any other means suitable by which it is likely a party will receive it;
- (c) it is stated that the party must acknowledge the service of the document;
- (d) no other document, statement or material is provided with the document that might prejudice a substantive or procedural right of the party.

§42 Acknowledgement of service

- (1) On receipt of any document by proper service, a party must notify the court that they have received the document.
- (2) A party's failure to notify the court in accordance with subsection (1) does not prejudice proper service.

Chapter 15: Judges

§43 Appointments and dismissals (declaration)

On appointing or dismissing a judge, the Monarch must declare such to the Reichsversammlung.

§44 Selection of judges

The Chief Justice is solely responsible for selecting judges to hear proceedings, unless the Chief Justice chooses to delegate that responsibility, either in whole or in part, to another judge.

§45 Judges of first-tier state courts

Unless otherwise provided by state law, the judge of a first-tier state court is that state's monarch.

§46 Judicial panels

- (1) The Chief Justice may order that multiple judges sit in a panel to hear an appeal.
- (2) The Chief Justice must specify which judge is to be head of the court.
- (3) A panel of judges may reach decisions by majority only.
- (4) But if the panel consists of only two judges, the head of the court is to decide independently if no consensus can be reached.

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§47 **Inability to proceed**

If a judge conducting a proceeding is unable to proceed, any other judge may proceed upon certifying familiarity with the action and determining that the case may be completed without prejudice to the parties.

Chapter 16: Representation; counsel

§48 **Litigants-in-person**

A person may conduct proceedings as a litigant-in-person unless the action is proceeding on indictment.

§49 **Notice of representation**

- (1) Parties must submit notice of who they intend to appoint as their counsel in any particular action to the court.
- (2) Parties may at any time change their appointed counsel by similar notice.

§50 **Dismissal of counsel by court**

A court may order that a person be prohibited from representing a party in—

- (a) an individual proceeding or
- (b) any proceedings.

Chapter 17: Interveners

§51 **Intervention**

- (1) Upon timely application, any party may intervene in an action if—
 - (a) the party has a lawful right to intervene;
 - (b) the party can show—
 - (i) they have an interest—
 - (1) in the matter in dispute or
 - (2) in or against the success of any of the parties;
 - (ii) that its ability to protect its interest would be impeded by disposition of the case; and
 - (iii) that its interest is not adequately represented by the current parties to the case or
 - (c) the party—
 - (i) has a claim or defence that shares with the main action a common question of law or fact and
 - (ii) is granted permission by the court to intervene.
- (2) No party may intervene in a criminal action.

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§52 **Interveners' petitions**

The rights and obligations regarding the filing of petitions apply to interveners in the same manner as in which they apply to the other parties.

Chapter 18: Judicial review

§53 **Judicial review rights to be additional to other rights**

The right of judicial review is in addition to, and not in derogation of, any other rights that a party has to seek a review, whether by a court or by another tribunal, authority or party, of that enactment, decision, conduct or failure.

§54 **Change in person holding, or performing the duties of, an office**

- (1) Where a person no longer holds or for whatever reason is not performing the duties of an office amenable to judicial review, a claim for judicial review may be made against—
 - (a) the person for the time being holding or performing the duties of that office or
 - (b) if there is no person for the time being performing the duties of that office or that office no longer exists, the Attorney-General.
 - (2) Where no person is occupying the office of the Attorney-General, the powers of judicial review may be exercised as if the decision had been made by the Vorsitzender.
-

Chapter 19: Challenging constitutionality of legislation

§55 **Severability**

If any legislative provision or the application thereof is held invalid, the remainder of the legislation or other applications of such provision are not to be affected.

§56 **Actions to which the Attorney-General is not a party**

- (1) A party that files a petition which challenges the constitutionality of federal legislation must give notice of the action to the Attorney-General.
- (2) Subsection (1) does not apply if the Attorney-General is a party to the action.
- (3) The Attorney-General has an absolute right to intervene in any action which seeks to challenge the constitutionality of federal legislation.
- (4) Failure to provide notice in accordance with subsection (1) does not forfeit a constitutional claim or defence that is otherwise properly asserted.
- (5) If the Attorney-General office is vacant, subsection (1) through (4) apply with regard instead to the Vorsitzender.

§57 **Actions challenging state legislation**

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- (1) A party that files a petition which challenges the constitutionality of state legislation must give notice of the action to the government of the relevant state.
 - (2) Subsection (1) does not apply if the state government.
 - (3) The state government has an absolute right to intervene in any action which seeks to challenge the constitutionality of that state's legislation.
 - (4) Failure to provide notice in accordance with subsection (1) does not forfeit a constitutional claim or defence that is otherwise properly asserted.
-

Chapter 20: Actions against special parties (the Crown; courts)

§58 Actions against the Crown

- (1) The relief that may be demanded in a claim against the Monarch is limited to—
 - (a) a declaration or
 - (b) an order that a statutory law is not in force.
- (2) A prosecution against the Monarch may only take place with the Monarch's consent.

§59 Actions against a court

- (1) Documents in a proceeding against a court are to be served on the Chief Justice.
 - (2) The representation of any court in a proceeding is as the Chief Justice directs.
-

Chapter 21: Orders

§60 Grounds

The court must state the grounds for all orders it makes.

§61 Requirement to notify

An order does not impose any obligation on a party if that party—

- (a) was not served or otherwise notified of the order or
- (b) if the order was intended to impose an obligation on any generalised group of parties, could not reasonably have learnt of the order.

§62 Interim orders

- (1) A party may, in any petition, move for any interim order.
- (2) A court may grant an interim order ex parte.

§63 Stay of execution or proceedings

- (1) The court may definitely or indefinitely stay any proceeding or the execution of any order—
 - (a) on the motion of a party.

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- (b) on its own accord.
 - (2) A senior court may stay any proceeding or the execution of any order of a junior court.
-

Chapter 22: Judgements

§64 Judgements must be public

A judgement must be published online unless it is subject to a confidentiality order.

§65 Entering judgement

Judgement is entered at the time the judgement is declared to the court.

§66 Default judgement

- (1) The court may enter default judgement against a party at any time if—
 - (a) the party has failed to plead or defend;
 - (b) the party consistently fails to meet a lawful procedural requirement.
- (2) But the court should not enter default judgement if it determines that—
 - (a) the charge or claim is unmeritorious or
 - (b) it would otherwise be in the interests of justice not to enter default judgement.
- (3) The defendant may move to set aside a default judgement within 14 days of the judgement being entered.

§67 Summary judgement

- (1) At any time before trial, the court may enter a summary judgement if it determines that—
 - (a) there exists no disputed genuine issue of material fact between the parties requiring a trial to resolve and
 - (b) in applying the law to the undisputed facts, one party is clearly entitled by law to judgment.
- (2) The defendant may move to set aside a summary judgement within 14 days of the judgement being entered.

§68 Alteration

A motion to alter or amend a judgement must be filed no later than 10 days after the entry of the judgement.

§69 Motion to set aside

A motion to set aside judgement may be made at any time following the entry of judgement.

§70 Correction

- (1) The court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment.

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- (2) The court may do so on the motion of a party or on its own accord, with or without notice.
- (3) But after an appeal has been entered in an appellate court and while it is pending, such a mistake may be corrected only with the appellate court's leave.

Chapter 23: Mode of proceedings; hearings

§71 Mode of proceedings

A court proceeding may be conducted—

- (a) in person;
- (b) by audio call;
- (c) by video call;
- (d) by online messaging;
- (e) by documentation.

§72 Court's power to order hearing; motion for hearing

- (1) A court may order a hearing at any time.
- (2) A party may move that a hearing takes place; and they may request a particular mode of proceeding for that hearing.

§73 Parties' right to attend

- (1) All parties to a proceeding have a right to be present at any hearing of that proceeding, unless otherwise ordered by the court.
- (2) This right may be—
 - (a) waived by a party;
 - (b) voided at the discretion of the court if a party fails to appear.

§74 Public access

A hearings must be open to the public, unless otherwise specified by a confidentiality order.

§75 Removal from court venues

- (1) The court may order that a person is removed from a venue of the court if the person is continually disruptive to the proceedings of the court or disrespectful to the dignity of the court.
- (2) A removal under this section must not be ordered for longer than is necessary.

§76 Judicial enquiry

At any time during a hearing, the judge has the right to ask questions of any party.

Chapter 24: Confidentiality

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§77 Confidentiality orders

- (1) A court may make any order ('confidentiality order') to—
 - (a) prevent public access to the court's proceedings;
 - (b) prevent disclosure of any detail of proceedings before the court;
 - (c) prevent a court document (or details of such) being made accessible.
- (2) For the purposes of subsection (1), 'disclosure' means the making or publishing of any statement, communication or report.
- (3) For the purposes of subsection (1), 'details of proceedings' include but are not limited to—
 - (a) the identities or details of the parties;
 - (b) the nature of the evidence used in the proceedings;
 - (c) what is said during any hearing;
 - (d) the nature of any judgement.
- (4) The court may make any order under subsection (1)—
 - (a) on the motion of a party;
 - (b) on the application of a party;
 - (c) on the application of the Vorsitzender, the Stellvertreter or a Minister (whether or not they are a party to the proceedings).
- (5) An order under subsection (1) must not restrict any party's access to a proceeding they are a party to.

§78 Sealed documents

- (1) A document may only be filed under seal or unsealed by court order.
- (2) A party wanting to file a document under seal must move for permission to file under seal.

Chapter 25: Ex parte proceedings

§79 Ex parte proceedings

It is lawful for a court to hold a proceeding ex parte, provided that, as soon as possible, the excluded party—

- (a) receive access to all details relating to the proceeding;
- (b) has the opportunity to challenge any order made pursuant to the proceeding.

Chapter 26: Vexatious litigants

§80 Vexatious litigants

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- (1) The Chief Justice may designate a person a vexatious litigant by notice to the Attorney-General and the relevant person if that person has repeatedly attempted to initiate vexatious or frivolous actions.
- (2) A person designated a vexatious litigant must not initiate any action without the permission of the court to which at which it is entered.

PART V: PROCEDURE (EVIDENCE)

Chapter 27: Proof

§81 **Burdens of proof**

In all actions, the burden of proof is on the party bringing the action.

§82 **Standards of proof**

- (1) In criminal proceedings, the standard of proof is beyond reasonable doubt.
 - (2) In civil proceedings, the standard of proof is on the balance of probabilities.
-

Chapter 28: Judicial notice

§83 **Judicial notice of facts**

- (1) The court may judicially notice a fact that is not subject to reasonable dispute because it—
 - (a) is generally known or
 - (b) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.
 - (2) The court—
 - (a) may take judicial notice on its own; or
 - (b) must take judicial notice if a party requests it and the court is supplied with the necessary information.
-

Chapter 29: Relevance

§84 **Test for relevant evidence**

Evidence is relevant if—

- (a) it has any tendency to make a fact more or less probable than it would be without the evidence and
- (b) the fact is of consequence in determining the action.

§85 **General admissibility of relevant evidence**

Relevant evidence is admissible unless it is otherwise provided for in law.

§86 **Excluding relevant evidence**

TITLE 10: JUDICIARY

The court may exclude relevant evidence if its probative value is substantially outweighed by a danger of—

- (a) unfair prejudice;
- (b) confusing the issues;
- (c) undue delay;
- (d) wasting time;
- (e) needlessly presenting cumulative evidence.

Chapter 30: Witnesses

§87 Competency to testify in general

Every person is competent to be a witness unless otherwise provided by law.

§88 Need for personal knowledge

- (1) A witness may testify to a matter only if evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter.
- (2) Evidence to prove personal knowledge may consist of the witness's own testimony.

§89 People who must not testify

- (1) The following must not testify during a proceeding—
 - (a) a judge;
 - (b) an attorney.
- (2) Subsection (1) applies only when the person is acting in such capacity during that proceeding.

§90 Calling of witnesses

- (1) A witness may be called by—
 - (a) a party;
 - (b) the court.
- (2) Each party is entitled to cross-examine a witness.
- (3) The court may examine a witness regardless of who calls the witness.

§91 Form of witness testimony

- (1) A witness may testify—
 - (a) orally, before the court;
 - (b) orally, at a deposition;
 - (c) in writing.
- (2) A witness' failure to testify orally before the court does not exclude them from being subject to cross-examination.

§92 Impeachment of witness

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Any party, including the party that called the witness, may attack the witness's credibility.

Chapter 31: Opinion testimony

§93 Opinion testimony by lay witnesses

If a witness is not testifying as an expert, testimony in the form of an opinion is limited to one that is—

- (a) rationally based on the witness's perception,
- (b) helpful to clearly understanding the witness's testimony or to determining a fact in issue, and
- (c) not based on scientific, technical, or other specialized knowledge.

§94 Testimony by expert witnesses

A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if—

- (a) the expert's scientific, technical, or other specialized knowledge will help the court to understand the evidence or to determine a fact in issue,
- (b) the testimony is based on sufficient facts or data,
- (c) the testimony is the product of reliable principles and methods, and
- (d) the expert has reliably applied the principles and methods to the facts of the action.

§95 Court-appointed expert witnesses

- (1) The court may on its own accord appoint any expert who consents to act.
 - (2) The expert is entitled to a reasonable compensation, as set by the court.
-

Chapter 32: Hearsay

§96 Definitions

- (1) 'Statement' means a person's oral assertion, written assertion, or nonverbal conduct, if the person intended it as an assertion.
- (2) 'Declarant' means the person who made the statement.
- (3) 'Hearsay' means a statement that—
 - (a) the declarant does not make while testifying at the current proceeding, and
 - (b) a party offers in evidence to prove the truth of the matter asserted in the statement.

§97 Statements that are not hearsay

A statement that meets the following conditions is not hearsay—

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- (a) the declarant testifies and is subject to cross-examination about a prior statement, and the statement—
 - (i) is inconsistent with the declarant’s testimony and was given under penalty of perjury at a trial, hearing, or other proceeding or in a deposition;
 - (ii) is consistent with the declarant’s testimony and is offered—
 - (1) to rebut an express or implied charge that the declarant recently fabricated it or acted from a recent improper influence or motive in so testifying, or
 - (2) to rehabilitate the declarant’s credibility as a witness when attacked on another ground, or
 - (iii) identifies a person as someone the declarant perceived earlier; or
- (b) the statement is offered against an opposing party and—
 - (i) was made by the party in an individual or representative capacity,
 - (ii) is one the party manifested that it adopted or believed to be true,
 - (iii) was made by a person whom the party authorized to make a statement on the subject,
 - (iv) was made by the party’s agent or employee on a matter within the scope of that relationship and while it existed, or
 - (v) was made by the party’s co-conspirator during and in furtherance of the conspiracy.

§98 Rule against hearsay

Hearsay is not admissible unless otherwise provided by law.

§99 Attacking and supporting the declarant’s credibility

- (1) When a hearsay statement, or a statement described in section 97(b), has been admitted in evidence, the declarant’s credibility may be attacked, and then supported, by any evidence that would be admissible for those purposes if the declarant had testified as a witness.
- (2) If the party against whom the statement was admitted calls the declarant as a witness, the party may examine the declarant on the statement as if on cross-examination

§100 Residual exception

A hearsay statement is excepted from the rule against hearsay even if the statement is not specifically covered by a hearsay exception, provided that—

- (a) the statement has equivalent circumstantial guarantees of trustworthiness,
- (b) it is offered as evidence of a material fact,
- (c) it is more probative on the point for which it is offered than any other evidence that the proponent can obtain through reasonable efforts, and
- (d) admitting it will best serve the purposes of these rules and the interests of justice.

Chapter 33: Discovery; approval of evidence

§101 Subpoena

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The court may issue a subpoena if it is in the interests of justice to do so.

§102 **Right to discovery**

- (1) All parties have the right to access all evidence in an action by discovery, unless otherwise specified.
- (2) The court must facilitate discovery in the manner it considers appropriate.

§103 **Approval of evidence**

- (1) Evidence that has been rejected by the court is inadmissible.
- (2) The court may decide to reject evidence—
 - (a) on the motion of a party;
 - (b) on its own accord.
- (3) If requested, the court must hear submissions from any party who wishes to challenge a decision made under subsection (2) or failure to make such.

Chapter 34: Presentation of evidence; objections

§104 **Presentation**

- (1) The court should exercise reasonable control over the mode and order of examining witnesses and presenting evidence so as to—
 - (a) make those procedures effective for determining the truth;
 - (b) avoid wasting time;
 - (c) protect witnesses from harassment or undue embarrassment.
- (2) All parties must have reasonable opportunity to examine and cross-examine all witnesses and evidence.

§105 **Objections**

Any party may object to—

- (a) evidence;
- (b) a question asked of a witness;
- (c) an answer given by a witness

on the grounds that it is—

- (d) unlawful;
- (e) prejudicial to the interests of justice;
- (f) otherwise contrary to the overriding objective.

Chapter 35: Closed material orders

TITLE 10: JUDICIARY

§106 Order for closed material proceedings

- (1) A closed material order is an order that particular evidence ('closed evidence') may be presented to the court without one or more parties having access to the closed evidence.
- (2) A court may make a closed material order if the relevant conditions are met.
- (3) A court may make a closed material order—
 - (a) on the motion of a party;
 - (b) on the application of the Vorsitzender, the Stellvertreter or a Minister (whether or not they are a party to the proceedings);
 - (c) on its own accord.
- (4) For the purposes of subsection (2), the relevant conditions are that—
 - (a) a party ('the party') would be required to disclose sensitive evidence to the court and the other parties—
 - (i) by court order;
 - (ii) by other reason of law or
 - (iii) in order to adequately contest the action;
 - (b) the public or party interest consideration outweighs the justice consideration and
 - (c) it is in the interests of justice to make the order.
- (5) For the purposes of subsection (4), 'sensitive evidence' is any evidence—
 - (a) protected by privilege or
 - (b) that would be prejudicial to the public interest if disclosed.
- (6) For the purposes of subsection (4), the public or party interest consideration means the potential harm to—
 - (a) the public interest;
 - (b) if subsection (4)(a)(iii) applies, the interests of the party that would be protected if a closed material order was madecaused by not making a closed material order
- (7) For the purposes of subsection (4), the justice consideration means the potential harm to a party's right to a fair trial caused by making a closed material order.
- (8) If a closed material order is made, the party holding the relevant evidence is not entitled to any privilege with respect to that evidence.

§107 Demand for production prior to decision on order

- (1) In deciding whether to make a closed material order, the court may order that the relevant evidence is produced to the court.
- (2) Pursuant to an order under subsection (1), the court must inspect the evidence privately.
- (3) But if the court does not then make a closed material order with respect to that evidence the court must not consider the evidence when making any judgement in that action.
- (4) If the court decides to act under subsection (1), the party holding the evidence is not entitled to any privilege with respect to that evidence.

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§108 **Special Advocate**

- (1) A closed material order must not be made unless each excluded party has a legally qualified Special Advocate representing them.
- (2) A Special Advocate may represent multiple parties with the consent of—
 - (a) those parties;
 - (b) the court.
- (3) A party may, by notice to the court, waive their right to representation under subsection (1).
- (4) A Special Advocate is to be appointed by the Chief Justice.
- (5) A Special Advocate must not communicate any detail about the closed evidence to the party they are representing.

§109 **Appellate proceedings**

- (1) In making a judgement, an appellate court may, without disclosing the evidence to any excluded party, consider any closed evidence considered by the court below.
- (2) In proceedings on appeal, an appellate court must not require that evidence protected by a closed material order in the court below is disclosed to any of the other parties.

§110 **Closed judgement**

- (1) The court must make a closed judgement if not doing so would prejudice the secrecy of the closed evidence.
- (2) If the court makes a closed judgement, it must make a separate open judgement that contains as much detail of the closed judgement as is possible without prejudicing the secrecy of the closed evidence.

PART VI: PROCEDURE (SUMMARY)

Chapter 36: Commencement

§111 Offences to be tried summarily

A criminal action may be initiated by summary procedure unless—

- (a) the action may only be tried on indictment or
- (b) the action raises a substantial question of constitutional law and can be tried on indictment.

§112 Petition for process

- (1) A summary procedure is commenced on the laying of a petition for process before a competent court.
- (2) A petition under this section may be laid before the court by any party.
- (3) The petition must contain—
 - (a) a statement of the grounds for the court's jurisdiction;
 - (b) in a paragraph called a 'count'—
 - (i) a statement of the offence charged that—
 - (1) describes the offence in ordinary language, and
 - (2) identifies any legislation that creates it; and
 - (ii) such particulars of the conduct constituting the commission of the offence as to make clear what the prosecutor alleges against the defendant.
- (4) More than one incident of the commission of the offence may be included in a count.
- (5) A petition may join offences and parties, provided all counts are alleged to have arisen from the same act or transaction, or series of acts or transaction.
- (6) Unless the defendant was misled and thereby prejudiced, neither an incorrect reference under subsection (3)(b) or omission thereof constitute ground to dismiss the action or reverse a conviction.

§113 Process

On receipt of a petition for process, the court must issue a process unless it determines that the action is manifestly unmeritorious.

Chapter 37: Prosecution

§114 Seizure of prosecutions

- (1) If the petition was filed by a party other than the Attorney-General, the Attorney-General may by motion request that the prosecution is seized.

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- (2) If the court grants this motion, the Attorney-General (or an assistant federal attorney) is responsible for the prosecution.
- (3) In determining a motion under subsection (1), the court must take submissions from the petitioner if they wish to make such submissions.
- (4) If—
 - (a) the petitioner has moved to dismiss the action and
 - (b) the Attorney-General has moved under subsection (1)the court must grant the Attorney-General's motion.

§115 Discontinuation of a seized prosecution by the Attorney-General

- (1) If the Attorney-General wishes to discontinue a prosecution that they have seized, they must move to release the prosecution.
- (2) The court must not grant a motion under subsection (1) unless the petitioner —
 - (a) confirms that they will take up the prosecution;
 - (b) confirms that they do not object to the prosecution being discontinued;
 - (c) is unavailable.
- (3) If a motion under subsection (1) is granted, and the petitioner does not take up the prosecution, the action must be dismissed for want of prosecution.

Chapter 38: Motions

§116 Motions that may be made at any time

A motion that the court lacks jurisdiction may be made at any time while the case is pending.

§117 Motions that must be made before trial

- (1) The following defences, objections and requests must be raised by pretrial motion if the basis for the motion is then reasonably available and the motion can be determined without a trial on the merits—
 - (a) a motion alleging a defect in instituting the prosecution, including—
 - (i) improper venue;
 - (ii) a violation of the right to an expedient trial;
 - (iii) selective or vindictive prosecution;
 - (iv) an error in any procedural matter;
 - (b) a motion alleging a defect in the indictment, including—
 - (i) joining two or more offences in the same count (duplicity);
 - (ii) charging the same offence in more than one count (multiplicity);
 - (iii) lack of specificity;
 - (iv) improper joinder;
 - (v) failure to state an offence;

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- (c) a motion to suppress evidence;
- (d) a motion to sever.

§118 Ruling on pretrial motions

- (1) The court must decide every pretrial motion before trial unless it finds good cause to defer a ruling.
 - (2) The court must not defer ruling on a pretrial motion if the deferral will adversely affect a party's right to appeal.
 - (3) When factual issues are involved in deciding a motion, the court must state its essential findings.
-

Chapter 39: Pleas

§119 Pleas generally

- (1) The defendant must plead to all the counts.
- (2) The defendant may plead not guilty or guilty.
- (3) If the defendant refuses to plead to a count, the court must enter a plea of not guilty.
- (4) The court may refuse to enter a plea of guilty, and instead enter a plea of not guilty.
- (5) Before entering judgement on a guilty plea, the court must determine that there is a factual basis for the plea.
- (6) The defendant may withdraw a plea of not guilty and instead plead guilty any time before judgement.

§120 Withdrawing a guilty plea

The defendant may withdraw a plea of guilty—

- (a) before the court accepts the plea or
- (b) after the court accepts the plea, but before it imposes sentence if the defendant can show a fair and just reason for requesting the withdrawal.

§121 Conditional plea

- (1) With the consent of the court, the defendant may enter a conditional plea, reserving in writing the right to have an appellate court review an adverse determination of a specified pretrial motion.
- (2) A defendant who prevails on appeal may then withdraw the plea.

§122 Plea agreements

- (1) The prosecutor and the defendant may discuss and reach a plea agreement.
- (2) The court must not participate in these discussions.
- (3) If the defendant pleads guilty to either a charged offence or a lesser or related offence, the plea agreement may specify that the prosecution will—
 - (a) not bring, or will move to dismiss, other charges, or

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- (b) recommend, or agree not to oppose the defendant's request, that particular sentencing is appropriate.
 - (4) The court may either accept or reject the plea agreement.
 - (5) If the court rejects the plea agreement, it must give the defendant opportunity to withdraw any plea made on the basis of such agreement.
-

Chapter 40: Trial

§123 Commencement

- (1) The court must set a date for the trial to begin.
- (2) The commencement date of the trial must allow for discovery to take place.

§124 Motion for acquittal

The court on the defendant's motion must enter a judgment of acquittal of any offense for which the prosecution's evidence is insufficient to sustain a conviction.

Chapter 41: Judgement

§125 Time of entering judgement

- (1) The court must end the trial—
 - (a) when the prosecutor and defendant confirm they have concluded their cases or
 - (b) when the court determines sufficient time has been allowed for a fair trial.
- (2) As soon as possible after the ending of the trial, the court must enter judgement.

§126 Verdict

- (1) The court must reach a verdict on each count.
- (2) The verdicts are—
 - (a) guilty
 - (b) not guilty.

§127 Sentence

The court may announce sentence at the same time as verdict if both the prosecutor and defendant waive the right to make any submissions regarding sentence.

§128 Retrial

The court may order a retrial if it finds that a substantive right of a party was significantly prejudiced.

PART VII: PROCEDURE (SOLEMN)

Chapter 42: Commencement

§129 Offences to proceed on indictment

A criminal action may be initiated by solemn procedure if it cannot be tried on process.

§130 Petition for process

- (1) A solemn procedure is commenced on the laying of a petition for indictment before a competent court
 - (2) A petition under this section may be laid before the court by any party.
 - (3) The petition must contain—
 - (a) a statement of the grounds for the court's jurisdiction;
 - (b) in a paragraph called a 'count'—
 - (i) a statement of the offence charged that—
 - (1) describes the offence in ordinary language, and
 - (2) identifies any legislation that creates it; and
 - (ii) such particulars of the conduct constituting the commission of the offence as to make clear what the prosecutor alleges against the defendant.
 - (4) More than one incident of the commission of the offence may be included in a count.
 - (5) A petition may join offences and parties, provided all counts are alleged to have arisen from the same act or transaction, or series of acts or transaction.
 - (6) Unless the defendant was misled and thereby prejudiced, neither an incorrect reference under subsection (3)(b) or omission thereof constitute ground to dismiss the action or reverse a conviction.
-

Chapter 43: Preliminary investigation; indictment

§131 Scope of the preliminary investigation

- (1) The court must carry out a preliminary investigation.
- (2) The scope of the preliminary investigation is limited to such investigation as is necessary to determine whether—
 - (a) the court has jurisdiction to hear the action;
 - (b) there is probable cause to believe that the defendant committed at least one of the offences charged;
 - (c) it would be in accordance with the overriding objective to proceed with a prosecution.

§132 Indictment

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- (1) If, following the preliminary investigation, the court finds that all conditions set forth in section 131(2) are met, they must issue an indictment.
- (2) A decision of the court under this section may only be challenged by the standard appeals procedure.

§133 Dismissal

- (1) If, following the preliminary investigation, the court finds that any condition set forth in section 131(2) is not met, they must enter a ruling dismissing the action.
 - (2) A decision of the court under this section may only be challenged by judicial review.
-

Chapter 44: Prosecution

§134 Seizure of prosecutions

- (1) If the petition was filed by a party other than the Attorney-General, the Attorney-General may by motion request that the prosecution is seized.
- (2) If the court grants this motion, the Attorney-General (or an assistant federal attorney) is responsible for the prosecution.
- (3) In determining a motion under subsection (1), the court must take submissions from the petitioner if they wish to make such submissions.
- (4) If—
 - (a) the petitioner has moved to dismiss the action and
 - (b) the Attorney-General has moved under subsection (1)the court must grant the Attorney-General's motion.

§135 Discontinuation of a seized prosecution by the Attorney-General

- (1) If the Attorney-General wishes to discontinue a prosecution that they have seized, they must move to release the prosecution.
 - (2) The court must not grant a motion under subsection (1) unless the petitioner —
 - (a) confirms that they will take up the prosecution;
 - (b) confirms that they do not object to the prosecution being discontinued;
 - (c) is unavailable.
 - (3) If a motion under subsection (1) is granted, and the petitioner does not take up the prosecution, the action must be dismissed for want of prosecution.
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Chapter 45: Case statement

§136 Case statement

- (1) As soon as possible, the prosecutor must file a case statement with the court.

TITLE 10: JUDICIARY

- (2) The case statement must include—
 - (a) a summary of the circumstances of the charges;
 - (b) any account given by the defendant in interview;
 - (c) any written witness statement or exhibit the prosecutor then has available and considers material to plea or to sentence;
 - (d) the defendant's criminal record, if any;
 - (e) any available statement of the effect of the offence on the victim or victims.
 - (3) The prosecutor is not required to file a case statement if—
 - (a) the defendant waives the case statement or
 - (b) the court orders that no case statement is required.
-

Chapter 46: Motions

§137 **Motions that may be made at any time**

A motion that the court lacks jurisdiction may be made at any time while the case is pending.

§138 **Motions that must be made before trial**

- (1) The following defences, objections and requests must be raised by pretrial motion if the basis for the motion is then reasonably available and the motion can be determined without a trial on the merits—
 - (a) a motion alleging a defect in instituting the prosecution, including—
 - (i) improper venue;
 - (ii) a violation of the right to an expedient trial;
 - (iii) selective or vindictive prosecution;
 - (iv) an error in any procedural matter;
 - (b) a motion alleging a defect in the indictment, including—
 - (i) joining two or more offences in the same count (duplicity);
 - (ii) charging the same offence in more than one count (multiplicity);
 - (iii) lack of specificity;
 - (iv) improper joinder;
 - (v) failure to state an offence;
 - (c) a motion to suppress evidence;
 - (d) a motion to sever.

§139 **Ruling on pretrial motions**

- (1) The court must decide every pretrial motion before trial unless it finds good cause to defer a ruling.
- (2) The court must not defer ruling on a pretrial motion if the deferral will adversely affect a party's right to appeal.
- (3) When factual issues are involved in deciding a motion, the court must state its essential findings.

Chapter 47: Pleas

§140 Pleas generally

- (1) The defendant must plead to all the counts.
- (2) The defendant may plead not guilty or guilty.
- (3) If the defendant refuses to plead to a count, the court must enter a plea of not guilty.
- (4) The court may refuse to enter a plea of guilty, and instead enter a plea of not guilty.
- (5) Before entering judgement on a guilty plea, the court must determine that there is a factual basis for the plea.
- (6) The defendant may withdraw a plea of not guilty and instead plead guilty any time before judgement.

§141 Withdrawing a guilty plea

- (1) The defendant may withdraw a plea of guilty—
 - (a) before the court accepts the plea or
 - (b) after the court accepts the plea, but before it imposes sentence if the defendant can show a fair and just reason for requesting the withdrawal.

§142 Conditional plea

- (1) With the consent of the court, the defendant may enter a conditional plea, reserving in writing the right to have an appellate court review an adverse determination of a specified pretrial motion.
- (2) A defendant who prevails on appeal may then withdraw the plea.

§143 Plea agreements

- (1) The prosecutor and the defendant may discuss and reach a plea agreement.
- (2) The court must not participate in these discussions.
- (3) If the defendant pleads guilty to either a charged offence or a lesser or related offence, the plea agreement may specify that the prosecution will—
 - (a) not bring, or will move to dismiss, other charges, or
 - (b) recommend, or agree not to oppose the defendant's request, that particular sentencing is appropriate.
- (4) The court may either accept or reject the plea agreement.
- (5) If the court rejects the plea agreement, it must give the defendant opportunity to withdraw any plea made on the basis of such agreement.

Chapter 48: Trial

§144 Commencement

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- (1) The court must set a date for the trial to begin.
- (2) The commencement date of the trial must allow for discovery to take place.

§145 **Motion for acquittal**

The court on the defendant's motion must enter a judgment of acquittal of any offense for which the prosecution's evidence is insufficient to sustain a conviction.

Chapter 49: Judgement

§146 **Time of entering judgement**

- (1) The court must end the trial—
 - (a) when the prosecutor and defendant confirm they have concluded their cases or
 - (b) when the court determines sufficient time has been allowed for a fair trial.
- (2) As soon as possible after the ending of the trial, the court must enter judgement.

§147 **Verdict**

- (1) The court must reach a verdict on each count.
- (2) The verdicts are—
 - (a) guilty
 - (b) not guilty.

§148 **Sentence**

The court may announce sentence at the same time as verdict if both the prosecutor and defendant waive the right to make any submissions regarding sentence.

§149 **Retrial**

The court may order a retrial if it finds that a substantive right of a party was significantly prejudiced.

PART VIII: PROCEDURE (CIVIL)

Chapter 50: Claims; standing

§150 **Civil claim to proceed on petition**

A civil claim is made by laying a petition before a competent court.

§151 **Form of claim**

A petition making a claim must contain—

- (a) a statement of the grounds for the court's jurisdiction, unless the court already has jurisdiction and the claim needs no new jurisdictional support;
- (b) a statement of the claim showing that the claimant is entitled to relief;
- (c) a demand for the relief sought, which may include relief in the alternative or different types of relief.

§152 **Standing**

The claimant is entitled to have the merits of a claim considered by a court if—

- (a) concrete and particularised injury has been or will imminently be suffered by—
 - (i) the claimant or
 - (ii) the general public;
- (b) the injury arose or will arise from the actions or omissions of the defendant to the claim;
- (c) the granting of the relief will redress or prevent the injury.

§153 **Joinder of claim**

A party asserting a claim may join, as independent or alternative claims, as many claims as it has against an opposing party.

Chapter 51: Pleadings

Subchapter 1: General provisions

§154 **Pleadings allowed**

The pleadings in a civil action are—

- (a) the complaint;
- (b) an answer to a claim;
- (c) a third-party claim;
- (d) an additional claim;

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- (e) when ordered by the court, a reply.

§155 **Alternative statements; inconsistent claims or defences**

- (1) A party may set out two or more statements of a claim or defence alternatively or hypothetically.
- (2) If a party makes alternative statements, the pleading is sufficient if any one of them is sufficient.
- (3) A party may state as many separate claims or defences as it has, regardless of consistency.

§156 **Special matters**

- (1) Except when required to show that the court has jurisdiction, a claim need not allege—
 - (a) a party's capacity to sue or be sued;
 - (b) a party's authority to sue or be sued in a representative capacity;
 - (c) the legal existence of a party.
- (2) If an item of special damage is claimed, it must be specifically stated.

Subchapter 2: Complaint

§157 **Complaint**

A civil action is commenced on the laying of a complaint before a court of appropriate jurisdiction.

Subchapter 3: Answer; defences; other claims

§158 **Answer; affirmative defences**

- (1) On receipt of a petition making a claim, the defendant must lay an answer before the court promptly.
- (2) The answer must state which of the allegations contained in the petition making the claim the defendant—
 - (a) admits;
 - (b) denies;
 - (c) is unable to admit or deny but needs the claimant to prove.
- (3) The court may enter judgement on any claim that the defendant admits if the court determines the claim is meritorious.
- (4) The defendant must not make a general denial of all allegations.
- (5) Where the defendant denies an allegation, they must state—
 - (a) their reasons for doing so;
 - (b) if they intend to put forward a different version of events from that given by the claimant, their own version.
- (6) A defendant who fails to deal with an allegation but has set out in their defence the nature of their case in relation to the issue to which the allegation relates is to be taken to require that allegation to be proved.
- (7) Where the claim includes a fiscal claim, a defendant is to be taken to require that any allegation relating to the amount of money claimed be proved unless they expressly admit the allegation.

TITLE 10: JUDICIARY

- (8) Subject to subsections (5) and (6), a defendant who fails to deal with an allegation is to be taken to admit that allegation.
- (9) The defendant must in their answer raise any affirmative defence they wish to make to a claim, except from the defences of—
 - (a) lack of personal jurisdiction;
 - (b) improper forum;
 - (c) insufficient process;
 - (d) insufficient service of process;
 - (e) failure to state a claim upon which relief can be granted;all of which must be asserted by motion to dismiss the claim.

§159 Counterclaim

- (1) A pleading must state as a counterclaim any claim that the pleader has against an opposing party if the claim—
 - (a) arises out of the transaction or occurrence that is the subject matter of the opposing party's claim and
 - (b) does not require adding another party over whom the court cannot acquire jurisdiction.
- (2) The pleader need not state the claim if when the action was commenced, the claim was the subject of another pending action.
- (3) A pleading may state as a counterclaim against an opposing party any claim that is not compulsory

§160 Crossclaim

- (1) A pleading may state as a crossclaim any claim by one party against a coparty if the claim arises out of the transaction or occurrence that is the subject matter of the original action or of a counterclaim, or if the claim relates to any property that is the subject matter of the original action.
- (2) The crossclaim may include a claim that the coparty is or may be liable to the crossclaimant for all or part of a claim asserted in the action against the crossclaimant.

§161 Third-party claims

A party may make a claim against any non-party if the claim arises out of the transaction or occurrence that is the subject matter of the original action.

Chapter 52: Parties

§162 Permissive joinder

- (1) Parties may join in one action as claimants if—
 - (a) they assert any right to relief jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and
 - (b) any question of law or fact common to all claimants will arise in the action.
- (2) Parties may be joined in one action as defendants if—

TITLE 10: JUDICIARY

- (a) any right to relief is asserted against them jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and
- (b) any question of law or fact common to all defendants will arise in the action.

§163 **Actions relating to unincorporated associations**

A claim against a member of an unincorporated association in their capacity as a representative of such may be maintained only if it appears that the member will fairly and adequately protect the interests of the association and its members.

§164 **Derivative claims**

- (1) This section applies when one or more shareholders or members of a company or an unincorporated association bring a derivative claim to enforce a right that the company or association may properly assert but has failed to enforce.
- (2) The derivative claim must not be maintained if it appears that the claimant does not fairly and adequately represent the interests of shareholders or members who are similarly situated in enforcing the right of the company or association.
- (3) The claim must—
 - (a) allege that the claimant was a shareholder or member at the time of the transaction complained of, or that the claimant's share or membership later devolved on it by operation of law;
 - (b) state with particularity—
 - (i) any effort by the claimant to obtain the desired action from the directors or comparable authority and, if necessary, from the shareholders or members and
 - (ii) the reasons for not obtaining the action or not making the effort.
- (4) Notice of a proposed settlement must be given to shareholders or members in the manner that the court orders.

Chapter 53: Motions

§165 **Ruling on pretrial motions**

- (1) The court must decide every pretrial motion before trial unless it finds good cause to defer a ruling.
- (2) The court must not defer ruling on a pretrial motion if the deferral will adversely affect a party's right to appeal.
- (3) When factual issues are involved in deciding a motion, the court must state its essential findings.

Chapter 54: Settlement

§166 **Settlement**

TITLE 10: JUDICIARY

With the consent of the court, at any time before judgement is entered, the parties to a claim may settle that claim.

Chapter 55: Trial

§167 Commencement

- (1) The court must set a date for the trial to begin.
- (2) The commencement date of the trial must allow for discovery to take place.

§168 Judgement as a matter of law

The court on the defendant's motion must enter a judgement dismissing any claim for which the admitted evidence is insufficient to sustain a judgement in the claimant's favour.

Chapter 56: Judgement

§169 Time of entering judgement

- (1) The court must end the trial—
 - (a) when the prosecutor and defendant confirm they have concluded their cases or
 - (b) when the court determines sufficient time has been allowed for a fair trial.
- (2) As soon as possible after the ending of the trial, the court must enter judgement.

§170 Retrial

The court may order a retrial if it finds that a substantive right of a party was significantly prejudiced.

PART IX: PROCEDURE (APPELLATE)

Chapter 57: Petition

§171 Commencement

- (1) An appeal to a court of appeal is commenced by laying an application before the appropriate court.
- (2) An application must be filed within 30 days of the entry of the judgement or order that is being appealed.

§172 Form of petition

- (1) The application must contain statements of—
 - (a) the judgement or order that is appealed;
 - (b) the grounds of appeal;
 - (c) the relief sought, which may include relief in the alternative or different types of relief.
 - (2) If the appellant wants the court to grant a stay of execution, they must state so in the application.
-

Chapter 58: Judgement

§173 Submissions prior to judgement

- (1) Before entering judgement on the appeal, the court must agree to take submissions from—
 - (a) the appellant;
 - (b) any other party.
- (2) The court may also take submissions from amicus curiae.

PART X: PROCEDURE (REICHSHÖCHSTGERICHT)

Chapter 59: Appellate review

§174 Considerations governing appellate review

- (1) Appellate review by the Reichshöchstgericht is not a matter of right but of judicial discretion. An application will be granted only for compelling reasons. The following, although neither controlling nor fully measuring the Court's discretion, indicate the character of the reasons the Court considers—
 - (a) a court of appeal has entered a decision in conflict with the decision of another court of appeal on the same important matter
 - (b) a court of appeal has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power;
 - (c) a court of appeal has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court.
- (2) An application to review a case pending in a court of appeal, before judgment is entered in that court, will be granted only upon a showing that the case is of such imperative public importance as to justify deviation from normal appellate practice and to require immediate determination in this Court.

§175 Application

- (1) An application for appeal must be filed within 30 days of the entry of the judgement to be reviewed.
 - (2) If the appellant wants the court to grant a stay of execution, they must state so in the application.
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Chapter 60: Disposition

§176 Submissions prior to judgement

- (1) Before entering judgement on the appeal, the court must agree to take submissions from—
 - (a) the appellant;
 - (b) any other party to the action.
 - (2) The court may also take submissions from amicus curiae.
-

Chapter 61: Advisory opinions

TITLE 10: JUDICIARY

§177 **Power of the Reichshöchstgericht**

- (1) The Reichshöchstgericht may, on reference, give an advisory opinion as to any question of law.
- (2) The Reichshöchstgericht may dismiss a reference on the grounds that the reference—
 - (a) does not raise a question of law of general public importance;
 - (b) raises matters on which the law is already clear;
 - (c) is excessively vague.
- (3) No court order may be made in an action proceeding on reference.

§178 **Petition by lower court**

A lower court may by reference seek an opinion on a question or proposition of law on which it seeks instruction for the proper decision of a case.

§179 **Precedent**

- (1) An advisory opinion does not form binding precedent.
- (2) But a lower court must respectfully consider any advisory opinion of the Reichshöchstgericht.

§180 **Attorney-General's right to intervene**

The Attorney-General may intervene in an action proceeding on reference as a matter of right.

TITLE 11: LAW ENFORCEMENT

Chapter 1: Criminal investigations

§1 Assistant federal attorney's role in investigation

A power or duty of the Attorney-General in relation to a criminal investigation is exercisable by and applies to an assistant federal attorney, unless otherwise ordered by the Attorney-General.

§2 State requests for assistance

The Attorney-General must investigate cases arising under only federal or international law unless a state government requests the assistance of the Attorney-General.

§3 Pre-charge subpoenas

- (1) The Attorney-General may apply to a court for a pre-charge subpoena.
 - (2) The court must grant the subpoena if—
 - (a) the Attorney-General needs the evidence demanded to investigate a crime,
 - (b) no prosecution—
 - (i) against the party under investigation and
 - (ii) arising from the conduct under investigationhas been commenced,
 - (c) there is no other reasonable way for the Attorney-General to obtain the evidence and
 - (d) the justice consideration outweighs the privacy consideration.
 - (3) For the purposes of subsection (1)—
 - (a) the justice consideration means the harm to the public interest and the interests of justice that would occur or would be likely to occur if the Attorney-General was unable to pursue their investigation and
 - (b) the privacy consideration means the infringement on any person's right to privacy that would or would be likely to occur if the subpoena were granted.
 - (4) Venue for an application under this section is proper if it would be proper for a criminal petition against the party under investigation.
-

Chapter 2: Prosecution

§4 The decision to prosecute

The Attorney-General must bring a charge only if—

- (a) there is sufficient admissible evidence to provide a realistic prospect of conviction and
- (b) the public interest requires that the charge is brought.

Chapter 3: Federally-appointed counsel

§5 Obligation to provide counsel

- (1) The Attorney-General must ensure that a criminal defendant has appropriately qualified counsel, unless—
 - (a) the case is being handled under summary procedure and
 - (b) the defendant opts to represent themselves.
- (2) If a defendant cannot find appropriately qualified counsel, the Attorney-General must find and appoint counsel for the defendant.

TITLE 12: CRIME

Chapter 1: Primary offences

§1 Abuse

- (1) A person who engages in the conduct set out in subsection (2) commits an offence.
- (2) The conduct under this subsection is—
 - (a) intimidating another person;
 - (b) verbally abusing another person;
 - (c) treat another person with cruelty or violence.
- (3) The offence under this section is to be tried on process only.
- (4) But if the conduct that constitutes the offence is motivated or charged by prejudice on the grounds of—
 - (a) race;
 - (b) nationality;
 - (c) religion;
 - (d) sex;
 - (e) gender identity;
 - (f) sexuality;
 - (g) age;
 - (h) disability;
 - (i) any other personal characteristic;the offence under this section is to be tried on indictment only.

§2 Breach of privacy

- (1) A person (A) who discloses the personal information of another person (B), where a reasonable person would have known or suspected that B would not want this information to be disclosed, commits an offence.
- (2) The offence under this section may be tried on process or indictment.

§3 Discrimination

- (1) A person who treats another person unjustly or prejudicially on the basis of a personal characteristic commits an offence.
- (2) For the purposes of subsection (1), a ‘personal characteristic’ means—
 - (a) race;
 - (b) nationality;
 - (c) religion;
 - (d) sex;

TITLE 12: CRIME

- (e) gender identity;
 - (f) sexuality;
 - (g) age;
 - (h) disability;
 - (i) any other personal characteristic.
- (3) The offence under this section may be tried on process or indictment.

§4 **Disorderly conduct**

- (1) A person who—
- (a) engages in fighting or tumultuous conduct;
 - (b) makes unreasonable disturbances and continues to do so after being asked to stop;
 - (c) disrupts a lawful assembly (including an online assembly)
- commits an offence.
- (2) The offence under this section is to be tried on process only.

§5 **Embezzlement**

- (1) A person who fraudulently appropriates to their own use or benefit property or money entrusted to them by another commits an offence.
- (2) The offence under this section is to be tried on indictment only.

§6 **Entrapment**

- (1) A person who lures another person into committing a criminal offence themselves commits an offence.
- (2) The offence under this section is to be tried on indictment only.

§7 **Extortion**

- (1) A person who makes a demand of another person and—
- (a) threatens to act or fail to act if that person does not meet the demand;
 - (b) intimidates that person to make them more likely to meet the demand;
 - (c) makes a false claim of right as to that demand;
- commits an offence.
- (2) The offence under this section is to be tried on indictment only.

§8 **Fraud**

- (1) A person who engages in a deliberate deception to secure unfair or unlawful gain, or to deprive another person of a legal right, is guilty of an offence.
- (2) The offence under this section is to be tried on indictment only.

§9 **Harassment**

- (1) A person who engages in harassment commits an offence.
- (2) Harassment includes, but is not limited to—

TITLE 12: CRIME

- (a) persistent and aggressive conduct directed towards an individual or a group of people;
 - (b) endangerment or threatened endangerment of someone's health, safety, wellbeing, or dignity;
 - (c) prejudicial discrimination on the basis of any personal, social, cultural, or political characteristic; or
 - (d) an attempt to—
 - (i) unlawfully or unreasonably deprive someone of their rights,
 - (ii) pressurise or intimidate someone into not exercising their rights, or
 - (iii) punish someone for exercising their rights.
- (3) The offence under this section is to be tried on indictment only.

§10 **Infringement of privacy**

- (1) A person who—
- (a) intrudes on another person's privacy;
 - (b) appropriates the name or likeness of another person;
 - (c) discloses private facts relating to another person;
 - (d) publishes information that places another person in a false light
- commits an offence.
- (2) The offence under this section may be tried on process or indictment.

§11 **Threat**

- (1) A person who threatens to commit an offence commits an offence.
- (2) The offence under this section may be tried on process or indictment.

Chapter 2: Property offences

§12 **Copyright infringement**

- (1) A person who—
- (a) reproduces a copyrighted creative work,
 - (b) distributes a copyrighted creative work or
 - (c) claims ownership to a copyrighted creative work
- commits an offence if they do not hold the copyright to that work.
- (2) But a person does not commit an offence under this section if they have the permission of the copyright holder.
- (3) The offence under this section may be tried on indictment only.

§13 **Forgery**

- (1) A person who—

TITLE 12: CRIME

- (a) makes a false instrument, with the intention that they or another will use it to induce somebody to accept it as genuine;
 - (b) copies a false instrument with the same intent;
 - (c) knowingly uses a false instrument with the same intent
commits an offence.
- (2) In this section, ‘instrument’ means—
- (a) any document;
 - (b) any disc, tape, sound track or other device on or in which information is recorded or stored by mechanical, electronic or other means;
 - (c) any signature.
- (3) The offence under this section is to be tried on indictment only.

§14 **Misappropriation**

- (1) A person who uses the property or funds of another person for their own use or for another unauthorised purpose commits an offence.
- (2) The offence under this section is to be tried on indictment only.

§15 **Theft**

- (1) A person who takes another party’s property without permission or legal right and without intending to return it commits an offence.
- (2) The offence under this section is to be tried on indictment only.

§16 **Trading stolen goods**

- (1) A person who buys or sells goods knowing them to be stolen commits an offence.
- (2) The offence under this section may be tried on process or indictment.

§17 **Vandalism**

- (1) A person who deliberately destroys or damages public or private property is guilty of an offence.
- (2) The offence under this section may be tried on process or indictment.

Chapter 3: Offences against the State

§18 **Sedition**

- (1) A person who engages in conduct calculated or tending to undermine public order or the authority of the State commits an offence.
- (2) The offence under this section is to be tried on indictment only.

§19 **Treason**

- (1) A person who engages in the conduct set out in subsection (2) commits an offence.

TITLE 12: CRIME

- (2) The conduct under this subsection is—
 - (a) changing the Constitution by means other than those constitutionally permitted;
 - (b) removing the constitutional authorities of the state from office or making them unable to exercise their authority;
 - (c) causing Abelden to lose sovereignty;
 - (d) separating Abeldane territory from Abelden;
 - (e) providing aid to an enemy of Abelden;
 - (f) waging war on Abelden.
- (3) The offence under this section is to be tried on indictment only.

§20 **Unauthorised diplomatic communication**

- (1) Any employee of a public authority who, without the authorisation of the federal government, corresponds with a foreign government or any employee thereof with the intent of conducting or influencing Abelden's diplomacy commits an offence.
- (2) The offence under this section is to be tried on indictment only.
- (3) A person convicted under this section must be removed from federal employment by the court.

Chapter 4: Offences of government

§21 **Breach of government policy privilege**

- (1) A person who discloses information protected by government policy privilege commits an offence.
- (2) The offence under this section is to be tried on process only.

§22 **Bribery**

- (1) A person who offers any undue reward to another person, whose ordinary profession or business relates to the administration of public justice, in order to incline them to act contrary to their duty and the known rules of honesty and integrity commits an offence.
- (2) The offence under this section is to be tried on indictment only.

§23 **Corruption**

- (1) A person who engages in dishonest or fraudulent conduct for personal gain while holding public office commits an offence.
- (2) The offence under this section is to be tried on indictment only.

§24 **Disruption of a government venue**

- (1) A person who disrupts any lawful proceedings in a government venue commits an offence.
- (2) The offence under this section is to be tried on process only.

§25 **Failure to notify Conflicts of Interest Committee**

TITLE 12: CRIME

- (1) A person who fails to notify the Conflicts of Interest Committee of a matter, despite having a duty to do so, commits an offence.
- (2) The offence under this section may be tried on process or indictment.

§26 **Gross negligence in public office**

- (1) A person in public office who grossly neglects their duty commits an offence.
- (2) The offence under this section is to be tried on indictment only.

§27 **Misconduct in public office**

- (1) A person in public office who engages in unacceptable or improper behaviour with respect to that office commits an offence.
- (2) The offence under this section is to be tried on indictment only.

§28 **Perjury before executive or legislative authority**

- (1) A person who wilfully asserts as to a matter of fact, opinion, belief or knowledge before executive or legislative authority, such assertion being known by the person to be false, and offered with the intent of misleading the authority, commits an offence.
- (2) The offence under this section is to be tried on indictment only.

Chapter 5: Offences against justice

§29 **Breach of legal professional privilege**

- (1) A person who discloses information protected by legal professional privilege commits an offence.
- (2) The offence under this section may be tried on process or indictment.

§30 **Breach of ‘without prejudice’ privilege**

- (1) A person who discloses information protected by the ‘without prejudice’ privilege commits an offence.
- (2) The offence under this section is to be tried on process only.

§31 **Contempt of court**

- (1) A person who—
 - (a) violates a court order;
 - (b) obstructs or attempts to obstruct the execution of a court order;
 - (c) breaches an undertaking to the court;
 - (d) publishes any statement that creates a real risk that the course of justice may be impaired;
 - (e) disrupts proceedings of the court;
 - (f) disrespects the dignity of the court;commits an offence.

TITLE 12: CRIME

- (2) If a statement under subsection (1)(d) is addressed to the public at large or any section of the public, then the principle of strict liability applies.
- (3) A person is not guilty of contempt of court under subsection (2) if at the time of publication (having taken all reasonable care) they do not know and have no reason to suspect that the relevant proceedings are active.
- (4) A person is not guilty of contempt of court under subsection (2) in respect of any fair and accurate report of proceedings held in public, published contemporaneously and in good faith.
- (5) A person is not guilty of contempt of court under subsection (2) in respect of any publication made as a good faith discussion in the public interest, if the risk of prejudice is incidental to the broader discussion.
- (6) The offence under this section may be tried on process or indictment.

§32 **Evidence tampering**

- (1) A person who intentionally, recklessly, or negligently withholds, hides, alters, fabricates or destroys evidence relevant to an ongoing court proceeding or an ongoing criminal investigation by the Attorney-General (or an assistant federal attorney) commits an offence.
- (2) The offence under this section may be tried on process or indictment.

§33 **False allegation**

- (1) A person who alleges publicly, to another person or to a public authority that another person is guilty of a criminal offence while knowing the allegation to be false commits an offence.
- (2) The offence under this section may be tried on process or indictment.

§34 **Obstruction of justice**

- (1) A person who acts so as to obstruct the fair disposition of any court action is guilty of an offence.
- (2) The offence under this section may be tried on process or indictment.

§35 **Perjury**

- (1) A person who wilfully asserts as to a matter of fact, opinion, belief or knowledge before a court or in a deposition, such assertion being known by the person to be false, and offered with the intent of misleading a court, commits an offence.
- (2) The offence under this section may be tried on process or indictment.

Chapter 6: Offences of democracy

§36 **Breach of reporter's privilege**

- (1) A person who discloses information protected by reporter's privilege commits an offence.
- (2) The offence under this section may be tried on process or indictment.

§37 **Casting multiple votes**

TITLE 12: CRIME

- (1) A person who casts more than one vote in any public election or referendum commits an offence.
- (2) The offence under this section is to be tried on indictment only.

§38 Early disclosure of voting

- (1) A person who, while voting in any public election or referendum is ongoing, publishes a statement alleging that any person other than themselves or any group of people have voted a certain way in that election or referendum commits an offence.
- (2) The offence under this section may be tried on process or indictment.

§39 Foreign electoral assistance

- (1) A person who—
 - (a) being a foreign party, provides organised or financial support to a relevant campaign or
 - (b) in their capacity as a candidate for election to public office or a member of a relevant campaign solicits or accepts organised or financial support from a foreign partycommits an offence.
- (2) A foreign party means—
 - (a) someone who is not a citizen or
 - (b) someone acting in their capacity as an employee or officer of—
 - (i) a company that does not do business in Abelden or
 - (ii) an international organisation.
- (3) A relevant campaign is any campaign for—
 - (a) a candidate for election to public office or
 - (b) a particular outcome in a referendum.
- (4) The offence under this section is to be tried on indictment only.

§40 Preventing lawful voting

- (1) A person (A) who prevents any person (B) from casting a lawful vote in an election or referendum against B's wishes or without B's knowledge commits an offence.
- (2) The offence under this section is to be tried on indictment only.

§41 Subversion of democratic procedure

- (1) A person who acts to subvert the principles, institutions and procedures of Abeldane democracy commits an offence.
- (2) The offence under this section is to be tried on indictment only.

Chapter 7: Security offences

§42 Breach of information prejudicial to a criminal investigation

TITLE 12: CRIME

- (1) A person who discloses information that, if public, would prejudice a criminal investigation by the Attorney-General (or an assistant federal attorney) commits an offence.
- (2) The offence under this section may be tried on process or indictment.

§43 Breach of national security privilege

- (1) A person who discloses information protected by national security privilege commits an offence.
- (2) The offence under this section is to be tried on indictment only.

§44 Breach of privilege for information obtained from foreign state

- (1) A person who discloses information protected by the privilege for information obtained from a foreign state commits an offence.
- (2) The offence under this section is to be tried on indictment only.

§45 Espionage

- (1) A person who obtains, collects, records, publishes, or communicates to any other person any relevant information which is calculated to be, might be or is intended to be directly or indirectly useful to a relevant party commits an offence.
- (2) In this section, 'relevant information' is information that is—
 - (a) held by a public authority and
 - (b) protected by privilege.
- (3) In this section, a 'relevant party' is—
 - (a) a foreign state,
 - (b) an organisation that is not an Abeldane public authority or
 - (c) a company.
- (4) This section does not apply if the conduct under subsection (1) is authorised by a person who has the power to waive the privilege in question.
- (5) The offence under this section is to be tried on indictment only.

§46 Impersonation

- (1) A person who impersonates any other person with the intent that they are regarded as genuine commits an offence.
- (2) The offence under this section is to be tried on indictment only.

§47 Possession of multiple identities

- (1) A person who acts under multiple identities with the intent of persuading a party to believe that the identities are separate people commits an offence.
- (2) The offence under this section is to be tried on indictment only.

§48 Terrorism

- (1) A person who—
 - (a) uses violence and intimidation in the pursuit of political or religious aims;

TITLE 12: CRIME

- (b) distributes any publication supporting or advising on such;
 - (c) acts to support the use of such;
- commits an offence.
- (2) The offence under this section is to be tried on indictment only.
-

Chapter 8: Economic offences

§49 Violation of anti-trust law

- (1) A person who violates a law prohibiting a merger or the creation of a sister company commits an offence.
 - (2) The offence under this section may be tried on process or indictment.
-

Chapter 9: Environmental offences

§50 Damage to a protected area

- (1) A person who causes unnecessary damage to the landscape, natural resources or ecosystems commits an offence.
 - (2) The offence under this section may be tried on process or indictment.
-

Chapter 10: Inchoate offences

§51 Accessory

- (1) A person who assists in the commission of an offence commits an offence.
- (2) The offence under this section may be tried on process or indictment.

§52 Attempt

- (1) A person who attempts to commit an offence is guilty of an offence.
- (2) The offence under this section may be tried on process or indictment.

§53 Coercion

- (1) A person who coerces another person into committing an offence is guilty of an offence.
- (2) The offence under this section may be tried on process or indictment.

§54 Conspiracy

- (1) A person who conspires to commit an offence commits an offence.
- (2) The offence under this section may be tried on process or indictment.

TITLE 12: CRIME

§55 **Incitement**

- (1) A person who encourages another person to commit an offence commits an offence.
- (2) The offence under this section may be tried on process or indictment.

§56 **Solicitation**

- (1) A person who solicits another person to commit an offence commits an offence.
- (2) The offence under this section may be tried on process or indictment.

TITLE 13: NATURALISATION

Chapter 1: Citizenship register

§1 Citizenship register

- (1) The Minister of Homeland and Geographical Affairs (in this title, 'the Minister') must keep accurate records of the details of all Abeldane citizens.
 - (2) In this section, 'details' include but are not limited to—
 - (a) name;
 - (b) state;
 - (c) date of naturalisation;
 - (d) criminal record.
-

Chapter 2: Automatic citizenship

§2 Automatic citizenship

- (1) A person is a citizen if—
 - (a) they were born in the Empire after 2 October 2018;
 - (b) at the time of their birth, at least one of their parents was a citizen; or
 - (c) they were a citizen on 2 October 2018.
 - (2) A person who was but is no longer a citizen under subsection (1) is not entitled to automatic resumption of citizenship.
-

Chapter 3: Naturalisation; transfer of state citizenship

§3 Application

- (1) The Minister must publish (including on the government's website) a citizenship application form.
- (2) The Minister must decide all applications for citizenship within three weeks.

§4 Naturalisation procedure; provisional citizenship

- (1) The Minister may grant provisional citizenship of any state to any person if they consider it would be in the public interest to do so.
- (2) A person remains a provisional citizen for two months.
- (3) A provisional citizen holds all rights and responsibilities of full citizens; but may not be elected to any federal public office.

TITLE 13: NATURALISATION

- (4) The Minister may deprive a provisional citizen of their citizenship at any time.
- (5) At the end of the two month period of provisional citizenship, the Minister must—
 - (a) declare that the person is a full citizen or
 - (b) by written notice—
 - (i) deny citizenship to the person or
 - (ii) extend the period of provisional citizenship by any period.

§5 Entitlement to naturalisation

- (1) A person is entitled to full citizenship if they were a citizen on or before 31 December 2014.
- (2) A person is entitled to provisional citizenship if they were a citizen of any of the member states of the Abeldane Commonwealth before 6 June 2018.

§6 Transfer of state citizenship

On application, the Minister may transfer a person's citizenship to any other state.

Chapter 4: Loss of citizenship

§7 Renunciation

- (1) A citizen may at any time renounce their citizenship by notice to the Minister, unless they—
 - (a) hold no other citizenship;
 - (b) do not have capacity; or
 - (c) reside in the Empire.
- (2) The Minister may waive the restrictions under subsection (1)(c) and (d).
- (3) A renunciation of citizenship does not affect any future entitlement of a person to citizenship.

§8 Deprivation by Minister of Homeland and Geographical Affairs

- (1) The Minister may deprive a person of citizenship if—
 - (a) the person has been convicted of treason;
 - (b) the person has not participated in any activities within the Empire after three months;
 - (c) it would be conducive to the public welfare to do so, or
 - (d) the person was naturalised unlawfully or by reason of the person's dishonesty.
- (2) An order made under subsection (1) may be appealed by judicial review.

§9 Deprivation by court order

A court may make an order depriving a person of citizenship if they are convicted of treason.

Chapter 5: Resumption of citizenship

§10 Resumption of renounced citizenship

TITLE 13: NATURALISATION

- (1) A person who renounced their citizenship is entitled to provisional citizenship (or, if they are otherwise entitled to full citizenship, full citizenship) if they are of capacity.
 - (2) A person may not be naturalised under subsection (1) more than once, unless—
 - (a) on or before 1 January 2018, they renounced their citizenship or had their citizenship revoked or
 - (b) they were a citizen on or before 31 December 2014.
 - (3) A person who was a citizen on or before 31 December 2014 may not be naturalised under subsection (1) more than three times.
-

Chapter 6: Federal Naturalisation Tribunal

§11 Federal Naturalisation Tribunal

The Federal Naturalisation Tribunal (in this title, ‘the Tribunal’) is hereby established.

§12 Jurisdiction

The Tribunal has original and exclusive jurisdiction over any judicial review action relating to a decision—

- (a) to grant or refuse provisional citizenship;
 - (b) to deprive a person of full or provisional citizenship;
 - (c) to recognise or not recognise an automatic citizenship;
 - (d) made in relation to section 10(1);
 - (e) made in relation to section 4(5).
-

Chapter 7: Imperial Hospitality Service

§13 Establishment

- (1) There is to be an Imperial Hospitality Service (‘IHS’).
- (2) The purpose of the IHS is to provide new citizens with information, materials and guidance.
- (3) ‘Information, materials and guidance’ include any government-approved publications or initiatives that aim to increase the participation of new citizens in government activities.

§14 Director of the IHS

The Director of the IHS is to be appointed and dismissed by the Minister of Homeland and Geographical Affairs.

TITLE 14: INFORMATION

Chapter 1: Privileges

§1 Legal professional privilege

- (1) Any communication between professional legal counsel and a client are privileged, unless—
 - (a) communications between client and counsel are made in the presence of a third party;
 - (b) the client expresses to their counsel an intent to commit a crime in the future;
 - (c) the client seeks the advice of counsel so as to aid the committal of a crime;
 - (d) the client waives this subsection;
 - (e) counsel need to disclose such communications in order to reasonably collect payment from their client for their services in providing legal advice.
- (2) Subsection (1)(d) is to be invoked if—
 - (a) the client gives notice to their counsel they wish to waive their privilege;
 - (b) the client publicly discloses such communications;
 - (c) the client brings an action against their counsel where such communications are deemed relevant to the action.
- (3) The right under subsection (1) only exists when such communications were made for the purpose of securing legal advice.

§2 National security privilege

- (1) Information is privileged if—
 - (a) it is held by a public authority and
 - (b) it would prejudice national security interests if publicly disclosed by the public authority.
- (2) This privilege may be waived by the public authority who holds the information, by the Monarch, or by the Vorsitzender.

§3 Government policy privilege

- (1) Information is privileged if—
 - (a) it is held by an officer of the federal government and
 - (b) it relates to—
 - (i) the current formulation or development of federal government policy or
 - (ii) the provision of advice by the Attorney-General or the Federal Counsel.
- (2) This privilege may be waived by—
 - (a) if subsection (1)(b)(i) applies and the policy is being formulated or developed by the officer who holds it, by the officer who holds it;
 - (b) if subsection (1)(b)(ii) applies and the advice was provided directly to the officer who holds it, by the officer who holds it;

TITLE 14: INFORMATION

- (c) otherwise, by the Vorsitzender.

§4 **Privilege for information provided in confidence**

- (1) Information is privileged if—
 - (a) it was obtained by the public authority from any other party (including another public authority), and
 - (b) the disclosure of the information to the public by the public authority holding it would constitute a breach of confidence actionable by that or any other party.
- (2) The privilege under this section may be waived by—
 - (a) the Monarch or
 - (b) the party from which it was obtained.

§5 **Privilege for information obtained from foreign state**

- (1) Information is privileged if it is confidential information obtained from a foreign state or from an international organisation or court.
- (2) The privilege under this section may be waived by—
 - (a) the Monarch or
 - (b) the party from which it was obtained.

§6 **Self-incrimination privilege**

Information is privileged if it would tend to expose the party in question to criminal liability.

§7 **Reporter's privilege**

- (1) Information is privileged if it would reveal confidential information or sources obtained during the process of the party in question's work as a reporter of the press.
- (2) The privilege under this section may be waived by the reporter.

§8 **'Without prejudice' privilege**

- (1) Information is privileged if it is a communication made with the purpose of settling a civil claim.
- (2) The privilege under this section may be waived only with the agreement of all parties to the claim.

Chapter 2: Freedom of information

Subchapter 1: General entitlement

§9 **General presumption**

- (1) Any person making a request for information to a public authority is entitled, free of charge—
 - (a) to be informed in writing by the public authority whether it holds information of the description specified in the request;
 - (b) if that is the case, to have that information communicated to them.

TITLE 14: INFORMATION

- (2) Information is held by a public authority if—
 - (a) it is held by the authority, otherwise than on behalf of another person, or
 - (b) it is held by another person on behalf of the authority.
- (3) Where a public authority—
 - (a) reasonably requires further information in order to identify and locate the information requested, and
 - (b) has informed the applicant of that requirement,the authority is not obliged to comply with subsection (1) unless it is supplied with that further information.
- (4) The information—
 - (a) in respect of which the applicant is to be informed under subsection (1)(a), or
 - (b) which is to be communicated under subsection (1)(b),is the information in question held at the time when the request is received, except that account may be taken of any amendment or deletion made between that time and the time when the information is to be communicated under subsection (1)(b), being an amendment or deletion that would have been made regardless of the receipt of the request.
- (5) A public authority is to be taken to have complied with subsection (1)(a) in relation to any information if it has communicated the information to the applicant in accordance with subsection (1)(b).
- (6) The duty of a public authority to comply with subsection (1)(a) is referred to as ‘the duty to confirm or deny.’

§10 Power to designate other parties as public authorities

The Minister of Homeland and Geographical Affairs (in this title, ‘the Minister’) may designate a party as a public authority for the purposes of section 9 if it appears to the Minister that the party is—

- (a) exercising functions of a public nature;
- (b) providing under contract made with a public authority any service whose provision is a function of that authority.

§11 Request for information

- (1) Any reference to a ‘request for information’ is a reference to such a request which—
 - (a) is in writing,
 - (b) states the name of the applicant and an address for correspondence, and
 - (c) describes the information requested.
- (2) For the purposes of subsection (1)(a), a request is to be treated as made in writing where the text of the request—
 - (a) is transmitted by electronic means,
 - (b) is received in legible form, and
 - (c) is capable of being used for subsequent reference.

TITLE 14: INFORMATION

§12 **Time for compliance with request**

A public authority must comply with section 9 promptly and no later than 15 days following the date of receipt.

§13 **Vexatious requests**

Section 9 does not apply to vexatious requests.

Subchapter 2: Exempt information

§14 **Refusal**

- (1) If a person requests information exempt from section 9, their request may be refused.
- (2) If a request is refused, the applicant must be notified within the timeframe specified in section 12 that their request has been refused.
- (3) The applicant must be notified of the reason their request has been refused.
- (4) If only part of the information requested is exempt from section 9, then the public authority must provide all other information that is not exempt.

§15 **Privileged information**

Information is exempt from section 9 if it is privileged.

§16 **Personal information**

Information is exempt from section 9 if it constitutes personal data of any person.

§17 **Health and safety**

Information is exempt from section 9 if the disclosure of the information would prejudice—

- (a) the health of any person;
- (b) the safety of any person.

§18 **Law enforcement**

Information is exempt from section 9 if the disclosure of the information would prejudice a criminal investigation by the Attorney-General (or an assistant federal attorney).

§19 **Commercial interests**

Information is exempt from section 9 if the disclosure of the information would prejudice the commercial interests of any party holding it (including the public authority in question).

§20 **Trade secrets**

Information is exempt from section 9 if it constitutes a trade secret.

§21 **Information accessible by other means**

TITLE 14: INFORMATION

Information is exempt from section 9 if the information is reasonably accessible to the applicant otherwise than under section 9.

§22 **Information intended for future publication**

Information is exempt from section 9 if—

- (a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),
- (b) the information was already held with a view to such publication at the time when the request for information was made, and
- (c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a).

§23 **Court records, etc.**

- (1) Information held by a public authority is exempt from section 9 if it is held only by virtue of being contained in—
 - (a) any document filed with, or otherwise placed in the custody of, a court for the purposes of proceedings in a particular cause or matter,
 - (b) any document served upon, or by, a public authority for the purposes of proceedings in a particular cause or matter, or
 - (c) any document created by—
 - (i) a court, or
 - (ii) a member of the administrative staff of a court, for the purposes of proceedings in a particular cause or matter.
- (2) Information held by a public authority is exempt information if it is held only by virtue of being contained in—
 - (a) any document placed in the custody of a person conducting an inquiry for the purposes of the inquiry, or
 - (b) any document created by a person conducting an inquiry, for the purposes of the inquiry.

§24 **Exemption from duty to confirm or deny**

The duty to confirm or deny does not arise if, or to the extent that, compliance with section 9(1)(a) would involve the disclosure of exempt information.

Subchapter 3: Federal Information Tribunal; appeals

§25 **Federal Information Tribunal**

The Federal Information Tribunal (in this title, ‘the Tribunal’) is hereby established.

§26 **Jurisdiction**

TITLE 14: INFORMATION

The Tribunal has original and exclusive jurisdiction over any judicial review action under section 29.

§27 **Appeal by judicial review**

A party may challenge a decision under section 14(1) by judicial review.

TITLE 15: DEFENCE AND INTELLIGENCE

PART I: ARMED FORCES

Chapter 1: Organisation

§1 **Establishment**

The Imperial Armed Forces ('the Armed Forces,' 'the military') are hereby established.

§2 **Branches**

The military has three branches:

- (a) the Army;
- (b) the Navy;
- (c) the Air Force.

§3 **Commander-in-Chief**

The Monarch is Commander-in-Chief of the Armed Forces.

Chapter 2: Powers

§4 **No action without Reichsversammlung consent**

The Armed Forces must not begin, end, or substantially alter the mission of any military operation without the consent of the Reichsversammlung.

Chapter 3: Ranks; officers

§5 **Enlisted ranks**

- (1) The enlisted ranks of the Armed Forces are, in decreasing order of seniority:

Army		Navy		Air Force	
<i>Rank</i>	<i>Abbreviation</i>	<i>Rank</i>	<i>Abbreviation</i>	<i>Rank</i>	<i>Abbreviation</i>
Sergeant major of the Army	SMA	Master chief petty officer of the Navy	MCPON	Chief master sergeant of the Air Force	CMSAF

TITLE 15: DEFENCE AND INTELLIGENCE

Sergeant major	SGM	Command master chief petty officer	CMCPO	Command chief master sergeant	CCMS
Master sergeant	MSG	Master chief petty officer	MCPO	Chief master sergeant	CMS
Sergeant first class	SFC	Senior chief petty officer	SCPO	Senior master sergeant	SrMS
Staff sergeant	SSG	Chief petty officer	CPO	Master sergeant	MSG
Sergeant	SGT	Petty officer first class	PO1	Technical sergeant	TSG
Corporal	CPL	Petty officer second class	PO2	Staff sergeant	SSG
Private first class	PVC	Petty officer third class	PO3	Senior airman	SrA
Private second class	PV2	Seaman	SM	Airman first class	A1C
Private	PV1	Seaman apprentice	SA	Airman	AMN
		Seaman recruit	SR	Airman basic	AB

- (2) A Specialist Corporal (SPC) is a corporal with additional responsibilities beyond leadership, combat, or ceremonial functions.
- (3) Personnel who have shown service above and beyond the call of duty are given the rank, depending on their branch, of—
- (a) Sergeant major of the Army;
 - (b) Master chief petty officer of the Navy;
 - (c) Chief master sergeant of the Air Force.

§6 Officer ranks

- (1) To become an officer, an enlisted soldier must—
- (a) be promoted or
 - (b) complete training as specified by the Commander-in-Chief.
- (2) The officer ranks of the Armed Forces are, in decreasing order of seniority:

Army		Navy		Air Force	
<i>Rank</i>	<i>Abbreviation</i>	<i>Rank</i>	<i>Abbreviation</i>	<i>Rank</i>	<i>Abbreviation</i>
Grossreichsgeneralmarschall or Grand Imperial Marshal	GGM	Admiral of the Navy	AN	Grand general of	GGAF

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				the Air Force	
Generalfeldmarschall or field marshal	GFM	Fleet admiral	FADM	General of the Air Force	GAF
General	GEN	Admiral	ADM	General	GEN
Lieutenant general	LTG	Vice admiral	VADM	Lieutenant general	LTG
Major general	MG	Rear admiral	RADM	Major general	MG
Brigadier general	BG	Commodore	CMD	Brigadier general	BG
Colonel	COL	Captain	CAPT	Colonel	COL
Lieutenant colonel	LTC	Commander	CDR	Lieutenant colonel	LTC
Major	MAJ	Lieutenant commander	LCDR	Major	MAJ
Captain	CPT	Lieutenant	LT	Captain	CPT
First lieutenant	1LT	Lieutenant (junior grade)	LTJG	First lieutenant	1LT
Second lieutenant	2LT	Cadet	CAD	Second lieutenant	2LT

- (3) Personnel who have served the Empire beyond any expectations are given the rank, depending on their branch, of—
- (a) Grossreichsgeneralmarschall;
 - (b) Admiral of the Navy;
 - (c) Grand general of the Air Force.
- (4) Stephen Freayth is appointed Grossreichsgeneralmarschall.

§7 **Non-commissioned officers**

- (1) A non-commissioned officer (NCO) is responsible for—
- (a) overseeing and
 - (b) representing the interests of
- the personnel of the unit they command.

Chapter 4: Units

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§8 Types of unit

- (1) The military personnel of the Armed Forces are organised in units:

Type of unit	Size	Commanding officers in the Army (CO; NCO)	Commanding officers in the Navy (CO; NCO)	Commanding officers in the Air Force (CO; NCO)
Fireteam	Two to four soldiers.	Colonel; sergeant	Captain; petty officer first class	Colonel; staff sergeant
Company	Five to nine soldiers.	Brigadier general; staff sergeant	Commodore general; chief petty officer	Brigadier general; technical sergeant
Regiment	Ten to fourteen soldiers.	Major general; sergeant first class	Rear admiral; senior chief petty officer first class	Major general; master sergeant
Field army (Army); fleet (Navy); squadron (Air Force)	Fifteen to nineteen soldiers.	Lieutenant general; master sergeant	Vice admiral; master chief petty officer	Lieutenant general; senior master sergeant
Army group (Army); armada (Navy); flight group (Air Force)	Twenty to twenty-five soldiers.	General; sergeant major	Admiral; command master chief petty officer	General; chief master sergeant

- (2) The Commander-in-Chief may—
- (a) create new types of unit;
 - (b) alter the rank of officer which is to command a unit.

Chapter 5: State militias

§9 Power to create; branches

- (1) A federal state may create a militia.
- (2) A militia may have only the following branches:
- (a) Army;
 - (b) Navy;
 - (c) Air Force.

§10 Militia restricted to civil defence

A state militia may act in civil defence only.

§11 Commander-in-Chief of state militia

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The Commander-in-Chief of a state militia is that state's monarch.

PART II: INTELLIGENCE

Chapter 6: Reichsnachrichtendienst

§12 **Establishment**

The Reichsnachrichtendienst ('RND' or 'Renadi') is hereby established.

§13 **Director of the RND**

- (1) The Director of the RND ('the Director') is appointed and dismissed by the Monarch.
- (2) The Director is under the exclusive oversight of the Monarch.

§14 **Emblem**

The emblem of the RND is Argent, two bendlets sinister Azure and Vert, an Evening Primrose Or barbed and seeded Gules thereon an Eye Argent.

TITLE 16: FOREIGN AFFAIRS

Explanatory note

The Foreign Affairs Act 2020 (16 May 2020) provides for diplomatic missions.

The Abolition of Border Checks at the Alenshkan Border (Agreement) Act 2020 (30 May 2020) provides for free movement between Alenshka and Uberquiesenberg.

Chapter 1: Recognition

§1 Independent sovereign states

Abelden recognises the following as independent sovereign states—

- (a) the Commonwealth of Essexia;
- (b) the Republic of Iustus;
- (c) the Principality of New Eiffel.

Chapter 2: Border checks

§2 Abolition of border checks at the Rai Border

There must be free movement of people and goods at the Rai border with the Kingdom of Sabia and Verona, and checks must not be imposed; but only if the Kingdom of Sabia and Verona accedes to a treaty agreeing this.

§3 Abolition of border checks at the Demirelia Border

There must be free movement of people and goods at the Demirelia border with the Empire of Paravia, and checks must not be imposed; but only if the Empire of Paravia accedes to a treaty agreeing this.

TITLE 17: MONEY

Chapter 1: Coins

§1 Trimole

- (1) Abeldane money is expressed in Trimoles and cents.
- (2) A cent is a hundredth of a Trimole.

§2 Coins

- (1) A coin is a flat disk or piece of metal with an official stamp.
- (2) A coin is legal tender for its face value.

§3 Power to mint

The Imperial Central Bank has sole authority to design and mint coins of the Trimole.

§4 Denominations

- (1) The Imperial Central Bank may mint coins of only the following denominations—
 - (a) 1 cent;
 - (b) 5 cents;
 - (c) 10 cents;
 - (d) 25 cents;
 - (e) $\frac{1}{2}$ trimole;
 - (f) 1 trimole.
- (2) The Imperial Central Bank may mint coins of other denominations with the consent of the Monarch.

Chapter 2: Monetary design

§5 Design

- (1) All coins must bear the portrait of the reigning Monarch on the obverse.
- (2) All coins must bear their denomination and year of minting.

§6 Board of Monetary Design

- (1) There is to be a Board of Monetary Design ('the Board'), under the authority of the Imperial Central Bank.
- (2) The members of the Board are to be appointed and dismissed by the Monarch.
- (3) The Board has the power to—

TITLE 17: MONEY

- (a) issue rules for the design of coins;
- (b) approve or reject the designs of coins;
- (c) order new designs for coins.

Chapter 3: Withdrawal; demonetisation

§7 **Withdrawal**

The Imperial Central Bank may withdraw coins from circulation with the approval of the Monarch.

§8 **Demonetisation**

- (1) The Imperial Central Bank may make an order under this section ('demonetisation order') with the approval of the Monarch.
- (2) A demonetisation order declares that a specific denomination or design of coin is no longer legal tender.
- (3) A demonetisation order must take effect no less than two months after it is made.

TITLE 18: COMMERCE

PART I: COMPANIES

Chapter 1: General provisions

§1 **Liability in court proceedings**

The court seized of relevant proceedings must determine the extent of a company's or employees thereof liability for—

- (a) a criminal offence;
 - (b) a civil claim.
-

Chapter 2: Incorporation; registration

§2 **Incorporation generally**

A company is formed on the filing of articles of incorporation with the Minister of Finance, Economic Development and Commerce (in this title, 'the Minister').

§3 **Articles of incorporation**

- (1) The articles of incorporation for a prospective company must specify—
 - (a) the state in which the company is to be formed;
 - (b) the name of the company;
 - (c) any alternative trading name of the company;
 - (d) details of the company's ownership;
 - (e) the company's intended principal business activities.
- (2) The 'details of the company's ownership' means details of—
 - (a) the total number of shares in the company that will initially exist;
 - (b) for each class of shares—
 - (i) the rights of those shares' bearers;
 - (ii) the total number of shares of that class;
 - (c) with respect to each proposed initial shareholder—
 - (i) their name;
 - (ii) the number and class of shares to be taken by them on formation of the company.

§4 **Companies Register**

TITLE 18: COMMERCE

- (1) The Minister must enter the details of a new company on a public register (in this title, ‘the register’).
 - (2) The Minister must assign each new company a unique number, to be known as the company’s register number.
 - (3) For the purposes of subsection (1), ‘the details’ mean the company’s—
 - (a) register number;
 - (b) place of incorporation;
 - (c) name;
 - (d) trading name.
 - (4) A company must inform the Minister of any change to its name or trading name, whereupon the Minister must update the register accordingly.
-

Chapter 3: Dissolution

§5 Dissolution

- (1) A company is dissolved if its articles of incorporation are annulled—
 - (a) by vote of the shareholders of
 - (b) on the order of a competent court.
- (2) On dissolution, a company is not to be removed from the register, but the register must be updated to show that the company is dissolved.

PART II: ANTITRUST LAW

Chapter 4: Acquisitions and sister companies

§6 Mergers

A company (A) must not buy a controlling interest in another company for the purpose of increasing A's market share.

§7 Sister companies

- (1) A company (A) must not have a controlling interest in any newly formed company B if the conditions apply.
- (2) The conditions are that—
 - (a) the initial shareholders of B intend that the company will operate in a different industry from A and
 - (b) A's controlling interest in B will allow A to—
 - (i) gain influence in B's industry and
 - (ii) expand influence over the entire market.

PART III: TRADE

Chapter 5: Free trade

§8 **General duty**

The Government must promote free trade with its allies.

§9 **Anti-protectionist measures**

- (1) No tariff may be placed on imports to or exports from—
 - (a) an ally or
 - (b) a Kommon State member.
- (2) No embargo may be placed on—
 - (a) an ally or
 - (b) a Kommon State member.

TITLE 19: INTELLECTUAL PROPERTY

Chapter 1: Abeldane Copyright Office

§1 Establishment

- (1) There is to be an Abeldane Copyright Office ('the Office').
- (2) The Director of the Abeldane Copyright Office ('the Director') is to be appointed by the Monarch on the recommendation of the Reichsversammlung.
- (3) The Director must be—
 - (a) at least thirteen years old and
 - (b) a participating citizen of the Empire.
- (4) The Director may be dismissed—
 - (a) by the Reichsversammlung, following a vote of no confidence or
 - (b) by the Monarch.

§2 Duties

The Abeldane Copyright Office is responsible for administering copyright law.

Chapter 2: Copyright

§3 Copyright

- (1) The creator of a creative work holds the copyright to that work unless they transfer the copyright to another party.
- (2) A copyright expires one year after the work's publication.

§4 Renewal

- (1) The holder of a copyright may apply to the Abeldane Copyright Office to renew a copyright for one year.
- (2) A copyright may be renewed an unlimited number of times.
- (3) If a work's copyright has expired, the copyright may be renewed by its last holder.
- (4) The Director must grant an application under this section unless it would be in the public interest to do otherwise.
- (5) The Director must publish the details of all copyrights renewed under this section.

§5 Public domain

- (1) If no copyright is held to a work, then the work is in the public domain.

TITLE 19: INTELLECTUAL PROPERTY

- (2) Work in the public domain belongs solely to the public and may be reproduced and distributed freely, whether for profit or not.

§6 **Government material**

- (1) Government material is always in the public domain but must not be reproduced or distributed for profit.
- (2) In this section, 'government material' means—
 - (a) federal legislation;
 - (b) Imperial decrees;
 - (c) executive orders;
 - (d) any other work created by a public authority that the authority has not published for profit.

TITLE 20: CULTURE AND SCIENCE

Chapter 1: Debates

§1 Public debates

- (1) The administrators of the national Discord server must create a public channel for the hosting of public debates.
 - (2) The Minister of Culture, Education and Social Welfare (in this title, ‘the Minister’) must—
 - (a) select the debates that are to happen, on the basis of popular requests and
 - (b) choose a moderator for each debate.
-

Chapter 2: National holidays

§2 Betty White Day

- (1) The 27th day of January is a national celebration, to be known as Betty White Day.
- (2) On Betty White Day, all federal authorities must cease non-essential operations.
- (3) The Minister must promote memes and videos of Betty Marion White Ludden (‘Betty White’).
- (4) On Betty White Day, the display picture of the national Discord server must be a picture of Betty White.

§3 Earth Day

- (1) The 22nd day of April is a national celebration, to be known as Earth Day.
- (2) On Earth Day, all federal authorities must cease non-essential operations, to promote environmentalism and the outdoors.

§4 Ed Balls Day

- (1) The 28th day of April is a national celebration, to be known as Ed Balls Day.
- (2) Ed Balls Day celebrates the tweet, ‘Ed Balls,’ by Edward Michael Balls on 28 April 2011.
- (3) On Ed Balls Day, it is customary to create Ed Balls related memes, repeat the phrase ‘Ed Balls,’ create and wear Ed Balls related memorabilia, cook Ed Balls related meals, and engage in the retelling of testicular related jokes.

§5 Extraterrestrial Day

- (1) The 20th of September is a national celebration, to be known as Extraterrestrial Day.
- (2) Extraterrestrial Day celebrates the viral event, ‘Storm Area 51, They Can’t Stop All of Us!’
- (3) On Extraterrestrial Day, the Monarch and Vorsitzender must share at least one conspiracy theory regarding Groom Lake and Homey Airport.

TITLE 20: CULTURE AND SCIENCE

§6 **Oktoberfest**

- (1) The eight days prior to the first Sunday of October are a national celebration, to be known as Oktoberfest.
- (2) During Oktoberfest, all federal authorities must cease non-essential operations.
- (3) The administrators of the national Discord server must create a channel to be used to celebrate the holiday; this channel must be viewable at all times, but messages may only be sent in it during Oktoberfest.
- (4) The Vorsitzender must open Oktoberfest with a brief address; the Monarch must close Oktoberfest by sharing their favourite meme from the event.
- (5) An administrator of the national Discord server may remove a meme from the Oktoberfest channel only if it violates the server's rules or federal law.

§7 **National Penmanship Day**

The third day of October is a national celebration, to be known as National Penmanship Day.

§8 **Dyslexia Awareness Day**

The third Thursday of October is a national celebration, to be known as Dyslexia Awareness Day.

§9 **Bob Ross Day**

- (1) The 29th day of October is a national celebration, to be known as Bob Ross Day.
- (2) Bob Ross Day celebrates Robert Norman Ross ('Bob Ross') for excellence in art, for inspiring millions to create art and be friendly with one another, and for teaching us that it is okay to make mistakes.
- (3) On Bob Ross Day—
 - (a) all federal authorities must cease non-essential operations and
 - (b) the Minister must promote the arts and Bob Ross related activities.
- (4) On Bob Ross Day, the display picture of the national Discord server must be a picture of Bob Ross.

Chapter 3: Abeldane Space Agency

§10 **Establishment**

The Abeldane Space Agency ('the Agency') is hereby established.

§11 **Administrator**

The Agency is headed by the Administrator, who is appointed and dismissed by the Monarch on the recommendation of the Vorsitzender.

§12 **Responsibilities**

TITLE 20: CULTURE AND SCIENCE

- (1) The Abeldane Space Agency is responsible for promoting the exploration of space and human understanding of the universe.
- (2) The Administrator must inform the public of the progress of the Agency's work.