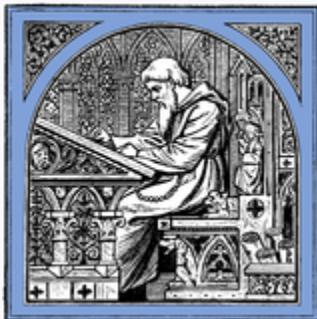


# **Constitutions of 1975 and of 1989 — Constitution of 1989 The Constitution 1989**

**Roy of Sealand**



**2009**

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## **The Constitution of 1989**

In consciousness of their responsibility before God and before man, and inspired by the will to serve the cause of peace for all peoples in the world, the citizens of the Principality of Sealand proclaim for themselves and their Sovereign the following Constitution, the Basic Law of the PRINCIPALITY OF SEALAND:

The dignity of man is unimpeachable. To respect and preserve this dignity is the duty of all national authority.

The Sovereign and his people acknowledge the inviolable and inalienable rights of man as the basis of every human community, of freedom and of justice in the world, and recognise that these rights are in complete accord with the General Declaration of Human Rights as already defined by other States on December 10th, 1948.

The following rights are binding on the Sovereign, his successors, the legislature, the executive authority and the administration of justice, as immediately effective law.

Everyone has the right to the free development of his or her personality, as far as this does not infringe upon the rights of others.

Everyone has the right to life and physical safety. The freedom of the person is unassailable and may be restricted only by law.

All men are equal before the law. No one may suffer prejudice because of his or her sex, descent, race, language, native land and extraction, his or her faith or religious convictions.

A subject of the State is that person who possesses citizenship or acquires it.

The first citizen is – independent of his citizenship – the Sovereign. He designates his direct heir on the proclamation of this law, later upon taking over supreme power, and also designates at least the next two in line of succession.

Should certain heirs or next in line of succession not be able to accept the supreme power because they have died, and should further heirs not have been appointed, the Privy Council decides upon a person as Sovereign. In the case of equal voting, the President of the Privy Council has the casting vote.

For the transitional period mentioned in the preamble, until the planned reinstatement of the Sovereign, a Syndic of the Principality of Sealand is elected by the Government, who also shall assume the tasks laid down in the preamble and shall be responsible to the citizens and the Government.

This Syndic does not have to be a citizen of Sealand. After his election by the Government he shall be confirmed every

two years by the Privy Council by simple majority or replaced by a successor. A preterm deselection by the Privy Council is also an option.

The Syndic in his function as the representative of the Sovereign is not subject to § 4, Sections 2a and 2b, § 6b, § 21, Section 5 and § 22, Sections 1 and 2.

Members of the Privy Council, those entrusted with political assignments, members of the government, chargé d'affaires and members of the diplomatic service are always citizens of the State by reason of their appointment. The withdrawal of their appointer does not end their citizenship. Other persons acquire nationality by conferring of this by the Sovereign with consent by the Prime Minister or the Privy Council. An appointed consul will be given preference when laying claim to citizenship.

Legal persons who prove their seat by an entrance into a special registry as foreseen by the law thereby are citizens of the State.

Next to the citizenship of Sealand a citizen may have only one further citizenship.

No citizen may be extradited on demand by another state, unless the Sovereign or the Prime Minister – both in accordance with the Privy Council – agrees.

A dispossession of nationality is only permissible when as a result the person concerned does not become stateless, except where the Sovereign considers that it is necessary for such dispossession in the best interest of Sealand or any of its citizens.

Should for any cause or by reason of any law whatsoever, the State be transferred to another, be united with another state, or be changed into a federation, or be changed for any other reasons of whatever kind, the nationality of Sealand continues to be valid until the possessor of its citizenship accepts the citizenship of another nation.

The ministers of the country, the President of the High Court, the President of the State Bank, and two further persons called upon by the Sovereign constitute the Privy Council, which is bound under obligation to advise the Sovereign. The Minister of Foreign Affairs is the President of the Privy Council.

If the Government is dissolved because the Prime Minister steps down for whatever reason, the Privy Council remains in power in the composition extant before the dissolution of the Government until a new Prime Minister is proclaimed. Then a new allocation using this Constitution may proceed. The Prime Minister will be chosen by the Privy Council in all conscience from those submitting to the election according to qualification. The certificate of appointment shall be issued by the Sovereign and the Privy Council. After accepting the office, the Prime Minister – as do all Ministers appointed by him (see § 21, Section 1) – will take the oath on the Constitution.

The term of office for the Prime Minister ends after five years. He may also step down or be deselected or replaced

by the Privy Council after a constructive vote of no confidence and a 3/4 majority.

The Privy Council decides by simple majority. If there is an equality of votes, the Chairman of the Privy Council casts the deciding vote. In case he is prevented, he may appoint a Vice Chairman of the Privy Council with the same voting rights.

A member of the Privy Council may not be called to account for a punishable offence, unless the Sovereign expressly authorizes the commencement of proceedings.

The same goes for the Sovereign, whose immunity may be revoked by the Prime Minister in accordance with the Privy Council.

All citizens have the right to choose their profession freely.

No one may be forced to do a specific type of work.

The practising of a profession may be regulated by law.

All citizens enjoy freedom of movement within all territories of the State.

This right may be limited by law only when sufficient means for supporting life are not available, or when special burdens would ensue for the State, or in cases where it is necessary to prevent access for reasons of national security, for control of epidemics, natural catastrophes or especially severe disasters, or if it is necessary to prevent punishable actions, or actions which the Sovereign and Privy Council consider are likely to lead to such actions.

Sealand will not provide a haven for any person who is fleeing from justice.

Sealand will respect the safety of the houses, property and the right of inheritance of all citizens.

The same limitations as in § 8.2 are here valid.

Whoever as a citizen misuses the fundamental regulations of the State forfeits his or her fundamental rights.

Insofar as only a restriction of the basic regulations of the State is foreseen in this law, the appropriate law must be valid in general and not for the individual case.

The legislature is bound to constitutional order, the executive authority and legal decisions in law and justice.

All state nationals have the right to resist anyone who attempts to set aside this regulation, if other redress is not possible.

The Sovereign based on recommendations by the Government and in accordance with the Privy Council proclaims all legislation. Laws that are contradicting this Constitution cannot be legally proclaimed.

For the preservation of peace and for the security of the country, the Sovereign may by law consent to the restriction of sovereign rights as long as the Privy Councils agrees with a 2/3 majority.

For maintenance of order and security the State may legally form a police force, with the approval of the Sovereign or the competent Ministry, and employ them for this purpose.

For the settlement of international disputes the Sovereign assents to entering into agreements concerning a general comprehensive, obligatory, international jurisdiction of arbitration.

The Legal system, otherwise, is based on the British Common Law and the British Law of Contract. This does not exclude certain special laws that then take precedence over this law.

The general provisions of international law are a constituent part of the constitutional law of SEALAND, and have precedence over other laws; they create rights and duties directly for the nationals of the State.

Revenues from the fiscal laws go to the treasury to be allocated by the Government but distributed by the Ministry of Finance or a ministry of equal standing that is also responsible for funds to be collected.

The audits of accounts and an examination of the ratio of distribution are instigated by the Privy Council and executed by an independent body. This also applies to audits of other state institutions and corporations.

Jurisdiction over all levies is regulated by specific laws. Like any other law, they are to be proclaimed by the

Sovereign based on recommendations by the Government and the approval by the Privy Council.

The national flag is rectangular, red in the upper diagonal half and black in the lower diagonal half, save that a white diagonal bar forms part of such lower diagonal part of the flag.

The national languages are English and German, they are of equal rank. Export regulations are governed by separate laws.

All the merchant ships of the State form a centralised merchant fleet.

Regulations for all other carriers within the scope of this constitution are stipulated based on special laws.

For the maintenance of law and order there is the national Tribunal, divided into two senates the first senate is responsible for matter of international law, public law and constitutional law; the second senate is responsible for all other legal matters.

Each senate has a president. The president of the first senate is the President of the Supreme Court of Justice and member of the Privy Council.

The second senate is the Court of Appeal for the Boards of Justice subordinate to it.

At least two persons are appointed to each senate, and at least one person to each Board of Justice, and they must establish their qualification for juridical function.

Every judge is elected by the Sovereign following a recommendation by the Government sanctioned by the Privy Council.

The courts work out their regulations of procedure themselves, within the framework of this law.

Everyone may claim to be legally heard before the Court.

A person can only be sentenced when the offence was legally defined before the deed was committed. No criminal act will be retrospectively made such an offence.

No one may be convicted more than once for the same offence.

There is no death sentence.

Imprisonment is permitted only with the approval of the President of the Supreme Court, or his authorized deputy.

The right of granting a pardon is a prerogative of the Sovereign.

The Sovereign appoints the President of the National State Bank, who is entrusted with carrying out of everything connected with putting into circulation of money, the provision of loans, the security of the currency and the handling of the clearing system at home and abroad.

The right to the minting of money is not a matter for the State Bank that, however, must be informed of the monetary circulation.

The legal currency is the Sealand Dollar. All the services of the State and organs of the State should be settled preferably in this currency.

Penal provisions for the money and coinage can be legally regulated only with the agreement of the Sovereign.

The Prime Minister elected according to the regulations in this law (see § 6, Sections 3 and 4) fills all necessary Ministries with ministers by appointment that he chooses according to the exigencies of his policies in accordance with the Privy Council. The Certificates of Appointment are to be signed by the Sovereign and the Privy Council, which ratifies the appointment.

The allocation of Ministries shall be as outlined below.

Essential Ministries are:

the Foreign Office,

the Ministry of Justice,

the Ministry for Economics and Finances, which if necessary may be divided,

the Ministry for Home Affairs and Development,

the Ministry for Traffic, Transport, Post,

the Ministry for Cultural and Social Affairs, and

the Ministry for all other national and international matters.

Each Ministry forms its own organisation. The ministers shall carry a title of office that describes their scope of functions by naming the Ministry.

It is permissible for a minister to serve in various ministries.

Here especially is viewed the personal union of the Prime

Minister who, formally elected, should act with restraint, with one of the special Ministries.

Drafts of laws for a Ministry are to be justified in detail by the Government to the Sovereign.

Laws promulgated by the Sovereign are to be published in a National Memorandum.

The political guidelines are decided by the Prime Minister within the framework of the Constitution.

For special services for the State, the Sovereign awards orders, titles and privileges based on recommendations by the Privy Council.

The Honours listed in § 22.1 will be created by the Sovereign by special law, and the rights conferred by these honours documented.

Orders, titles and privileges can also be awarded as hereditary orders, titles and privileges.

The Privy Council can put forward to the Sovereign the names of suitable persons on whom honours may be bestowed.

This law comes into force on the day on which it is signed, decreed and proclaimed by the Sovereign.

Changes to this law are only possible by the Government with the approval by a 3/4 majority in the Privy Council.

They also have to be proclaimed by the Sovereign to become effective. For all not specifically exempted votes the simple majority is required, whereby members of the office that is cause for the vote will abstain from voting.

All institutions and organs of the State are to be sworn in at the Constitution.

Signatures by the representatives of the Government (at this time 5 members).

Den Haag, August 7, 1989, Chancellery of the Syndic, Signed by the Syndic



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