



The House of  
Representatives

## The House of Representatives Competences

### The powers of a parliament

The traditional powers of a parliament are:

- Government making power
- Power of control (monitoring the federal government)
- Regulatory power
- The power to be kept informed on the management of the state
- Special powers of any kind

### From a situation of equal powers to a situation of the breakdown of competences between the House and Senate:

Initially the House of Representatives and the Senate had almost the same competences.

The constitutional revision of 1993 changed this situation. Since the elections of 21 May 1995, there has been a breakdown of powers between the House and the Senate.

### What are the competences of the House of Representatives?

#### Government making power

This is a power that is exclusive to the House of Representatives (article 101 of the Constitution : “*Ministers are responsible before the House of representatives...*”).

When taking office, the government must have the confidence of the majority of the House, i.e. 76 deputies. Consequently the government political statement and the subsequent vote of confidence can only take place in the House.

The government decides whether its political statement will also be read to the Senate.

#### The control of the federal government

This is an exclusive power of the House of Representatives (article 101 of the Constitution).

#### ➤ *Political control:*

The confidence given to the government at the time of its taking into office is conditional and may always be revoked by a motion of constructive no confidence, i.e. by appointment of a new Prime Minister or by rejecting a motion of confidence.

#### ➤ *Control of the ministers' policy :*

The right of interpellation, which is a means of political control of ministers, is reserved to the members of the Houses of Representatives.

What characterises the interpellation is that it may be concluded by a vote on a motion of confidence in which confidence is given or not to the minister or government.

#### ➤ *Financial and budgetary control:*

The House has exclusive competence for adopting or rejecting budgets and establishing the final accounts (article 74, 3° of the Constitution).

The State Office Audit, whose members are appointed by the House, helps it to exercise this control.

## Regulatory power

With regard to this competence, 3 types of division of power have been developed:

- *The House has exclusive power for:*
  - Laws relative to the civil and criminal responsibilities of the King's ministers (monocameral procedure/article 74, 2° of the Constitution).
- *The House and the Senate are equally competent (compulsory bicameral procedure/article 77 of the Constitution) with respect to:*
  - Revising the Constitution
  - The laws which must be adopted by special majorities and other laws relating to the structure of the State
  - The approval of international treaties
  - Laws on the organisation of courts and tribunals, the Council of State and the Conciliation Court
- *The House has power for the remaining legislation, but the Senate has:*
  - A right of “evocation” (optional bicameral procedure/article 78 of the Constitution) which means that the Senate may propose amendments, but the House has the last word
  - The right to introduce a Bill it has adopted to the House. The members of the House can adopt, reject or amend this Bill (article 81 of the Constitution).

## The power to be kept informed on the management of the State

The House of Representatives and Senate can question ministers on the practical policies they conduct.

- *The right to ask questions*

The deputies and senators may put written or oral questions to the ministers.

## ➤ *Enquiry committees*

Each House has the right of enquiry and thus can set up enquiry committees (article 56 of the Constitution : “Each Chamber has the right to hold an enquiry”).

## Special powers

- *The House has exclusive authority for:*
  - Authorization for any requisitioning aiming at the settlement of the procedure, any direct summons to appear before the Court of Appeal (except in the case of (flagrante delicto) and any arrest of ministers (article 103 of the Constitution)
  - Granting Belgian nationality (naturalisation); (article 74, 1° of the Constitution)
  - Appointing parliamentary mediators and examining their activity reports
  - Establishing the army quotas (article 74, 4° of the Constitution).
- *The House and the Senate each have competence for:*
  - Controlling the powers of their members (article 48 of the Constitution)
  - Authorization for the remanding or summoning her members to appear before a court or tribunal or for their arresting (article 59 of the Constitution)
  - Developing and modifying their Standing Orders (article 60 of the Constitution)
  - Setting their financial allowances
  - Examining petitions submitted to each House (article 57 of the Constitution)
- *The House and Senate alternately have authority for presenting:*
  - Candidate judges for the Court of Arbitrage (i.e.: type of constitutional court)
  - Candidate judges for the Supreme Court of Appeal
  - Candidate members for the Council of State.

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