

Official Journal – Issue No. 27 – Dated 7th of July 1977
Law No. 40 of the year 1977
Concerning the Political Parties System and its Amendments

In the Name of the People,
The President of the Republic,
The People's Assembly passed the following Law and it is hereby promulgated by us:

Part- 1
Political Parties

Article (1)

Egyptians shall have the right to form political parties and each Egyptian shall have the right to become affiliated to any political party according to the provisions of the present law.

Article (2)

A political Party shall mean every organized group founded according to the provisions of the present law based on common principles and purposes and operating by democratic political methods toward the actualization of the defined programs connected with the state's political, economic and social affairs, through participating in the responsibilities of governance.

Article (3)

Political parties founded according to the provisions of the present law shall contribute to achieving the political, social, and economic progress of the country on the basis of national unity, the alliance of the people's working forces, social peace, democratic socialism, and maintenance of the workers' and farmers' gains, in the manner defined in the Constitution.

These parties, being considered as national, public, and democratic organizations, shall work on rallying the citizens and representing them politically.

Article (4)¹

The foundation or continuance of any political party shall be conditional upon the following:

First:

The party shall have a name dissimilar to or not resembling the name of an already existing party.

¹ Amended as per Laws Nos. 36/1979, 144/1980 then 177/2005

Second:

The principles, purposes, programs, policies, or methods of the party in exercising its activities shall not contradict the Constitution or exigencies of preserving national unity, social peace, and the democratic system.

Third:

The party shall have programs representing an addition to political life according to defined purposes and methods.

Fourth:

The party, in its principles, programs, the exercise of its activity, or the election of its leaderships or members, shall not be founded on a religious, class, sectarian, categorical, or geographical basis, or on the exploitation of religious feelings, or discrimination because of race, origin, or creed.

Fifth:

The party's methods shall not embrace the establishment of any sort of military or paramilitary formations.

Sixth:

The party shall not be founded as a branch of a foreign political party or organization.

Seventh:

The party's principles, purposes, methods, organizations, as well as means and sources of its finance must be made public.

Article (5)

The statute of the party shall comprise the rules regulating all its political, organizational, financial and administrative affairs, in accordance with the provisions of this law.

This statute shall comprise particularly the following:

First:²

Name of the Party.

Second:

Indication of the party's head office and its subsidiary premises, if any. All premises of the party shall be seated within the Arab republic of Egypt, in other than the productive, service, or educational locations.

Third:

The principles or purposes on which the party is based, and the programs or methods it calls for, toward realizing these purposes.

² Amended as per Law No. 177/2005

Fourth:

Conditions of the party's membership, the rules and procedures of joining it , discharging from its membership, and withdrawing from it.

No membership conditions shall be set on the basis of discrimination because of religious creed, origin, race, or social standing.

Fifth:

Method and procedures of constituting the formations of the party, electing its leaderships and command agencies, exercising its activity, organizing its relation with its members on democratic grounds, and determining the political, organizational, financial and administrative powers of any of these leaderships and formations, along with securing the largest extent for democratic discussion within these formations.

Sixth:

The party's financial system, comprising the determination of its different resources, the bank where its funds are deposited, the rules and procedures regulating the spending from these funds, and the rules and procedures of holding, auditing, and approving the party's accounts as well as preparing and endorsing its annual budget.

Seventh:

Rules and procedures of voluntary dissolution and merger of the party, regulation of its funds liquidation, and the entity to which these funds shall devolve.

Article (6)³

Subject to the provisions of the two provisions articles, whoever joins the membership of any political party shall fulfill the following conditions:

1. He shall be an Egyptian citizen. If he is naturalized, he shall have passed at least ten years since his naturalization. However, whoever participates in founding the party or assumes a leading position therein shall have been born of an Egyptian father.
2. He shall be enjoying his political rights.
3. He shall not be a member of the judiciary bodies, or an officer or a member of the armed or police forces, or among the members of the administrative control or general intelligence agencies, or a member of the diplomatic, or commercial corps.

Article (7)⁴

A written notification shall be submitted to the Chairman of the Political Parties Affairs Committee prescribed in Article (8) of this law, on the foundation of the party, signed by at least one thousand of its founding members whose signatures shall be officially legalized, providing they shall be from at least ten governorates with at least fifty members of them from each governorate. The notification shall be enclosed with all

³ Amended as per Laws Nos. 36/1979, 144/1980 then 177/2005

⁴ Amended per Laws Nos. 144/1980 then 177/2005

documents related to the party, particularly its articles of association and statute, the names of its founding members, an indication of the funds provided for founding the party.

The notification on founding the party as well as the documents attached to it, shall be submitted to the committee referred to in the provisions clause within fifteen days from submitting the original notification.

Article (8)⁵

The Political Parties Affairs Committee shall be set as follows:

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| 1. The President of the Shura Council | Chairman |
| 2. The Minister of Interior | |
| 3. The Minister of People's Assembly Affairs | |
| 4. Three former presidents of the judiciary bodies or their deputies, non-affiliated to any political party | Members |
| 5. Three public figures non-affiliated to any political party. | |

The election of the members prescribed in items (4) and (5) shall take place by virtue of a decree by the President of the Republic, for a three year renewable term.

The committee shall be concerned with examining and studying the notifications concerning the foundation of political parties according to the provisions of this law, in addition to the other powers prescribed herein.

The committee's meeting shall not be valid except with the attendance of its chairman and at least six of its members.

The committee's decisions shall be issued by the majority of votes of attending members, and in case of equal voting; the chairman shall have the deciding vote.

The committee, toward exercising its powers, may require that the persons concerned submit the documents, papers, data, and explanations considered by it to be necessary, within the timelimits determined thereby. It may also require any documents, papers, data, or information from any official or public entity, and conduct by itself or by one of its subsidiary committees, whatever research it decides, and charge any official entity it

⁵ Amended as per Laws Nos. 30/1981, 221/1994 then 177/2005

chooses to conduct any investigation, research, or necessary study for reaching the truth in all that is presented to it.

The founders of the party of the persons representing them in its procedures of foundation shall publish the names of its founders who are mentioned in the foundation notification, at their expense, in two widely circulated daily newspapers, within thirty days from the date of notification, on the form to be provided for the purpose by the Political Parties Affairs Committee, along with advising the committee of having completed the foregoing within three days from the date of publication.

The committee shall issue its decision concerning the foundation of the party within ninety days from the date of submitting the foundation notification. The committee's decision refusing the foundation notification of the party shall be duly substantiated after hearing the relevant necessary explanations from the persons concerned. The lapse of the said period without issuing a decision by the committee concerning the foundation of the party shall be considered tantamount to a decision of acceptance of its foundation.

The chairman of the committee shall notify the foundation applicants' representatives of the refusal decision and its reasons, by registered letter with acknowledgement of receipt within at most ten days from the date on which the decision is issued.

The refusal or non-refusal decisions issued by the committee concerning the foundation of the party shall be published in the Official Journal and in two widely circulated daily newspapers within the period determined in the provisions clause.

The applicants for the foundation of the party may, within thirty days following publication of the refusal decision in the Official Journal, appeal for the annulment of such decision before the First Circuit of the Higher Administrative Court presided by the head of the State Council, providing it shall be joined by a similar number of efficient public figures enjoying a good reputation who are not less than 40 years of age and not members of the legislative authority, to be chosen by virtue of a decree by the Minister of Justice, following approval of the Higher Council of Judicial Authorities, from the public figures' lists.

The court shall decide on the appeal within at most four months from the date of lodging the appeal.

Article (9)⁶

The party shall enjoy the judicial personality and exercise its political activity effective from the day following publication of the non-refusal decision concerning the foundation of the party as issued by the Political Parties Affairs Committee, or on the day following the lapse of the ninety day period prescribed in Article (8) of this law, or effective from the day on which the Higher Administrative Court's ruling is passed annulling the decision refusing the foundation of the party.

⁶ Amended as per Laws Nos. 36/1979, 108/1992 then 177/2005

With the exception of the administrative procedures that end with submitting the notification prescribed in Article (7) of this law, no party activity shall be exercised nor any act be carried out, in the name of the party, before the party acquires the judicial personality.

Article (9) Bis⁷

The freedom of exercising the political activity by the party shall be guaranteed, providing it shall be exercised within the limits of the law. Toward that end, the party may in particular do the following:

1. Propagating by lawful methods for its thoughts, and publishing information on its activities;
2. Participating in public referendums and elections;
3. Using the state-owned audio-visual media, particularly during election campaigns, according to the regulatory rules in this regard.

Article (9) Bis-A⁸

The political party, toward exercising its activities as prescribed in Article (9 bis) of the present law, shall enjoy all the guarantees securing the freedom of this exercise, in particular the following:

1. Impermissibility of stipulating a mention of the party's membership in official documents;
2. Equality in treatment between the members of the competing parties, and non-discriminating between them for a reason due to the membership of a specific party.

Article (10)

The head of the party shall be the one representing it in all that is related to its affairs before the judiciary or any other entity, or vis-à-vis third parties.

The head of the party may delegate one or more of the party's leaderships to assume on his behalf some of his powers according to the statute of the party.

Article (11)⁹

The resources of the party shall be formed of its members' subscriptions, the financial support it receives from the State, and the donations of Egyptian natural persons, as well as the proceeds of investing its funds in the non-commercial aspects defined in its statute. Investing the party's funds in issuing newspaper or in exploiting publishing or printing houses, shall not be considered a commercial aspect, in applying the present article, if its basic aim is to serve the party's purposes.

The party may not accept any donation, privilege, or benefit from an alien, a foreign or international entity, or from any juridical person even if it enjoys the Egyptian nationality.

⁷ Added as per Law No. 177/2005

⁸ Added as per Law No. 177/2005

⁹ Amended as per Laws Nos. 108/1992 then 177/2005

The party shall notify the Central Audit Agency for the donations it received, and of the data of the donors, at the end of the year.

The value of the donations offered to the parties shall not be deducted from any taxable base.

Article (12)

The party's funds shall not be expended except on its proper purposes and aims according to the rules and procedures compromised in its statute.

The party shall deposit its funds in one of the Egyptian banks, and shall hold regular account books comprising the party's revenues and expenditures according to the rules to be determined in its statute.

The Central Audit Agency shall periodically audit the books and documents of the party's revenues an expenditures account and its other financial affairs, to ascertain the soundness of the party's resources and legitimacy of its funds expenditure aspects. They party shall enable the Agency to carry out the forgoing.

The said Agency shall draw up an annual report on the financial standing and affairs of the party and notify the head of the Political Parties Affairs Committee of such a report.¹⁰

Article (13)

The party-owned premises and establishments as well as its funds shall be exempted from all general and local taxes and duties.

Article (14)

The party's funds shall be considered as public funds in applying the provisions of the Penal Code. Those in charge of managing the party's affairs and the party's workers shall be considered as public officials in applying the provisions of the said law, and the provisions of the Illicit Gain Law shall apply to them all.

In other than the case of being caught in the act of felony or misdemeanor, no premises of the party shall be inspected except in the presence of one of the heads of public prosecution, otherwise the inspection shall be considered null and void.

The public prosecution shall notify the head of the political parties affairs committee of the measures taken at the party's premises within forty eight hours from taking these measures.¹¹

Article (15)¹²

¹⁰ Amended as per Law No. 144/1980

¹¹ Amended as per Laws Nos. 36/1979 then 177/2005

¹² Amended as per Laws Nos. 36/1979 then 177/2005

Without prejudice to the right of issuing papers according to the provisions prescribed in law no. 96 of the year 1996 regulating the press, each party shall have the right of issuing two papers at most for expressing its views, without restriction by the exigency of obtaining the license prescribed in the said law.

Article (16)¹³

The party shall notify the head of the Political Parties Affairs Committee, by registered letter with acknowledgement of receipt, of the formation of its higher board according to its articles of association or statute, and of all the decisions issued by the party for changing its head or any member of its higher board, of for dissolving or merging the party, or for introducing any amendment to its articles of association or statute, within ten days from the date of issuing the board's formation or the decision.

In establishing the quality of the party's candidate from among its higher board members for the presidential elections, nothing but the data set forth in the said notification shall be reckoned with unless otherwise is established.

Article (17)¹⁴

The head of the Political Parties Affairs Committee may, following the committee's approval, request the Higher Administrative Court formed as prescribed in Article(8) of the law, to pass a ruling dissolving the party and liquidating its funds along with determining the entity to which these funds shall devolve, if, through the report of the socialist public prosecutor, after the investigations conducted by him, and upon the request of the Parties Affairs Committee, the non-fulfillment of any conditions prescribed in Article (4)of this law is established.

The court shall schedule a session for examining this request within seven days from notifying it to the head of the party at its headquarters. The court shall decide on the request within thirty days at most from the date of the said session.

The committee may, according to the exigencies of public interest, and in expeditious cases, order the temporary suspension of the party's activity or of one of its leaderships, or of any contravening decision or act taken hereby, in the case set forth in the first clause of the present article, or in case it is established to the committee, upon the socialist public prosecutor's report after conducting an investigation, that the party, or one of its leaderships or members has dissented from the principles prescribed in Article (4) of the present law.

The suspension decision shall be enforced effective from the date of its issue, and it shall be published in the Official Journal and in one of widely circulated daily newspapers. It shall also be notified to the head of the party at its headquarters within three day from its

¹³ Amended as per Laws Nos. 144/1980 then 177/2005

¹⁴ Amended as per Laws Nos. 36/1979 then 177/2005

date of issue by registered letter with acknowledgment of receipt. The committee shall submit the suspension order decision to the Higher Administrative Court in its formation as referred to in the first clause of the present article, coupled with a request for a suspension ruling from the court, within seven days at most from its date of issue, otherwise the suspension order shall be considered as null and void.

The Court shall pass its ruling concerning the request within a period not exceeding fifteen days from the date of submitting the suspension order to it, and shall decide on the extent of continuing the operation of the temporary suspension order whenever it deems necessary to defer examining the request.

The party may contest the suspension ruling, before the court, after the lapse of three months from the court ruling date. If its complaint is refused, the party may submit a new complaint whenever a period of three months lapses from the date of the complaint refusal ruling.

The complaint shall be filed by means of a report to be deposited at the clerks' office of the court. The president of the court shall schedule a session for examining the complaint and the session shall be notified to the complainant party and all persons concerned. The court shall decide on the complaint within a period not exceeding fifteen days from the date of submitting the relevant report.

Article (18)¹⁵

The state shall provide annual financial support to the political parties, the appropriations of which shall be included in the budget of the Shura Council. The Political Parties Affairs Committee shall assume its distribution as follows:

1. One hundred thousand pounds annually to each party for a period of ten years. For entitlement to this support after that period, the party shall conditionally have at least one seat won by one of its candidates in the People's Assembly or the Shura Council elections.
2. Five thousand pounds for each seat won by the party candidate in the People's Assembly or the Shura Council elections, with a maximum of five hundred thousand pounds for each party.

Article (19)¹⁶

CANCELLED

Article (20)¹⁷

CANCELLED

Article (21)¹⁸

¹⁵ Amended as per Laws Nos. 36/1979 then 177/2005

¹⁶ Cancelled as per Law No. 144/1980

¹⁷ Cancelled as per Law No. 144/1980

¹⁸ Amended as per Law No. 144/1980

The Political Parties Affairs Committee shall set the rules regulating the party's communication with any foreign political party or organization based on the proposition made by the head of this committee.

No party may cooperate or ally with any foreign political party or organization except according to the rules referred to in the provisions clause.

Part – 2 **Penalties**

Article (22)¹⁹

Whoever establishes, founds, organizes, manages, or finances in any form contrary to the provisions of the present law, an illegal party organization even if under any religious veil, or in the form of an association, body, organization, or group whatever the name or description dubbed to it, shall be liable to the penalty of imprisonment.

The penalty shall be lifetime or temporary penal servitude if the illegal party organization is hostile to the system of the society, or if it is of military or paramilitary nature, or is taking the form of violent training aimed at preparation for fighting, or if the crime is committed on the basis of communicating with a foreign country.

The penalty shall be lifetime penal servitude if the crime is committed on the basis of communicating with an enemy country.

In all cases, the court in passing a conviction sentence shall rule dissolving the said organizations, closing their locations, and confiscating their funds, possessions, tools, and related papers or those prepared for use by them.

Article (23)²⁰

Whoever joins an illegal party organization even if this party is under any religious veil, or in the form of association, body, organization, or a group whatever the name or description dubbed to it, shall be confined to jail.

The penalty shall be imprisonment if the organization mentioned in the provisions clause is hostile to the system of the society, or if it is of a military or paramilitary nature, or is taking the form of violent training aimed at preparation for fighting, or was established through communication with a foreign county and the delinquent was aware of it.

The penalty shall be temporary penal servitude if the said organization was established through communication with an enemy country and the delinquent was aware of it.

Article (24)

¹⁹ Amended as per Law No. 156/1981

²⁰ Amended as per Law No. 156/1981

Whoever hastens to notify the competent authorities of the existence of any of the organizations referred to in the two provisions articles shall be exonerated from the penalty if the notification takes place after beginning the investigation.

The court may exonerate from the penalty if the notification takes place after beginning the investigations and helps in disclosing the other criminals.

Article (25)

A penalty of confinement to jail shall be inflicted on any executive in a political party, or any of its members or workers accepting or receiving a fund direct or through an intermediary or obtaining a privilege or benefit without due right from an Egyptian juridical person for exercising any activity related to the party.

The penalty shall be imprisonment if the fund, privilege, or benefit is accepted or received from a foreigner or any foreign entity. The court shall in all cases rule confiscating all funds acquired through the crime.

Article (26)²¹

Whoever breaches the provisions of the second clause of Article (22) of this law shall be liable to confinement to jail and a fine not exceeding five hundred pounds or either penalty.

Whoever breaches the provisions of the second clause of Article (9) or the first or second clause of Article (12) of this law, shall be liable to confinement to jail for a period of not less than one year and not exceeding five years.

Whoever breaches the provisions of Article (4) of the present law shall be liable to imprisonment.

Article (27)

The provisions of the present law shall not prejudice any stricter penalty prescribed in the Penal Code or in any other law.

²¹ Amended as per Law No. 108/1992

Part – 3

Final and Temporary Provisions

Article (28)

In exception of the provisions of Article (7), it is stipulated for the foundation of any political party effective from the date of enforcing this law until beginning the last session of the present law until beginning the last session of the present legislative term of the People's Assembly, that at least twenty members of the said Assembly shall be among the founders of the party.

Article (29)

With the exception of all that is determined and regulated by a decision to be issued by the central committee of the Arab Socialist Union within thirty days from the date of enforcing the present law, the secretariats, organizations, committees, and conferences of the said union shall be annulled.

Article (30)

The list of the current three political organizations shall continue to exist:

1. Misr Arab Socialist Party.
2. The Free Socialists Party
3. The National Progressive United Grouping Party.

These political organizations shall enjoy their juridical personality and shall exercise their political activity as parties according to the provisions of this law. They shall provide the Secretary of the Central Committee and the Minister concerned with the public and political organizations with the papers and documents connected with their foundation within thirty days from the effective date of this law.

Article (31)

A decision by the Central Committee's Secretary shall be issued determining – according to the rules to be set by the committee – all that will devolve to the parties formed according to the provisions of this law, from the funds of the Union within sixty days from the date of its enforcement.

The right of leasing the locations occupied by the said Union may be relinquished by a decision of the Secretary of the Central Committee to any of the aforementioned parties, any of the State's administrative system units, or to any of the public authorities or other public juridical persons, according to the rules to be set by the Central Committee.

The entity, for which the decision relinquishing the location is issued according to the provisions of the provisions clause, shall, by force of law, replace the said Union.

Article (32)

Articles (2 and 6) of decree-law No. 37 for the year 1953 dissolving the political parties shall be superseded. The parties that were subject to the said decree-law, or those whose constituents contradict the principles of the 23rd of July, 1952 and the 15th of May 1971 revolutions may not be re-formed on the basis of the provisions of this law.

Articles (2, 3 and 9) of law No. 34 of the year 1972 concerning the protection of national unity, and Article (2) of decree-law No. 2 of the year 1977 on protection of the nation's and citizen's freedom shall be superseded.²²

All rulings contradicting the provisions of this law shall also be superseded.

Article (33)

This law shall be published in the Official Journal and shall come into force effective from the date of its publication.

This law shall be stamped with the seal of the state and shall be enforced as one of its laws.

Anwar Al Sadat

Issued at the Presidency of the Republic on 15 Rajab 1397 (Islamic Calendar), corresponding to 2 July 1977 (Gregorian Calendar)

²² Laws Nos. 34/1972 and 2/1977 cancelled as per Decree-Law No. 194/1983

Unofficial Translation