

Law 52/2007, of 26 December, which recognizes and extends rights and establishes measures in favour of those who suffered persecution or violence during the civil war and the dictatorship.

ORIGINAL TEXT

JOHN CARLOS I

KING OF SPAIN

To all who will see it and understand it.

You know: That the General Courts have approved and I come to sanction the following law.

EXPLANATORY STATEMENTS

The spirit of reconciliation and harmony, and of respect for pluralism and the peaceful defence of all ideas, which guided the Transition, allowed us to endow ourselves with a Constitution, that of 1978, which legally translated this desire for a reunion of the Spanish people, articulating a social and democratic State under the rule of law with a clear vocation for integration.

The spirit of the Transition gives meaning to the most fruitful constitutional model of coexistence that we have ever enjoyed and explains the various measures and rights that have been recognized, from the very origin of the entire democratic period, in favour of the people who, during the decades preceding the Constitution, suffered the consequences of the civil war and the dictatorial regime that succeeded it.

Despite this legislative effort, there are still initiatives to be taken in order to comply with and definitively respond to the demands of these citizens, raised both in the parliamentary sphere and by various civic associations. These are legitimate and fair requests, which our democracy, once again appealing to its founding spirit of concord, and within the framework of the Constitution, cannot fail to meet.

For this reason, this law is in response to the statement made by the Constitutional Commission of the Congress of Deputies, which on November 20, 2002, unanimously approved a Proposal not for a Law, in which the body representing the citizens reiterated that "no one can feel legitimized, as occurred in the past, to use violence to impose their political convictions and establish totalitarian regimes contrary to the freedom and dignity of all citizens, which deserves the condemnation and repulsion of our democratic society. The present Law assumes this Declaration as well as the condemnation of Francoism contained in the Report of the Parliamentary Assembly of

the Council of Europe signed in Paris on March 17, 2006 in which the serious violations of Human Rights committed in Spain between 1939 and 1975 were denounced.

It is time, therefore, for Spanish democracy and the living generations that enjoy it today to honour and recover forever all those who directly suffered the injustices and grievances produced, for one reason or another, for political or ideological reasons or for religious beliefs, in those painful periods of our history. Of course, those who lost their lives. With them, their families. Also to those who lost their freedom, by suffering prison, deportation, confiscation of their goods, forced labour or internment in concentration camps inside or outside our borders. Also, to those who lost their homeland when they were pushed into a long, heartbreaking and, in so many cases, irreversible exile. And finally, to those who at different times fought in defence of democratic values, such as the members of the Carabineros Corps, the international brigadiers, the guerrilla fighters, whose rehabilitation was unanimously requested by the Plenary of the Congress of Deputies on 16 May 2001, or the members of the Democratic Military Union, which dissolved itself with the holding of the first democratic elections.

In this sense, the Act lays the foundations for the public authorities to carry out public policies aimed at understanding our history and promoting democratic memory.

This Act is based on the consideration that the various aspects related to personal and family memory, especially when they have been affected by conflicts of a public nature, are part of the legal status of democratic citizenship, and as such are addressed in the text. In this sense, an individual right to personal and family memory is recognized for each citizen, which finds its first manifestation in the Law in the general recognition it proclaims in its article 2.

In fact, this precept makes a general proclamation of the unjust nature of all convictions, sanctions and expressions of personal violence produced, for unequivocal political or ideological reasons, during the Civil War, as well as those that, for the same reasons, took place in the subsequent Dictatorship.

This general declaration, contained in Article 2, is complemented by the provision of a specific procedure to obtain a personal declaration, with a rehabilitative and reparative content, which is open as a right to all injured parties, and which may be exercised by them or their families.

Article 3 of the Act declares the illegitimacy of courts, juries or bodies of any administrative nature created in violation of the most elementary guarantees of the right to a fair trial, as well as the illegitimacy of personal sanctions and sentences imposed on political, ideological or religious grounds. This unequivocally underlines the current lack of legal validity of those provisions and resolutions that are contrary to human rights and contributes to the moral rehabilitation of those who have suffered such unjust sanctions and convictions.

In this sense, the Law includes a derogatory provision that expressly deprives of legal force those rules issued under the Dictatorship that are manifestly repressive and contrary to fundamental rights with the dual purpose of proclaiming their formal expulsion from the legal system and preventing their invocation by any administrative and judicial authority.

Articles 5 to 9 provide for the recognition of various improvements to economic rights already contained in our legislation. In the same direction, it provides for the right to compensation in favour of all those people who lost their lives in defence of democracy, of the democracy we all enjoy today, and who had not received due compensation until now (art. 10).

Various precepts are set out (articles 11 to 14) which, also in this area, in response to a very legitimate demand from many citizens who are unaware of the whereabouts of their relatives, some of whom are still in mass graves, provide for measures and instruments for public administrations to facilitate, at the request of the interested parties, the tasks of locating and, where appropriate, identifying the missing persons, as a last resort.

A series of measures are also established (arts. 15 and 16) in relation to symbols and monuments commemorating the Civil War or the Dictatorship, based on the principle of avoiding any exaltation of the military uprising, the Civil War and the repression of the Dictatorship, in the belief that citizens have the right to do so, to make public symbols an occasion for meeting and not for confrontation, offence or grievance.

The legislator considers that it is fair to make a twofold recognition of the individual. Firstly, to the volunteers who are members of the International Brigades, who will be allowed access to Spanish nationality without having to renounce the nationality they have held up to now (art. 18); and, also, to the citizens' associations that have been involved in the defence of the dignity of the victims of political violence referred to in this Law (art. 19).

In order to facilitate the collection and right of access to historical information on the Spanish Civil War, the Law reinforces the role of the current General Archive of the Spanish Civil War, based in Salamanca, integrating it into the Historical Memory Documentary Centre, also based in the city of Salamanca, and establishing that all existing documentation in other state centres be transferred to it (arts. 20 to 22).

The present law extends the possibility of acquiring Spanish nationality to the descendants up to the first degree of those who were originally Spanish. This satisfies a legitimate claim to Spanish emigration, which includes in particular the descendants of those who lost their Spanish nationality through exile as a result of the Civil War or the Dictatorship.

In short, the present Act aims to contribute to closing the wounds still open in Spaniards and to give satisfaction to those citizens who suffered, directly or in the person of their relatives, the consequences of the tragedy of the Civil War or the repression of the Dictatorship. It wants to contribute to it from the full conviction that, deepening in this way the spirit of the reunion and the concord of the Transition, it is not only those citizens who are recognized and honored but also the Spanish Democracy as a whole. It is not the task of the legislator to implement a certain collective memory. But it is the duty of the legislator, and the task of the law, to make reparation to the victims, to consecrate and protect, with the maximum normative vigour, the right to personal and family memory as an expression of full democratic citizenship, to foster constitutional values and to promote knowledge and reflection on our past, in order to avoid the repetition of situations of intolerance and violation of human rights such as those experienced then.

This is the commitment to which the legal text and its legal consequences respond.

Article 1. Object of the Law.

1. The purpose of this Act is to recognize and extend the rights of those who suffered persecution or violence, for political or ideological reasons, or for reasons of religious belief, during the Civil War and the Dictatorship, to promote their moral reparation and the recovery of their personal and family memory, and to adopt complementary measures aimed at eliminating elements of division among citizens, all with the aim of promoting cohesion and solidarity among the various generations of Spaniards around the principles, values and constitutional freedoms.

2. This Law, as a public policy, aims to promote democratic values and principles, facilitating knowledge of the facts and circumstances that occurred during the Civil War and the Dictatorship, and ensuring the preservation of documents related to that historical period and deposited in public archives.

Article 2. General recognition.

As an expression of the right of all citizens to moral reparation and to the recovery of their personal and family memory, the radically unjust nature of all convictions, sanctions and any form of personal violence produced for political, ideological or religious reasons during the Civil War, as well as those suffered for the same reasons during the Dictatorship, is recognized and declared.

2. The reasons referred to in the previous section include membership of, collaboration with or relationship to political parties, trade unions, religious or military organizations, ethnic minorities, secret societies, Masonic lodges and resistance groups, as well as the exercise of behaviors linked to cultural, linguistic or sexual orientation choices.

3. It also recognizes and declares the injustice of the exile of many Spaniards during the Civil War and the Dictatorship.

Article 3. Declaration of illegitimacy

1. The courts, juries and any other criminal or administrative bodies which, during the Civil War, were set up to impose, for political, ideological or religious reasons, personal convictions or sanctions, as well as their decisions, are declared illegitimate.

2. Since they are contrary to law and violate the most elementary requirements of the right to a fair trial, the Court of Repression of Freemasonry and Communism, the Court of Public Order, as well as the Courts of Political Responsibility and War Councils constituted for political, ideological or religious reasons in accordance with the provisions of Article 2 of this Law, are declared illegitimate.

3. Likewise, convictions and sanctions dictated for political, ideological or belief reasons by any court or criminal or administrative body during the Dictatorship against those who defended the previous institutional legality, sought the re-establishment of a democratic regime in Spain or tried to live in accordance with

options protected by rights and freedoms now recognized by the Constitution are declared illegitimate due to defects in form and substance.

Article 4. Declaration of reparation and personal recognition.

The right to obtain a Declaration of reparation and personal recognition is recognized for those who during the Civil War and the Dictatorship suffered the effects of the resolutions referred to in the preceding articles.

This right is fully compatible with the other rights and remedies recognized in previous rules, as well as with the exercise of actions before the courts of law.

The persons concerned and, in the event of their death, their spouse or person linked by a similar relationship, their ascendants, descendants and their collateral up to the second degree shall be entitled to apply for the Declaration.

3. The Declaration may also be requested by public institutions, subject to the agreement of their governing body, in respect of those who, not having a spouse or the relatives mentioned in the previous section, have held a position or carried out a relevant activity in them.

4. The persons or institutions referred to in the previous paragraphs may be interested in the Ministry of Justice in issuing the Declaration. To this end, they may provide any documentation they have on the facts or the procedure, as well as any background information they consider appropriate.

5. The Declaration referred to in this Law shall be compatible with any other form of reparation provided for in the legal system and shall not constitute a basis for the recognition of the economic responsibility of the State or any public administration, nor shall it give rise to any economic or professional redress or compensation. The Ministry of Justice shall refuse to issue the Declaration when it does not comply with the provisions of this Act.

Article 5. Improvement of the benefits recognised by Law 5/1979, of 18 September, on the recognition of pensions, medical-pharmaceutical assistance and social assistance in favour of the widows, children and other relatives of Spaniards who died as a result or on the occasion of the last Civil War.

In order to complete the protective action established by Law 5/1979, of 18 September, on the recognition of pensions, medical-pharmaceutical assistance and social assistance in favour of the widows, children and other relatives of Spaniards who died as a result or on the occasion of the last Civil War, points a) and c) of number 2 of its first article are amended as follows

"(a) For wounding, sickness or accidental injury arising out of war

c) As a result of political and trade union actions or opinions, when a personal and direct causal relationship can also be established between the Civil War and death.

2. The pensions recognized under the provisions of the previous paragraph shall have economic effects from the first day of the month following the date of entry into force of this Law, being applicable, where appropriate, the rules governing the expiry of effects in the State Pension Scheme.

Article 6. Amount of certain orphans' pensions

1. The amount of orphans' pensions for non-disabled orphans aged over 21 years caused by staff other than civil servants under Laws 5/1979 of 18 September 1979 and 35/1980 of 26 June 1980 is EUR 132.86 per month.

2. The orphan's pensions referred to in this Article shall be subject to the system of economic supplements in force and shall be subject to the revaluations established by the General State Budget Laws for each year.

3. The provisions of the two preceding paragraphs shall have economic effect from the first day of the month following the date of entry into force of this Law, without prejudice to the rules governing the expiry of effects in the State's Regime of Passive Classes.

Article 7. Modification of the scope of application of compensation for those who were imprisoned as a result of the cases contemplated in Law 46/1977 of 15 October on Amnesty.

1. In order to incorporate cases that were previously excluded from the granting of compensation for time spent in prison during the dictatorship, paragraphs one and two of the eighteenth additional provision of Law 4/1990, of 29 June, on the General State Budget for 1990, are amended as follows

"One. Those who can prove that they have been deprived of their liberty in prisons or in disciplinary battalions, in any of their forms, for three or more years, as a result of the cases referred to in Act No. 46/1977 of 15 October 1977, and who were aged 60 or over on 31 December 1990, shall be entitled to receive compensation in accordance with the following scale, on a one-off basis:

Three or more years in prison: 6,010.12

For every additional three full years: 1,202.02

Two: If the person entitled to this compensation has died and could have reached the age of 60 on 31 December 1990, the surviving spouse who is a widow or widower's pensioner or who, although not so entitled, can prove that he or she is the widow or widower of the person entitled to the compensation shall be entitled to it.

2. A paragraph two bis and a paragraph seven are added to the eighteenth additional provision of Law 4/1990, of 29 June, on the State Budget, with the following wording

"Two encores. Compensation of 9,616.18 euros shall be awarded to the surviving spouse of a person who, having been deprived of his or her liberty

for less than three years as a result of the cases referred to in Law 46/1977, of 15 October, was sentenced by them to death, actually executed, and who has not had his or her pension or compensation recognized in his or her favor under any of the public social protection systems as a result of this circumstance".

"Seven. Those who consider themselves entitled to the benefits established in sections one and two above, whether they are the deceased themselves or their surviving spouses or widowed pensioners for that reason, must expressly request them from the aforementioned Directorate General for Personnel Costs and Public Pensions".

Article 8. Taxation of compensation for those who were deprived of their liberty as a result of the cases referred to in Law 46/1977 of 15 October on Amnesty.

With effect from 1 January 2005, a new point (u) is added to Article 7 of the revised text of the Personal Income Tax Act, approved by Royal Legislative Decree 3/2004 of 5 March, which shall read as follows

"(u) The compensation provided for in the legislation of the State and the Autonomous Communities to compensate for the deprivation of liberty in prisons as a result of the cases referred to in Law 46/1977 of 15 October on Amnesty".

Article 9. Aid to compensate for the tax burden of compensation received since 1 January 1999 for the deprivation of liberty as a result of the cases referred to in Law 46/1977 of 15 October on Amnesty.

1. Persons who, from 1 January 1999 until the date of entry into force of this Law, have received the compensation provided for in the legislation of the State and the Autonomous Communities to compensate for the deprivation of liberty in prison establishments as a result of the cases referred to in Law 46/1977, of 15 October, may request, in the form and time periods to be determined, the payment of a grant quantified at 15 per cent of the amounts that, for this purpose, they would have entered in the income tax return for each of these tax periods.

2. If the persons referred to in paragraph 1 above have died, the right to assistance shall revert to their heirs, who may apply for assistance.

3. Aid received under the provisions of this Article shall be exempt from personal income tax.

4. The procedure, the conditions for obtaining the aid and the body responsible for recognising and paying it shall be determined by order of the Minister for Economic Affairs and Finance.

Article 10. Recognition in favour of persons who died in defence of democracy during the period from 1 January 1968 to 6 October 1977

1. In view of the exceptional circumstances surrounding his death, the beneficiaries of those who died during the period from 1 January 1968 to 6 October 1977 are recognized as being entitled to compensation in the amount of 135,000

2. The beneficiaries of the compensation referred to in paragraph 1 of this Article shall be the children and the spouse of the deceased, if they are not legally separated or in the process of separation or annulment, or the person who had been living with them permanently in a relationship similar to that of the spouse for at least two years immediately prior to the time of death, unless they had common descendants, in which case mere cohabitation shall be sufficient.

In the alternative, if the above do not exist, the parents, grandchildren, siblings of the deceased and children of the person living with him or her, if they are financially dependent on the deceased, shall be beneficiaries in successive and exclusive order.

When several persons belonging to a group of those entitled to compensation are present, the maximum total amount shall be distributed equally among all those entitled to compensation on the same basis, except where the spouse or person with similar emotional relationship and the children of the deceased are present, in which case the aid shall be distributed 50/50 between the spouse or person with similar emotional relationship and all the children.

3. Compensation shall be paid provided that for the same acts no compensation or financial compensation has been received or, if received, it is less than that determined in this article.

4. The Government shall, by Royal Decree, determine the conditions and procedure for granting the compensation provided for in this Article.

5. The beneficiaries of the compensation provided for in this article shall have a period of one year from the entry into force of the Royal Decree referred to in the preceding paragraph to submit their applications to the Commission referred to therein.

Article 11. Collaboration of the public administrations with individuals for the location and identification of victims.

1. The public administrations, within the framework of their competencies, shall facilitate the activities of investigation, location and identification of the persons who disappeared violently during the Civil War or the subsequent political repression and whose whereabouts are unknown, to the direct descendants of the victims who request it. The provisions of the preceding paragraph may be applied in respect of entities which, constituted before 1 June 2004, include the conduct of such activities among their purposes.

2. The General State Administration shall draw up work plans and establish subsidies to cover costs arising from the activities referred to in this Article.

Article 12. Measures for the identification and location of victims

1. The Government, in collaboration with all the public administrations, shall draw up a protocol for scientific and multidisciplinary action to ensure institutional

collaboration and appropriate intervention in exhumations. Likewise, it shall enter into the appropriate collaboration agreements to subsidize the social entities that participate in the work.

2. The public administrations shall draw up and make available to all interested parties, within their respective territorial areas, maps showing the land on which the remains of the persons referred to in the previous article are located, including all available complementary information on them.

The Government will determine the procedure and will draw up an integrated map covering the whole of Spanish territory, which will be accessible to all interested citizens and to which the data to be sent by the various competent public administrations will be incorporated.

The areas included in the maps will be the object of special preservation by their owners, under the terms that will be established by regulation. Likewise, the competent public authorities shall adopt measures aimed at their adequate preservation.

Article 13. Administrative authorisations for tracing and identification activities.

1. The competent public administrations shall authorise prospecting work aimed at locating the remains of the victims referred to in Article 11(1), in accordance with the regulations on historical heritage and the protocol for action approved by the Government. The findings shall be immediately brought to the attention of the competent administrative and judicial authorities.

2. Public authorities, in the exercise of their powers, shall establish the procedure and conditions under which the direct descendants of the victims referred to in Article 11(1), or entities acting on their behalf, may recover the remains buried in the corresponding graves, for identification and possible transfer elsewhere.

3. In any case, the exhumation shall be subject to administrative authorisation by the competent authority, which shall consider whether any of the direct descendants of the persons whose remains are to be transferred object to it. To this end, and prior to the corresponding resolution, the competent administration shall give adequate publicity to the requests presented, communicating in all cases their existence to the General State Administration for their inclusion in the map referred to in the first paragraph of the previous article.

4. Remains that have been moved and are not claimed shall be buried in the cemetery corresponding to the municipality where they were located.

Article 14. Access to land affected by location and identification work.

1. The carrying out of the activities of locating and possibly identifying or transferring the remains of the persons referred to in Article 13(1) is constituted in the public interest and in the social interest, for the purpose of allowing, where appropriate and in accordance with Articles 108 to 119 of the Forced Expropriation Act, the temporary occupation of the land on which they are to be carried out.

2. For the activities determined in the previous paragraph, the competent authorities shall authorise, except for justified reasons of public interest, the temporary occupation of publicly owned land.

3. In the case of privately owned land, the descendants, or the organizations legitimized in accordance with the previous paragraph, shall request the consent of the affected right holders on the land where the remains are located. If this consent is not obtained, the public administrations may authorise the temporary occupation, always after a hearing of the owners of the rights affected, taking into account their allegations, and fixing the corresponding compensation to be paid by the occupants.

Article 15. Public symbols and monuments

1. The public administrations, in the exercise of their powers, shall take the appropriate measures for the removal of shields, insignia, plaques and other objects or mentions commemorating personal or collective exaltation of the military uprising, the Civil War and the repression of the Dictatorship. These measures may include the withdrawal of public subsidies or aid.

2. The provisions of the previous section shall not apply when the mentions are strictly private, without exaltation of those confronted, or when artistic, architectural or artistic-religious reasons protected by law concur.

3. The Government shall collaborate with the Autonomous Communities and Local Entities in the preparation of a catalogue of vestiges relating to the Civil War and the Dictatorship for the purposes set out in the previous section.

4. Public authorities may withdraw subsidies or aids from private owners who do not act in accordance with paragraph 1 of this Article.

Article 16. Valley of the Fallen.

1. The Valley of the Fallen shall be strictly governed by the rules generally applicable to places of worship and public cemeteries.

2. Nowhere on the premises may acts of a political nature be carried out or acts that exalt the Civil War, its protagonists, or Francoism.

Article 17. Buildings and works carried out by means of forced labour.

The Government, in collaboration with the other public administrations, will take a census of buildings and works carried out by members of the Disciplinary Battalions of Working Soldiers, as well as by prisoners in concentration camps, Working Battalions and prisoners in Militarized Penitentiary Colonies.

Granting of Spanish nationality to volunteers who are members of the International Brigades.

1. In order to give effect to the right recognised by Royal Decree 39/1996 of 19 January 1996 to the volunteers who were members of the International Brigades

participating in the Civil War from 1936 to 1939, the requirement to renounce their previous nationality as set out in Article 23(b) of the Civil Code shall not apply to them with regard to the acquisition by letter of nature of Spanish nationality.

2. By means of a Royal Decree approved by the Council of Ministers, the requirements and procedure to be followed for the acquisition of Spanish nationality by the persons mentioned in the previous section shall be determined.

Article 19. Recognition of victims' associations.

The work of associations, foundations and organizations that have excelled in defending the dignity of all victims of the political violence referred to in this Act is recognized. The Government may, by Royal Decree, grant such distinctions to these entities as it deems appropriate.

Creation of the Historical Memory Documentary Centre and General Archive of the Civil War.

1. In accordance with the provisions of Law 21/2005, of 17 November, the Historical Memory Documentary Centre is established, with headquarters in the city of Salamanca.

2. These are functions of the Historical Memory Documentary Center:

a) Maintain and develop the General Archive of the Spanish Civil War created by Royal Decree 426/1999 of 12 March. To this end, and by means of the procedure determined by regulation, all original documents or reliable copies of these referring to the Civil War of 1936-1939 and the subsequent political repression will be integrated into this Archive, located in museums, libraries or state-owned archives, in which a digitalised copy of the aforementioned documents will remain. Likewise, the General State Administration will proceed to compile the relevant oral testimonies related to the aforementioned historical period for their submission and integration into the General Archive.

b) To recover, gather, organize and make available to interested parties documentary collections and secondary sources that may be of interest for the study of the Civil War, the Franco dictatorship, guerrilla resistance against it, exile, the internment of Spaniards in concentration camps during World War II and the transition.

(c) Encourage historical research on the Civil War, Francoism, exile and the Transition, and contribute to the dissemination of its results.

(d) Promote the dissemination of the Centre's funds, and facilitate the active participation of users and their representative organizations

(e) To provide support to researchers, through prizes and scholarships, to continue their academic and research work on the Civil War and the Dictatorship.

(f) Collect and make available information and documentation on similar processes in other countries.

3. The structure and operation of the Historical Memory Documentary Centre shall be established by Royal Decree agreed in the Council of Ministers.

Article 21. Acquisition and protection of documents on the Civil War and the Dictatorship.

1. The General State Administration shall approve, on an annual basis and with the allocation established in each case in the General State Budget, a programme of agreements for the acquisition of documents referring to the Civil War or to subsequent political repression that are held in public or private, national or foreign archives, either in the original version or through any instrument that allows words, data or figures to be archived, known or reproduced with fidelity to the original. The aforementioned documentary collections will be incorporated into the General Archive of the Spanish Civil War.

2. In accordance with the provisions of Law 16/1985, of 25 June, on the Spanish Historical Heritage, the documents held in private and public archives relating to the Civil War and the Dictatorship are declared to be part of the Documentary and Bibliographic Heritage, without prejudice to the provisions of Article 22.

Article 22. Right of access to public and private archive funds.

For the purposes of the provisions of this Act, the right of access to the documentary funds deposited in the public archives and the obtaining of the copies requested is guaranteed.

2. The provisions of the previous section shall apply, in their own terms, to private archives held, in whole or in part, with public funds.

3. The public authorities shall take the necessary measures for the protection, integrity and cataloguing of these documents, in particular in cases of increased deterioration or risk of deterioration

First additional provision. Adaptation of the General Archive of the Spanish Civil War.

The Government is authorized to carry out the necessary actions in order to organize and restructure the General Archive of the Spanish Civil War.

Second additional provision.

The provisions contained in this Law are compatible with the exercise of the actions and access to the ordinary and extraordinary judicial procedures established in the laws or in the international treaties and conventions signed by Spain.

Third additional provision. Institutional framework.

Within one year of the entry into force of this Act, the Government shall establish the institutional framework to promote public policies relating to the preservation and promotion of democratic memory.

Additional provision four. Authorization to the Government for the recognition of extraordinary compensations.

The Government is authorised, within a period of six months, by Royal Decree, to determine the scope, conditions and procedure for the award of extraordinary compensation to those who have suffered incapacitating injuries as a result of the facts and under the circumstances and conditions referred to in paragraph one of Article 10 of this Act.

2. The compensation provided for in this provision shall be recognised provided that no compensation or financial consideration has been received from any public social protection system in respect of the same acts.

3. The allowances provided for in this provision shall be paid directly to the disabled persons themselves and shall not be transferable.

Additional provision five.

For the purposes of the application of Law 37/1984 of 22 October, Merchant Navy personnel who were incorporated into the Republican Army from 18 July 1936 shall be considered included in the Decree of 13 March 1937 which established incorporation into the naval reserve, the Decree of 12 June 1937 which applied the previous one by establishing entry and rank in the aforementioned reserve and the circular order of 10 October 1937 approving the regulations of the aforementioned rank in development of the previous ones. The corresponding pension will be paid provided that, in the same case, no economic compensation has been received or, having received it, it is less than that determined in the aforementioned provisions.

Sixth additional provision.

The management foundation of the Valley of the Fallen will include among its objectives to honor and rehabilitate the memory of all those who died as a result of the Civil War of 1936-1939 and the political repression that followed it, in order to deepen the knowledge of this historical period and the constitutional values. It will also promote the aspirations of reconciliation and coexistence that exist in our society. All of this is fully subject to the provisions of Article 16.

Additional provision seven. Acquisition of Spanish nationality.

1. Persons whose father or mother was originally Spanish may opt for Spanish nationality of origin if they make their declaration within two years of the entry into force of this additional provision. This period may be extended by agreement of the Council of Ministers up to a maximum of one year.

2. This right shall also be recognized for the grandchildren of those who lost or had to renounce Spanish nationality as a result of exile.

Eighth additional provision. Access to the consultation of the death certificate books of the Civil Registries.

The Government, through the Ministry of Justice, as necessary to comply with the provisions of this Law, shall issue the necessary provisions to facilitate access to the books of the death certificates of the Civil Registries dependent on the General Directorate of Registries and Notaries.

Derogatory provision.

In accordance with the provisions of point 3 of the Provision Repealing the Constitution, the War Party of 28 July 1936, of the National Defence Board approved by Decree number 79, the Party of 31 August 1936 and, especially, the Decree of General Franco, number 55, of 1 November 1936 are expressly declared to be repealed: the Laws on State Security of 12 July 1940 and 29 March 1941, reforming the Criminal Code on offences against State security; the Law of 2 March 1943, amending the offence of Military Rebellion; the Decree-Law of 18 April 1947, on Military Rebellion and Banditry and Terrorism; and Laws 42/1971 and 44/1971, reforming the Code of Military Justice; the Laws of 9 February 1939 and 19 February 1942 on political responsibilities and the Law of 1 March 1940 on the repression of Freemasonry and Communism, the Law of 30 July 1959 on Public Order and Law 15/1963, establishing the Court of Public Order.

Final disposition first. Enabling development.

The Government and its members are empowered, within the scope of their respective competences, to make any provisions necessary for the development and application of the provisions of this Act.

Second final provision. Entry into force.

This Law shall enter into force on the day following its publication in the Official State Gazette, with the exception of the Seventh Additional Provision, which shall enter into force one year after its publication.

So,

I command all Spaniards, individuals and authorities, to keep and enforce this law.

Madrid, 26 December 2007.

JUAN CARLOS R.

The President of the Government,
JOSÉ LUIS RODRÍGUEZ ZAPATERO