



STUDIES OFFICE
OF THE
ROYAL HOUSE OF SAVOY

A PASSAGE FROM:

F. RACIOPPI, I. BRUNELLI, *Commento allo Statuto del Regno* [Commentary on the Statute of the Kingdom]. With preface by Luigi Luzzati, Professor at the University of Rome, Vol. III. UTET, Turin 1909.

Art. 81. «Any law that runs counter to the Statute is abrogated.»

*§ 853, p. 726 – In the terms of article 5 of the dispositions which premises our Civil Code: «Laws are only abrogated by subsequent laws through the express declaration of the legislator, or by the incompatibility of the new disposition with the preceding ones, or else where the law governs all the material previously disposed under the preceding law». This is more of a truth than a legal principle.

*§ 854 – « (...) Given that the disposition in question possesses the *formal* requisites which are required for its existence and validity according to the public law of the time, its substantial validity in our own times is always to be presumed – unless either an *explicit* disposition of abrogation should intervene, or else an *obvious* irreconcilability with dispositions enacted thereafter; but this must be proved each and every time and, as always, the burden of proof will fall upon the interested party».