

The LAW of the REPUBLIC of BELARUS

On the CONSTITUTIONAL COURT of the REPUBLIC OF BELARUS

PART 1 GENERAL PROVISIONS

Article 1 The Functions of the Constitutional Court

The control over the constitutionality of normative acts in the Republic of Belarus shall be exercised by the Constitutional Court of the Republic of Belarus.

The Constitutional Court shall be established to safeguard the supremacy of the Constitution of the Republic of Belarus and to assure its direct action on the territory of the Republic, to insure the conformity of acts issued by the governments authorities to the Constitution of the Republic of Belarus, to strengthen lawfulness in the law-making and the application of laws, to address other issues provided for by this law.

Article 2 The Basic Principles of the Constitutional Court Activities

The basic principles of the Constitutional Court activities shall be lawfulness, collegiality and transparency.

The Constitutional Court shall be independent in carrying out its functions.

Any pressure on the Constitutional Court or its members relative to the conduct of the constitutional judicial proceedings shall be impermissible and prosecuted by Law.

Article 3 The Language of the Constitutional Judicial Proceedings

Judicial proceedings in the Constitutional Court shall be conducted in compliance with the Law of the Republic of Belarus "On the Languages in the Republic of Belarus".

Article 4 Legislation on the Constitutional Court

The organization and procedure of the Constitutional Court operation shall be established by the Constitution and the present Law.

Article 5 The Jurisdiction of the Constitutional Court

The Constitutional Court shall be competent to consider the cases and to give legal opinion concerning:

the conformity if laws, international treaties and other international obligations of the Republic of Belarus to the Constitution and international legal acts ratified by the Republic of Belarus;

the conformity of the legal acts of intergovernmental formations the Republic of Belarus is part of, the decree of the President of the Republic of Belarus, the resolutions of the Government of the Republic of Belarus, as well as acts of the Supreme Court of the Republic of Belarus, the Highest Economic Court of the Republic of Belarus, the Procurator General of the Republic of Belarus which are of normative character, to the Constitution of the Republic, the international legal acts ratified by the Republic;

the Constitutional Court shall have the authority to consider the question of the conformity of any act of any public organ or public association to the Constitution of the Republic of Belarus and the international legal acts ratified by the Republic of Belarus.

The Constitutional Court, in respect of the acts mentioned above in the first part of this Article, may discuss the issue of the constitutionality of the acts as a whole or of separate provisions thereof.

Article 6

The Constitutional Court shall consider issues on the corresponding proposals of the initiators.

Other state bodies, public associations as well as citizens shall be entitled to bring a corresponding initiative before the bodies and officials possessing the right to put proposals for the verification of the constitutionality of norms.

The question of the violation of the Constitution by the President of the Republic of Belarus, in case this is not relative to the adoption of a Presidential Decree, shall be examined by the Constitutional Court on the proposal of no less then 70 deputies of the Republic of Belarus. The Constitutional Court shall not be entitled to refuse to consider this question.

Article 7 The Constitutional Court's Right to Address Proposals to the Supreme Soviet of the Republic of Belarus

The Constitutional Court shall have the authority to bring forward proposals to the Supreme Soviet of the Republic of Belarus on the necessity of amendments to the Constitution which are to be considered by the Supreme Soviet of the Republic of Belarus as well as other proposals according to its competence.

Article 8 The Rules of Procedure of the Constitutional Court

The Constitutional Court sessions shall take place when required and may be called by the Chairman of the Constitutional Court on his own initiative or on a demand of at least three judges of the Constitutional Court.

Article 9 The Consequences of the Constitutional Pronouncing an Act to be Unconstitutional or Establishing a Violation by the President of the Republic of Belarus of the Constitution

Should the Constitutional Court declare a norm, an international treaty or other international obligation of the Republic of Belarus to be contradictory to the Constitution as they violate the rights and freedoms of the individual, they shall be considered to be void as a whole or their separate provisions from the moment of their adoption.

Other normative acts of state bodies or public associations, international treaties and other international obligations of the Republic of Belarus found by the Constitutional Court to be contrary to the Constitution, laws or international legal acts, ratified by the Republic of Belarus, are considered to be void as a whole or their separate provisions from a date, established by the Constitutional Court. Normative legal acts of the intergovernmental formations the Republic of Belarus is part of found by the Constitutional Court to be contrary to the Constitution, its laws or international legal acts are considered to be invalid on the territory of the Republic of Belarus as a whole or their separate provisions from a date, established by the Constitutional Court.

The Supreme Soviet of the Republic of Belarus shall, considering the corresponding conclusion of the Constitutional Court, take the decision on the violation by the President of the Republic of Belarus of the Constitution, in case this violation is not relative to a presidential decree.

Article 10 The Binding Force of the Constitutional Court's Decisions and the Terms of Their Consideration

The Constitutional Court's rulings adopted within its jurisdiction shall be binding in the territory of the Republic of Belarus for all the government authorities, enterprises, institutions- organisations, public officials and citizens.

The Constitutional Court's conclusions shall be discussed by the bodies and persons they are addressed to, with the latter being bound to send their response to the Constitutional Court within the prescribed time.

The refusal or evasion of taking the Constitutional Court's conclusion for consideration, violation of the terms, non-fulfilment or improper fulfilment of the Court's decisions shall entail responsibility as stipulated by this law.

Article 11 The Scope of Constitutional Court's Jurisdiction

The limits for the resolution of issues brought before the Constitutional Court shall be determined by the Constitutional Court.

In the consideration of the submitted issues the Constitutional Court shall not be bound by the arguments and opinions of the parties concerned.

The Constitutional Court can also take a decision in respect of the acts based on the verified act or acts, reproducing separate provisions of the latter, even if they have not been mentioned in the motion.

When verifying an act, the Constitutional Court shall take into consideration both its literal meaning and the meaning attributed to it by its application practice.

The Constitutional Court shall not be entitled to make a preliminary check or re of the draft treaties, agreements or other acts the constitutionality of which it may be called upon to consider.

PART 2 THE COMPOSITION, PROCEDURE OF ELECTION AND STATUS OF THE CONSTITUTIONAL COURT MEMBERS

Article 12 The Composition of the Constitutional Court

The Constitutional Court shall consist of a Chairman, a Deputy Chairman and nine judges.

The Constitutional Court shall be competent to take decisions and start its activities when no less than 7 of its members have been elected.

Article 13 The Procedure of Election of the Constitutional Court

The Constitutional Court shall be elected by the Supreme Soviet of the Republic of Belarus.

The Chairman of the Constitutional Court shall be elected by the Supreme Soviet of the Republic of Belarus on the proposal of the President of the Republic of Belarus.

The Deputy Chairman shall be elected by the Constitutional Court among the elected judges.

In the event of a judge's withdrawal from the Constitutional Court, another person shall be elected according to the procedure established by the present Article.

In case of the absence of the Chairman of the Constitutional Court or its Deputy, or in case of their inability to exercise their functions, the eldest judge of the Constitutional Court shall enjoy the powers listed in Article 19 of the present Law.

Article 14 The Requirements to a Nominee for the Office of the Constitutional Court's Judge

May elected to be a judge of the Constitutional Court a citizen of the Republic of Belarus, having advanced juridical education and high level of qualification in the legal field and possessing high moral standards.

The maximum age limit for a member of the Constitutional Court shall be 60 years.

Article 15 The Term of Office of a Judge of the Constitutional Court

The Constitutional Court Judges shall be elected for a term of eleven years and may be reelected for another term.

The Chairman of the Constitutional Court shall be elected for a term of five years and may be reelected to this office till the end of his term of office as a judge of the Constitutional Court.

Article 16 Activities Incompatible with the Office of a Constitutional Court Judge

Persons elected to the Constitutional Court shall have no right to engage in business activities or other paid activities, except for teaching and research work on a non-staff basis. They may not be deputies, members of political parties and other politically-committed public associations.

Article 17 The Oath of Office of the Constitutional Court Member

A member of the Constitutional Court shall be competent to take part in the Court's activities only after having taken the Oath of Office.

The Constitutional Court judges shall be sworn in by the Chairman of the Supreme Soviet of the Republic of Belarus.

Each member of the Constitutional Court shall take the oath of the following content:

"I, (surname, first name, patronymic), hereby assume an obligation to the people of the Republic of Belarus to perform the duties of the judge of the Constitutional Court Honestly, conscientiously and impartially, to protect the constitutional order and the supremacy of the Constitution".

Article 18 Early Termination of the Term of Office of the Constitutional Court Members

The term of office of a judge of the Constitutional Court can be terminated by the Supreme Soviet of the Republic of Belarus before the appointed time in the following cases:

- 1) on his request for resignation;
- 2) if the state of health prevents him from performing his duties;
- 3) in case of his death;
- 4) when he has reached the ultimate age specified for the office of the Constitutional Court judge;
- 5) if he has forfeited citizenship of the Republic of Belarus;
- 6) if his actions discredit the Constitutional Court;
- 7) when a verdict of guilty passed in respect of him by the court of law has come into legal force.

The term of office of the Chairman or the Deputy Chairman of the Constitutional Court can be terminated by the Supreme Soviet of the Republic of Belarus before the appointed time in case:

- 1) on his request for resignation from the office of Chairman or Deputy Chairman of the Constitutional Court;
- 2) if the Chairman or the Deputy Chairman of the Constitutional Court is convicted by a penal court.

Article 19 The Chairman of the Constitutional Court

The Chairman of the Constitutional Court shall enjoy all the rights and bear all the responsibilities of a judge of the Constitutional Court.

The Chairman of the Constitutional Court shall:

- direct the activities of the Constitutional Court and distribute the duties among its members;
- call and chair the meetings of the Constitutional Court;
- take, according to the rules of procedure, measures of encouragement and penalty towards judges of the Constitutional Court;
- exercise overall direction of the secretariat of the Constitutional Court and have the right to hire and dismiss its staff;
- have the right to resign at any time from his office;

The Chairman of the Constitutional Court shall issue instructions on the matters related to the internal activities of the Constitutional Court.

The Chairman of the Constitutional Court shall perform other functions in accordance with the present Law.

Article 20 The Deputy Chairman of the Constitutional Court

The Deputy Chairman of the Constitutional Court shall enjoy all the rights and bear all the responsibilities of a judge of the Constitutional Court, he shall discharge the duties of the Chairman of the Constitutional Court when the latter is absent or following his instructions.

The Deputy Chairman of the Constitutional Court have the right to resign at any time from his office.

Article 21 The Judge of the Constitutional Court

A Judge of the Constitutional Court shall:

- 1) be entitled to demand the calling of a meeting of the Constitutional Court, to submit issues to be considered, to deliver his separate opinion in respect of the Constitutional Court's decisions;
- 2) be entitled to take part in all the sittings of the Constitutional Court with the right of a casting vote;
- 3) enjoy other rights and bear the obligations stipulated by the present Law.

A judge of the Constitutional Court have the right to resign at any time from his office.

When not sitting, the Constitutional Court members ought to refrain from making public statements on the issue being studied or deliberated in the sittings, until a decision is taken on them.

The Constitutional Court judges shall have equal rights in deciding all the issues within the Constitutional Court's competence.

Article 22 The Right of the Constitutional Court Judges to Attend Hearings of Governmental Bodies

The Constitutional Court judges shall have the right to attend open and, when invited, close meetings of any government body.

Article 23 The Inviolability of a Judge of the Constitutional Court

A judge of the Constitutional Court shall be inviolable.

The inviolability of a judge is assured by a special procedure of setting matters related to the abridgement of his personal rights and freedoms and extends to his home and all other legal property as well as to his office, transport, communications, correspondence, effects and documents.

A person elected in the Constitutional Court cannot be convicted, put under arrest or restricted in his rights without consent of the Supreme Soviet of the Republic of Belarus, except in cases when caught in the act.

Criminal proceedings against a judge of the Constitutional Court may be initiated only by the Procurator General of the Republic of Belarus with the consent of the Supreme Soviet of the Republic of Belarus.

Having giving consent for the criminal prosecution or arrest of a judge of the Constitutional Court, the Supreme Soviet should simultaneously take a decision on suspending his term of office.

Article 24 Financing of the Constitutional Court Activities

Financing of the Constitutional Court shall be guaranteed by responsible government bodies in an order, established by the President of the Republic of

Belarus.

The salary of the Chairman of the Constitutional Court as well as the level of their medical, social and other types of security may not be lower than that of the President of the Supreme Court of the Republic of Belarus, his first deputy and the judges of the Supreme Court of the Republic of Belarus, respectively.

If necessary, each member of the Constitutional Court should be provided, within six months after his election, a dwelling with modern amenities in the city of Minsk with the expenses paid out of the republican budget.

The Constitutional Court judges shall enjoy the privileges provided by the state functionaries.

Article 25 Guarantees of the Right to Work of the Constitutional Court Judges

On the expiry of their term of office a judge of the Constitutional Court, unless he has reached a pensionable age or in cases listed in provisions 1, 2 and 5 of the first part of article 18 of the present Law, must be reinstated in his former job (office), or, if this is impossible, be provided an equivalent job (office). The order of this placement procedure of a judge of the Constitutional Court shall be established by the President of the Republic of Belarus.

The time of service as a judge of the Constitutional Court shall be included in the length of service in his previous job.

PART 3 THE RULES OF PROCEDURE IN THE CONSTITUTIONAL COURT

Article 26 The Constitutional Court Sitings

The Constitutional Court sitings shall be conducted in a solemn environment with the observance of all requirements of the juridical etiquette.

All the persons present in the room should show respect for the Constitutional Court and the rules and procedures established for the conduct of the sitings, must obey the orders of the presiding officer.

Close sitings shall be conducted when the Constitutional Court decides so dealing with matters of state secret.

Article 27 The General Rules of Practice in the Constitutional Court

One or more cases may be considered at a sitting of the Constitutional Court. A report shall be made on each issue by a member of the Constitutional Court.

The Constitutional Court shall resign continuously in session, except time for rest or given to the participants in the sitting to prepare the final speech.

A sitting may be suspended on an application of a party for an additional study of materials submitted by the other party and also on the occurrence of circumstances obstructing the normal progress of an issue deliberation. In this case the presiding officer shall announce a suspension of the proceedings for an appointed time. The proceedings shall continue from the point on which it has been postponed.

The consideration of an issue may be discontinued if the Constitutional Court deems it insufficiently prepared or requiring further study, in the event of revocation of the motion to verify the constitutionality of an act, or on other grounds pursuant to in the provisions of article 49 of this Law.

A repeated submission of the issue for consideration by the Constitutional Court in such cases shall be only possible not earlier than three months after the decision of its discontinuance has been taken, prevented the reasons, which have caused the Constitutional Court's decision to discontinue the consideration of the issue, have been eliminated.

Article 28 Presiding over the Constitutional Court Sitings

A sitting of the Constitutional Court shall be chaired by the Chairman of the Constitutional Court and in his absence or on his commission - by the Deputy Chairman of the Constitutional Court. The judge reporting on the issue may not chair the sitting.

The presiding officer shall conduct the sitting, take measures necessary to insure proper order, completeness and thoroughness of the deliberation and the recording of its progress and results; rule out every point irrelevant to the case; interrupt, after a warning, speeches of the participants on the sitting if these deal with issues unrelated to the case or beyond the Court's competence; deny them the floor, if they wilfully breach the sequence of appearance, use strong or abusive language, or otherwise violate the procedures and practice of the deliberation of cases in the Constitutional Court.

The presiding officer shall have the right to remove from the room of the sitting anyone who breaches the order or does not obey his legitimate instructions.

Article 29 Participants in the Constitutional Court Sitings

Participants in the Constitutional Court sitings shall be parties involved, representatives of the parties, witnesses, experts, specialists.

A sitting may be attended by the President of the Republic of Belarus, the Chairman of the Supreme Soviet of the Republic of Belarus, the Chairman of the Supreme Court, the Chairman of the Highest Economic Court, The Procurator General and the Minister of Justice of the Republic of Belarus. They shall have the right to state their position on all the issues at stake.

Parties to a sitting of the Constitutional Court shall be:

the President of the Republic in case the question of the violation of the Constitution by him is considered, if this violation is not related to the adoption of a presidential decree;

government officials, who have signs or issued an act the constitutionality of which is checked, or their representatives;

initiators, who have submitted to the Constitutional Court a proposal to verify the constitutionality of an act, or their representatives.

The parties may be represented in the sitings by barristers, specialists and other persons whose commission is confirmed by the parties in writing in conformity with the established procedure.

The parties and their representatives must answer, on call, before the Constitutional Court, give explanations and answer questions. A party shall have the right to state its own position in respect of the case and put questions to the opponent, witnesses and experts, as well as to lodge petitions, submit documents, written comments, other materials related to the issue in question, to gain access to the documents, written comments and other materials presented to the Constitutional Court by the other party.

The parties, their representatives, witnesses, experts and specialists taking part in the sitting of the Constitutional Court shall take the pledge to state all the case-related circumstances known to them accurately and truthfully.

The non-appearance of the parties and their representatives before the Court shall not impede the consideration of the case.

Article 30 Covering Expenses of the Parties

Parties shall cover expenses relative to their participation in a sitting of the Constitutional Court out of their own funds; they may demand reimbursement of the costs by way of civil action.

The expenses of the participants in the proceedings called to appear by the Constitutional Court shall be covered by the republican budget in the order established for covering such expenses by the juridical system.

Article 31 Notification of and Summons to the Constitutional Court Sitting

The parties to a case and other participants if decided so by the Constitutional Court shall be sent a notice of the sitting, the agenda, copies of the motion, of the acts in question and comments on them at the latest ten days before the start of the sitting. If required, the parties may be given other documents and materials.

Any person may be called as a witness at the discretion of the Court, while those called as experts or specialists should be qualified in their particular field.

Witnesses, experts and specialists shall be obliged to appear before the Court.

Article 32 Recording of the Constitutional Court Sitting

The Constitutional Court sitting shall be recorded. The minutes shall include:

- the place and the date of the sitting;
- the names of the judges present and absent;
- the surname, first name and patronymic and the post of the presiding officer;
- the agenda;
- the data on the participants in the sitting;
- the Constitutional Court actions in their actual sequence and their results;
- explanations and statements of the participants in the sitting;
- a brief record of the evidence produced by the witnesses and experts, questions put to them and answers to the questions;
- the facts that the participants in the sitting asked to be included in the minutes;
- a description of the breaches of order made, other manifestation of disrespect for the Constitutional Court, the warnings made and the penalties imposed;
- the issues put to the vote and the results of the voting;
- any decision delivered by the Constitutional Court.

The minutes must be drawn up within five days after the end of the sitting. They shall be signed by the person presiding over the Constitutional Court sitting.

The minutes of the Constitutional Court sitting shall be made available to the parties involved in the sitting. The procedure of gaining access to and making copies of the minutes, and other actions relative to their distribution shall be established by the Constitutional Court.

Article 33 The Preparation of the Constitutional Court Sitting

Issues submitted for consideration by the Constitutional Court shall be subject to a preliminary study. The Chairman entrusts one or more judges with the studying of the case and sets time limits for the completion of this work, as a rule, no more than two months after the date of the arrival of the materials at the Constitutional Court. Constitutional Court Chairman may prolong the time limit, but no more than for a month, if the issue under consideration is especially complicated or of a large scale.

The judge who will be assigned to rapport on the question shall have the right to demand the provision of the necessary documents, to order checks, investigations, expert examinations to be carried out, to consult specialists, to make inquiries, to demand the initiators of the proceeding to put the presented documents in conformity with the requirements, to set time limits for the fulfilment of his orders.

No later than ten days before the sitting begins, the judges shall be notified of the time, place and agenda of the sitting and be provided with all the documents necessary for the consideration of the case.

Article 34 The Procedure of the Consideration of Issues by the Constitutional Court

At the appointed time the presiding officer shall open the sitting and announce the agenda. Thereafter he shall make sure that the parties and their representatives, the witnesses and experts are present, check the authority of the representatives of the parties and explain to them their rights and obligations.

Should a participant fail to appear before the Court or to present a duly certified warrant, the presiding officer should put to the vote a question of the possibility of hearing the case or to the possibility of this person participation in the hearing.

The hearing of each issue shall begin with the report of a judge who states the essence of the question at stake, the reasons and the grounds for its consideration. The parties shall be heard after the judge's report. They may be asked questions. If required, evidence of the witnesses and experts shall be heard and documents of importance to the consideration of the case shall be read.

Having investigated the explanations, evidence and documents, the Constitutional Court will withdraw to consider the judgement. The deliberation of the judges shall be close. During the deliberation the presiding officer shall give the floor to each judge willing to give his opinion relative to the issue under consideration. In the course of the discussion the judges may ask one another to clarify their positions in respect of the case. On completion of the discussion the presiding officer shall put the issue to the vote.

Article 35 The Passing of the Judgment by the Constitutional Court

The Constitutional Court's judgments shall be passed by open ballot. Open balloting shall be performed by the roll-call voting of the judges. The presiding officer shall be the last to cast his vote.

The presiding officer shall put the issue to the vote in the order in which it has been raised. No judge shall have the right to abstain from or not to take part in the voting.

The Constitutional Court's judgement shall be considered passed if it has been voted for by the majority of the judges present in the sitting. If the votes are divided equally, the vote of the presiding officer shall be deciding.

Article 36 The Constitutional Court's Judgments

Any act passed at the Constitutional Court sittings shall be regarded to be its judgment.

In the cases provided for under Article 5 of the present Law the Constitutional Court shall give advisory opinions (conclusions).

Applications and demands to government bodies may be part of other judgments, or may be stated separately in the form of a submission or inquiry.

The analysis of the state of the observance of the constitutional law in the Republic of Belarus shall be drawn in form of a message of the Constitutional Court to the President of the Republic of Belarus and the Supreme Soviet of the Republic of Belarus.

Article 37 The Statement of the Constitutional Court's Judgement

A judgement of the Constitutional Court may be issued as a separate document or in the form of an excerpt from the minutes.

The Constitutional Court may postpone the issuing of the judgement as a separate document for no more than two weeks and issue only an excerpt from the minutes with the wording of the judgement, the order and the time limits of its enforcement.

The judgement of the Constitutional Court shall be stated according to the requirements of the present Law.

The message of the Constitutional Court, its inquiries, demands and other decisions on matters of procedure shall be stated as established by the Constitutional Court.

Article 38 The Pronouncement of the Constitutional Court Judgment and Its Entry into Force

The Constitutional Court judgement shall be pronounced at its sitting immediately after the deliberation of the judges; the judgement shall be final and without appeal.

The Constitutional Court judgement shall come into force immediately after it has been pronounced.

Article 39 A Separate Opinion of the Constitutional Court Judges

A judge of the Constitutional Court dissenting from the pronounced judgment may, if he desires so, state his individual opinion in writing and attach it to the minutes of the sitting. His opinion shall be published as an Annexa to the Constitutional Court's judgement.

Article 40 Publication of the Constitutional Court Judgements

The judgements of the Constitutional Court shall have to be officially published according to the procedure, established for the acts of the Supreme Soviet of the Republic of Belarus.

No later than three days after a judgement of the Constitutional Court has been passed it shall be sent to: the President of the Republic of Belarus, the Supreme Soviet of the Republic of Belarus, the Prime-Minister, the Chairman of the Supreme Court of the Republic of Belarus, the Chairman of the Highest Economic Court of the Republic of Belarus, the Procurator General of the Republic of Belarus, the Minister of Justice of the Republic of Belarus and to the parties involved in the proceedings.

On an order of the Constitutional Court Chairman copies of the judgements may also be sent to other government bodies, public associations, enterprises, organizations and government officials.

The Constitutional Court decisions such as its inquiries, demands and those related to the matters of procedure shall be distributed according to the order established by the Constitutional Court.

Article 41 Interpretation of the constitutional Court Judgements

The Constitutional Court judgements may be officially interpreted only by the Constitutional Court itself. The Court shall pass a decision on the interpretation of derived judgements which is to be issued as a separate document.

Article 42 The Revision of the Constitutional Court Judgement

A judgement of the Constitutional Court could be revised on its own initiative upon the discovery of circumstances which were unknown to the Court when the judgement was given, or in the case of a change of the constitutional rule on which the judgement was delivered.

Article 43 Judgement of the Constitutional Court

A judgement shall be given by the Constitutional Court after consideration of the questions listed in article 5 of the present Law.

A Constitutional Court Judgement shall include:

- the title of the judgement, the date and place of its delivery;
- the names of the judges of the Constitutional Court who have delivered the judgement;
- the list of the parties, of the participants in the sitting;
- the question considered, the reasons for its consideration;
- the provisions of the Constitution and the present Law giving to the Constitutional Court the right or the obligation to consider this question;
- the full title of the act the constitutionality of which has been checked and the source of its promulgation (reception);
- the circumstances established during the consideration of the question;
- the provisions of the Constitution, of the international legal acts, the present Law which guided the Constitutional Court when taking its decision;
- the title and the date of entry into force of a judgement of the Constitutional Court referred to during the preparation of the present judgement;
- the wording of the judgement and its substation;
- the procedure and the time limit for the enforcement of the judgement, the features of its publication.

When an act the constitutionality of which is declared constitutional in some parts and unconstitutional in the others, or if in respect of the same case some acts are declared to be constitutional and the others - unconstitutional, it shall be stated in the conclusion of the Constitutional Court.

Article 44 The Constitutional Court's Message

The Constitutional Court shall annually send a message to the President of the Republic of Belarus and the Supreme Soviet of the Republic of Belarus on the state of observance of the constitutional law in the Republic based on the materials studied.

Article 45 The Inquires and Demands of the Constitutional Court

In order to carry out the proceedings and to find a solution to the questions of its competence, the Constitutional Court or - when preparing the deliberations on a concrete case - a judge of the Constitutional Court are entitled to make inquires and address demands to government bodies.

Article 46 The Constitutional Court Right to Impose Penalties

The Constitutional Court shall have the right to impose penalties on government officials and citizens showing disrespect for the Constitutional Court.

The following circumstances shall be the grounds for the imposition of the penalty:

refusal to consider or failure to consider within the appropriate time limit, without valid excuse, of the inquires or demands of the Constitutional Court;

failure to execute in appropriate time, without valid excuse, orders or requests of a judge of the Constitutional Court for the provision of documents and other materials, for carrying out the required checks, rendering aid and assistance relative to the consideration of a case;

deliberate submission of false information and made-up documents to the Constitutional Court;

non-appearance without valid excuse, refusal to appearer failure to notify about the impossibility of the appearance of a witness, an expert or a specialist before the Constitutional Court;

wilful violation by a participant in the sitting of the sequence of speeches, the use of strong and abusive language, or unconstitutional utterances, other breaches of order at the Constitutional Court sittings, refusal to obey the presiding officer's instructions on maintaining order.

For each case of misconduct the Constitutional Court shall be entitled to impose penalties on citizens the amount of up to 10 minimum wages, and on government officials - up to 50 minimum wages at the level existing at the time of defence.

The procedure of enforcement of the Constitutional Court decision on penalty payment shall be established by the Constitutional Court.

Article 47 The Contents of a Motion for the Verification of the Constitutionality of an Act

A motion calling for verification of an act should contain:

data on the initiator (initiators) of the motion confirming the authority of submitting it to the Constitutional Court;
the title of the international treaty or act to be verified, information on the sources of its publication;
the grounds for consideration of the issue by the Constitutional Court;
the position of a party, its legal justification with reference to the appropriate legislative regulations;
a list of documents attached thereto.

The motion shall be signed by a government official, a representative of a government body, a group of People's deputies as provided for under Article 6 of the present Law.

Must be attached to every motion for the verification of the constitutionality of an act:

a duly attested copy of the full text of the international treaty or act the constitutionality of which is to be checked in whole or in part, with an indication of the source of publication (reception) of this act;

a warrant or another document confirming the authority of the representative, expert for the cases when such recommendation is enabled by the virtue of the office held.

Must be also attached to the motion a list of witnesses and experts who are proposed to be called to the Constitutional Court sitting, specialist's opinions, as well as other documents and materials to be examined by the Constitutional Court.

The motions and the mandatory appendices thereto shall be presented to the Constitutional Court with no less than 15 copies.

The judgement on the question on the violation by the President of the Republic of Belarus of the Constitution, in case such a violation is not relative to the adoption of a presidential decree, shall be stated according to the requirements of the present Article.

Article 48 Revocation of a Motion for Verification of the Constitutionality of an Act

The motion for verification of the constitutionality of an act may be revoked by its initiator before the corresponding issue is included in the agenda of a sitting of the Constitutional Court.

The decision to discontinue constitutional legal proceedings on a case in connection with the revocation of the motion for the verification of the constitutionality of an act shall be made by the Constitutional Court.

Article 49 The Refusal to Accept a Motion for Verification of the Constitutionality of an Act for the Consideration by the Constitutional Court

The Constitutional Court may refuse a motion for verification of the constitutionality of an act if:

the motion is initiated by a body or a person having no authority to do so;
it fails to meet the requirements set forth in Article 47 of the present Law;
the issue is beyond the Constitutional Court's competence;
international treaties or other acts mentioned in the motion have been already checked for constitutionality in whole or in their part by the Constitutional Court and for the time elapsed thereafter there have been no changes in the Constitution or in other legal regulations used as a

basis for the Court's judgement;
the matters dealt with in an international treaty or another act, the constitutionality of which is in question, is not provided for by the Constitution of the Republic of Belarus, while the correct method of its settlement cannot be derived from the general principles and the meaning of the Constitution;
the party has not put the documents required for the submission of a motion to verify the constitutionality of an act.

Should the reasons preventing the acceptance of a motion for consideration be identified in the course of the Constitutional Court sitting, the Court shall make a decision to discontinue the consideration of the case.

PART 4 OTHER MATTERS OF THE CONSTITUTIONAL COURT ORGANIZATION AND ACTIVITIES

Article 50 The Regulations of the Constitutional Court

The Constitutional Court shall adopt the regulations which establish the rules of procedure and juridical etiquette, the requirements to the personnel, the specific features of the legal proceedings and other aspects of its internal activities.

Article 51 The Scientific Consultative Council at the Constitutional Court

A Scientific Consultative Council made up of legal scholars and practical lawyers shall be set at the Constitutional Court. Its staff and the regulations shall be approved by the Constitutional Court.

Article 52 The Secretariat of the Constitutional Court

The Functions of the Secretariat of the Constitutional Court shall include collection of information, organisational, technical and other activities in order to provide the activities of the Constitutional Court.

The Secretariat of the Court shall be a juridical person, the Secretary General of the Constitutional Court, appointed to this office by the Chairman of the Constitutional Court, shall directly guide its activities.

The staff of the Secretariat of the Constitutional Court shall enjoy the rights and bear the obligations according to the legislation on civil servants.

Article 53 Financing the Constitutional Court Operations

All the expenses relative to the operation of the Constitutional Court, including the reimbursement of the payments of remuneration to third persons and organizations for consulting services and expert examinations performed under contracts, compensation of the expenses for the appearance of witnesses, experts and specialists before the Constitutional Court, as well as the coverage of other legal costs, shall be financed out of the republican budget.

The expenses relative to the execution of the mandatory judgements of the Constitutional Court shall be paid by government organs, enterprises, institutions and organizations charged with the implementation of these decisions.

Article 54 Protection of the Constitutional Court

The Constitutional Court shall be guarded by the internal affairs bodies of the Republic of Belarus.

Article 55 The Symbols of the Juridical Power of the Constitutional Court

The image of the State Emblem of the Republic of Belarus, the State Flag and the text of the Constitution of the Republic of Belarus shall be available in the hall where the Constitutional Court sits.

The Constitutional Court judges shall sit in judge's gowns the description and pattern of which are to be approved by the President of the Republic of Belarus.

Article 57 The Certificate of a Judge of the Constitutional Court

The Constitutional Court judges shall be issued certificates the description and pattern of which are to be approved by the Constitutional Court.

Nobody shall have the right to demand from a judge of the Constitutional Court other documents confirming his powers, besides the Certificate.

Article 58 The Seat of the Constitutional Court

The seat of the Constitutional Court shall be established in the capital of the Republic of Belarus, the city of Minsk.

The Constitutional Court sittings shall be conducted at the place of its permanent location. This, however, shall not prevent the Constitutional Court from sitting and exercising its functions elsewhere whenever the Court considers it desirable.