

**143/1968 Coll.**

**CONSTITUTIONAL ACT**

dated October 27, 1968

**on the Czechoslovak Federation**

...

**Chapter Six**

**The Constitutional Court of the Czechoslovak Socialist Republic**

Article 86

(1) The Constitutional Court of the Czechoslovak Socialist Republic is a judicial body of protection of constitutionality.

(2) Members of the Constitutional Court are independent in their decision-making and decide solely on the grounds of the Constitution of the Czechoslovak Socialist Republic and Laws of the Federal Assembly.

Article 87

The Constitutional Court of the Czechoslovak Socialist Republic decides on the following:

- a) compliance of the Laws of the Federal Assembly and statutory measures of its Praesidium with the Constitution of the Czechoslovak Socialist Republic.
- b) compliance of the Laws of the Czech National Council and Slovak National Council with the Constitution of the Czech Socialist Republic and on compliance of the Laws of national councils with the Constitution of the Czechoslovak Socialist Republic,
- c) compliance of the Directive of the Czechoslovak Socialist Republic and generally binding legal regulations of the federal ministries, federal committees and other federal bodies of state administration and on the compliance of government directives in both republics and on generally binding directives of ministries and other official central bodies of state administration of the republics with the Constitution of the Czechoslovak Socialist Republic and laws of the Federal Assembly.

Article 88

The Constitutional Court of the Czechoslovak Socialist Republic resolves disputes on competencies:

- a) between and among bodies of the Czechoslovak Socialist Republic and bodies of one or both republics,
- b) between and among bodies of both Republics.

#### Article 89

The Constitutional Court of the Czechoslovak Socialist Republic may initiate improvements of the legislation of the Czechoslovak Socialist Republic as well as of the legislation of both Republics.

#### Article 90

(1) Should the Constitutional Court of the Czechoslovak Socialist Republic find incompatibility among regulations in virtue of Article 87, it shall deem that the concerned regulations, their sections or alternatively certain provisions cease to remain effective. The relevant bodies are obliged within six months of the publication of the Judgment of the Constitutional Court of the Czechoslovak Socialist Republic to ensure compliance of the concerned regulations with the Constitution of the Czechoslovak Socialist Republic or alternatively with other laws of the federal Assembly. Shall they fail to do so the concerned regulations, their sections or alternatively certain provisions shall become unenforceable within six months after the date of publication of the judgment.

(2) The Judgment of the Constitutional Court shall be published in an official collection dedicated to publications of the laws of the Federal Assembly.

#### Article 91

The Constitutional Court of the Czechoslovak Socialist Republic decides on complaints against failure to verify the mandates of deputies of the Federal Assembly and complaints against statements that a deputy's suspension occurred as well as complaints related to the decision to reject registration of a candidate.

#### Article 92

The Constitutional Court of the Czechoslovak Socialist Republic decides on protection of the rights and liberties guaranteed by the Constitution should they be violated by a decision or other type of interference of federal bodies, or should the law fail to provide any other judicial protection.

#### Article 93

(1) The Constitutional Court shall always initiate proceedings in the event a petition is filed by:

- a) the Chamber of the Federal Assembly, Praesidium of the Federal Assembly of the Czechoslovak Socialist Republic, the Government of the Czechoslovak Socialist Republic or another federal body,
- b) Czech National Council, its Praesidium, Slovak National Council, its Praesidium or the Government of the Republic,
- c) the Court,
- d) the Prosecutor General,
- e) a citizen in the instances stipulated under Article 91.

(2) The Constitutional Court of the Czechoslovak Socialist Republic may commence its own initiative proceedings upon its own decision.

(3) The Constitutional Court of the Czechoslovak Socialist Republic may commence proceedings upon initiatives of citizens and organizations.

#### Article 94

(1) The Constitutional Court of the Czechoslovak Socialist Republic consists of 12 members; 8 judges and 4 alternates. The Constitutional Court operates in Chambers.

(2) A citizen who is eligible to be elected for the Federal Assembly, has reached the age of 35, possesses a university degree in the area of law, and has been actively engaged in the legal profession for a period of 10 years may be elected as a member of the Constitutional Court of the Czechoslovak Socialist Republic.

(3) Members of the Constitutional Court of the Czechoslovak Socialist Republic are elected by the Federal Assembly for a period of 7 years. A judge of the Constitutional Court may be elected for a maximum of two electoral terms.

(4) Four judges and two alternates are elected from among citizens of the Czech Socialist Republic and four judges and two alternates are elected from among citizens of the Slovak Socialist Republic.

#### Article 95

(1) The President and Vice-President of the Constitutional Court of the Czechoslovak Socialist Republic are elected from among the members of the Constitutional Court by the Federal Assembly.

(2) Should the President of the Constitutional Court be elected from the Czechoslovak Socialist Republic a citizen of the Slovak Socialist Republic shall be elected as the Vice-President and vice versa.

#### Article 96

(1) The President of the Constitutional Court of the Czechoslovak Socialist Republic summons the alternates to act as judges in the event of illness, engagement or loss of the office of judge of any member of the Constitutional Court of the Czechoslovak Socialist Republic.

(2) In the event of a loss of office of any judge of the Constitutional Court of the Czechoslovak Socialist Republic the alternate becomes permanently a judge until the electoral term of the Constitutional Court of the Czechoslovak Socialist Republic expires.

#### Article 97

(1) Members of the Constitutional Court of the Czechoslovak Socialist Republic enjoy immunity analogical to those of the deputies of the Federal Assembly.

(2) Consent with criminal prosecution or disciplinary proceedings of a member of the Constitutional Court or with a member being taken into custody is granted by the Constitutional Court.

#### Article 98

(1) The position of member of the Constitutional Court of the Czechoslovak Socialist Republic is not compatible with the position of deputy of the Federal Assembly, of the Czech National Council, of the Slovak National Council, with membership in the Government of the Czechoslovak Socialist Republic, with governments of the Republics, nor with an office in either an administrative or economic body.

(2) An Act on the Federal Assembly may stipulate the incompatibility of the position of a member of the Constitutional Court of the Czechoslovak Socialist Republic with other positions.

#### Article 99

A member of the Constitutional Court of the Czechoslovak Socialist Republic may resign from their office. The Federal Assembly may suspend the member upon disciplinary proceedings or upon a ruling in criminal proceedings. The Federal Assembly may suspend the judge even in instances when the judge has not attended a court hearing for more than a year should such an instance be noted by the Plenum of the Constitutional Court of the Czechoslovak Socialist Republic.

#### Article 100

Details on jurisdiction and organisation of the Constitutional Court of the Czechoslovak Socialist Republic and manner of proceedings before this Court shall be governed by an Act of the Federal Assembly.

#### Article 101

The Constitutional Courts of both Republics operate respectively in the Czech Socialist Republic and the Slovak Socialist Republic. Their jurisdiction and principles of their organisation shall be stipulated by laws of the National Councils.

...

**Svoboda** m. p.

**Smrkovský** m. p.

**Ing. Černík** m. p.