

**ORDINANCE OF THE PRIME MINISTER**

of June 20, 2002

**Concerning the Principles of Legislative Technique.**

(Dz. U. of July 5, 2002)

Pursuant to Article 14, /section 4, point 1 of the Act on the Council of Ministers of August 8, 1996 (Dz. U. No. 82 of 1999, point 929; No. 120 of 200, point 1268; No. 102, point 1116 and No. 154, points 1799 and 1800 of 2001) be it ordained, as follows:

§ 1. The „Principles of Legislative Technique” are hereby laid down and constitute an annex to this Ordinance.

§ 2. The Ordinance shall come into force as of August 1, 2002.

**ANNEX**

**THE PRINCIPLES OF LEGISLATIVE TECHNIQUE**

**Division I**

**The Bill**

**Chapter 1**

**General Provisions**

§ 1. 1. The following actions shall precede a decision to draft a new bill:

- 1) determining and describing the conditions of social relationships in the area that requires the involvement of public authorities, and indicating the desired directions of their change;
- 2) determining potential measures, both legal and non-legal, to achieve the intended objectives;
- 3) assessing the anticipated social, economic, organizational, legal and financial effect of each contemplated solution;
- 4) seeking the opinion of entities interested in solving the issue;
- 5) selecting the method of a public authority's involvement.

2. If a decision is made to prepare a bill, the drafters shall:

- 1) acquaint themselves with the current legal environment, including the existing acts, international treaties, by which the Republic of Poland is bound or to which it is a party, the legislation of international organizations and bodies, of which the Republic of Poland is a member and with the European Union laws regulating a given area;
- 2) determine the effects of the existing regulations applicable to the given area;
- 3) define the objectives to be achieved by enacting the new act;
- 4) identify alternative legal solutions, which may be effectively used to achieve the intended objectives;
- 5) prepare forecasts for the main and side effects of the contemplated alternative legal solutions, including their impact on the legal system;
- 6) define the financial consequences of individual alternative legal solutions and identify the sources of funds to cover their costs;
- 7) select the solution that is optimal for the given situation.

§ 2. An act should comprehensively regulate a given area of issues, without leaving any material components thereof outside the scope of its regulation.

§ 3. 1. An act should be structured so that it is not necessary to introduce numerous exceptions from the provisions thereof.

2. An act shall not include provisions regulating any issues exceeding the scope of its subject matter (i.e. the relations that it regulates) and the scope of the parties it concerns (i.e. the set of entities to which it applies).

3. An act shall not amend or repeal any provisions regulating matters that do not fall within the scope of its subject matter or the scope of parties it concerns.

§ 4. 1. An act shall not repeat the provisions of other acts.

2. An act shall also not restate the provisions of international treaties ratified by the Republic of Poland, which are directly applicable based on the provisions of legislative acts passed by international organizations or bodies, upon which the Republic of Poland has conferred the powers of state authorities in certain matters.

3. An act may refer to other provisions of the same or another act of parliament, as well as to provisions referred to in Section 2. An act shall not refer to the provisions of other legislative acts.

4. An act shall not include provisions prescribing the application of other legislative acts, including treaties and acts referred to in Section 2.

§ 5. Provisions of an act shall be drafted in a concise and synthetic manner, avoiding unnecessary details, but simultaneously in a manner in which situations that are typical for matters in the area regulated by the act would be described.

§ 6. Provisions of an act shall be drafted to reflect the legislator's intent in a manner that is precise and comprehensible for the addressees of the regulations set forth therein.

§ 7. Sentences of an act shall be drafted in accordance with the generally accepted rules of Polish syntax, avoiding multiple compound sentences.

§ 8. 1. An act shall use linguistically correct phrases (expressions) in their basic and generally accepted meaning.

2. An act shall avoid the use of:

1) specialized terms (professional jargon), as long as such terms have their common-language equivalents;

2) expressions or borrowings from foreign languages, unless they do not have their exact equivalent in the Polish language;

3) newly formed linguistic terms or structures (neologisms), unless there is no relevant terms in the existing Polish vocabulary.

§ 9. An act shall use terms which have been used in an act that is fundamental to the given area of matters, in particular in an act defined as a "code" or a "law".

§ 10. Equivalent terms shall be denoted by the same terms and different terms shall not be denoted by the same terms.

§ 11. An act shall not contain any statements that are not intended to express legal norms, including without limitation any appeals, demands, recommendations, reprimands and formal justification of the formulated regulations.

§ 12. The rules of drafting a justification to a bill shall be stipulated by separate provisions.

§ 13. Draft ordinances that are critical to the operation of an act shall be prepared concurrently with the bill.

## **Chapter 2**

### **Structure of an Act**

§ 14. 1. An act shall consist of:

- 1) the title;
- 2) the body of an act;
- 3) the enacting provisions.

2. An act shall also contain transitional and repealing provisions, if it regulates the scope of matters that has already been regulated by another act.

3. An act may contain provisions amending other acts (the amending provisions) and provisions regarding its expiration.

§ 15. Individual parts of an act shall be placed in the following order:

- 1) the title;
- 2) the body of an act: general and specific provisions;
- 3) amending provisions;
- 4) transitory and adjusting provisions;
- 5) repealing provisions, enacting provisions and provisions regarding expiration of the current act (final provisions).

### **Chapter 3**

#### **The Title**

§ 16. The title of an act shall specify, in separate lines:

- 1) the type of the act;
- 2) the date of the act;
- 3) general definition of the subject matter of the act.

§ 17. The date of the act shall be preceded with the words “from the date of” and followed by the day in arabic numerals, full name of the month and the year in arabic numerals with "y" at the end, standing for the word "year".

§ 18. 1. The subject matter of an act shall be specified as concisely as possible, but in a manner that provides adequate information of the contents thereof.

2. In defining the subject matter of an act no references shall be made to the titles of other acts, except for an act to amend an act and an act to implement another act, which shall specify only the subject matter of the amended act or the implemented act, respectively.

§ 19. The subject matter of an act may be formulated:

- 1) in a descriptive manner: starting from the preposition "regarding", in small letters;
- 2) in a substantive manner: starting with the words: "Code" or the "Law" in capital letters, if the act comprehensively regulates a broad area of issues or starting with the words "Implementing regulations" if the act is an implementing act.

## **Chapter 4**

### **The layout and the provisions of the body of an act**

§ 20. 1. The body of an act may be divided into general and specific provisions.

2. The separated general provisions are defined as "General Provisions". They may be divided into topic groups and given names characteristic for each relevant topic group.

§ 21. 1. The general provisions shall:

1) define the matters to be regulated by the act and the entities to which such act shall apply or the matters and issues excluded from its operation;

2) define the terms and abbreviations used in the act.

2. General provisions shall also include provisions other than those indicated in Section 1, that are common for all or a majority of the provisions comprising the body of the act.

§ 22. 1. The general provisions may include references to other acts or to the provisions referred to in § 4 Section 2, only to the extent that that regulations set forth in such provisions supplement or otherwise regulate the matters governed by the act.

2. The reference referred to in Section 1 shall expressly indicate the legislative act to which the reference is made and the scope of matters for which the reference is made.

§ 23. 1. Specific provisions shall not regulate issues which have already been comprehensively regulated in the general provisions.

2. If certain elements used to specify in detail the contents of several specific provisions are repeated in such provisions, they shall be separated into one common provision and included next to the general provisions in which such elements are present.

3. If there are exceptions from any elements of a specific provision or any element of such provision requires further specification, the provision that sets forth the exceptions or specification shall be placed directly after the provision from which the exception or specification is made.

§ 24. 1. Specific provisions shall be placed in the following order:

- 1) substantive law provisions;
- 2) provisions on public authority bodies (provisions on the system of government);
- 3) provisions on the proceedings before bodies of public authority (procedural provisions);
- 4) provisions on criminal liability (penal provisions).

2. Specific provisions may be divided into topic groups and given names characteristic for each of the relevant topic group.

§ 25. 1. Substantive law provisions should indicate the required behaviour as directly and expressly as possible. Also, they should indicate to whom and in what circumstances such behaviour applies (the basic provision).

2. By way of exception, a basic provision may indicate only the prescribed or proscribed behavior to its addressee, if:

- 1) the addressee or the circumstances of such a prescription or proscription are expressly indicated in another act;
- 2) it is advisable that the addressee or the circumstances are included in the general provisions of the same act;
- 3) the general scope of the addressees or circumstances is obvious.

§ 26. The provisions on the system of government shall include provisions on the establishment of authorities or institutions, their responsibilities and powers, their organization, appointment of their members and the entities to which they report or by which they are supervised.

§ 27. The procedural provisions shall define the manner of proceeding before public authorities or institutions, the parties to and other participants in such proceedings, their rights and obligations in the proceedings and the types of decisions made as a result thereof, as well as the manner in which such decisions may be challenged.

§ 28. Penal provisions shall be included only if a contravention of the provisions of an act does not qualify as violation of the provisions of the Criminal Code, Fiscal Offences

Code or the Minor Offences Code, and the deed subject to penalty is related only to the contents of such act.

§ 29. 1. An act may contain annexes. References to exhibits shall be placed in the body of the act.

2. Annexes to an act shall include, without limitation: lists, diagrams, formulas, tables and specialized descriptions.

## **Chapter 5**

### **The layout and contents of transitory and adjusting provisions**

§ 30. 1. Transitory provisions regulate the impact of a new act on the relations created by an existing act (existing acts).

2. Transitory provisions shall determine, without limitation:

1) the manner of concluding any pending proceedings (that is, proceedings which have been instituted under the existing regulations and have not been finally concluded until the day of repealing such regulations), the effectiveness of any actions undertaken by the authorities responsible for completing the proceedings and the dates of such cases being referred to their attention;

2) if and to what extent the institutions of law which have been repealed by the new provisions shall temporarily remain in force;

3) if the rights, obligations and powers created when the provisions that are to be repealed or that have previously been repealed will be maintained and if the actions taken when such provisions were in force are effective; these matters shall only be regulated if it is intended that the rights, obligations and powers are not maintained, are amended or deemed ineffective;

4) if and to what extent the new provisions shall apply to the rights, obligations and actions referred to in point 3;

5) if and to what extent the implementing regulations issued on the basis of the previous provisions authorizing such issue will remain in full force and effect.

§ 31. 1. If it is intended that the provisions of the existing act temporarily apply to the issues referred to in § 30 Section 2, point 1-3, it should be expressly noted in the new act, in transitory provision as follows: "Provisions of Article ..... of the act ..... (the title of the existing act) shall apply to the matters referred to in ....".

2. Except for the stipulations concerning criminal provisions, transitory provisions may indicate the date until which the temporarily retained provisions of the existing act will remain in force, using the phrase: "no longer than until .....".

§ 32. 1. If implementing legislation has been issued on the basis of the act which is to be repealed, or a provision authorizing the issuance of such implementing legislation is to be repealed, such secondary legislation shall be deemed to become null and void either as of the date on which the new act comes into force or as of the date on which the provision revoking the authorization to issue such implementing legislation comes into force.

2. If the wording of the provision which authorizes the issue of implementing legislation is amended to change the type of the implementing legislation or the scope of issues to be regulated by such implementing legislation or the guidelines concerning the contents of such implementing legislation, the implementing legislation shall be deemed to become null and void as of the date on which the act that amends the authorizing provision comes into force.

3. If the wording of the authorizing provision is amended to change the body authorized to issue implementing legislation, such legislation shall remain in full force and effect. In such an event the body indicated in the amended authorization shall be authorized to amend or repeal the implementing legislation issued based on the amended authorizing provision.

§ 33. 1. If the implementing legislation issued pursuant to a repealed or amended authorizing provision is inconsistent with the new or amended act, it may, by way of exception, be temporarily kept in force, by wording the transitory as follows: "The existing implementing legislation issued pursuant to Article ... of the Act ..... (title of the existing act) shall remain in full force and effect until new implementing legislation is adopted pursuant to Article ... of the Act."

2. Only certain provisions of the implementing legislation issued pursuant to the authorizing provision of the repealed or amended act are not temporarily kept in force.

3. The solution referred to in Section 1 may be employed only in a repealing act or an act amending the act based on which the existing implementing legislation has been issued. The solution shall not be used for any subsequent acts which will repeal or amend the repealing or amending act.

4. In an act that temporarily keeps in force the existing implementing legislation a time limit may be specified for the authorized body to issue a new implementing legislation.

§ 34. Unless a new act expressly provides for such a possibility, the implementing legislation shall not be amended.

§35. 1. Adjusting provisions shall regulate in particular:

- 1) the manner in which the bodies or institutions that are to be created pursuant to the new act shall be established for the first time;
  - 2) the manner of transforming the bodies or institutions formed pursuant to the existing act into the bodies or institutions to be established under the new act;
  - 3) the manner of dissolving the bodies or institutions that are to be dissolved pursuant to the new act, the principles for disposing of their assets, and their existing employees' rights and obligations.
2. The adjusting provisions may specify the time limit for adjusting the bodies or institutions to the new act.

§36. The solutions contemplated in the transitory and adjusting provisions shall be designed so that they are not onerous to their addressees and enable such addressees to adapt themselves to the provisions of the new act.

§37. Neither the transitory nor adjusting provisions shall include any provisions regulating matters other than those set forth in this Chapter.

## **Chapter 6**

### **The layout and contents of the final provisions**

§ 38. 1. The final provisions shall be placed in the following order:

- 1) the repealing provisions;
- 2) the enacting provisions;
- 3) if necessary, the provisions on the expiration of the act.

2. The final provisions shall not contain any provisions other than those set forth in Section 1.

§ 39. 1. A repealing provision shall exhaustively specify the acts or individual provisions that are to be repealed. It does not suffice to implicitly repeal the previous act or provisions thereof by way of regulating a particular matter differently under the new act.

2. If an act regulates a given area in a comprehensive and exclusive manner and there are considerable difficulties with formulating an exhaustive list of all the existing provisions governing that area, by way of exception, the following phrase may be used in the repealing provision: "All existing provisions regulating the matters governed by this act shall become null and void, including but not limited to the following provisions ....."

3. Except as provided in Section 2 above, a repealing provision shall not be worded in a vague manner and in particular it shall not use the expression: "Any existing provisions that are inconsistent with this act shall become null and void ".

§ 40. 1. A provision that repeals an act or any particular provisions thereof shall read, respectively: "The act ..... (the title of the act)" or "Article ..... of the act (the title of the act) shall be repealed".

2. If several acts are to be repealed, such acts shall be listed in the same unit of text of the repealing act, itemized in the order in which they were originally enacted.

§ 41. 1. The existing act regulating the given area of issues shall be repealed in its entirety, without any individual sections, including in particular individual provisions, remaining in force.

2. If, by way of exception, some provisions of the repealed act are to continue in force, it will be expressed by the phrase: "The act..... (the title of the act) shall become null and void, except for the provisions of Article ... (an list of all provisions that remain in force)".

3. In the event referred to in Section 2, if the provisions to be repealed have earlier been kept in force, also the provision that kept those provisions in force shall be repealed, which shall be expressed by the phrase:

"The following provisions shall be repealed:

1) Article ... and Article ... of the act ..... (the title of the previously repealed act which contained the repealed provisions), kept in force pursuant to Article ... of the act ..... (the title of the act, which kept in force the provisions that are to be repealed);

2) Article ... of the Act ..... (the title of the act which kept in force the provisions to be repealed), to the extent that they concern keeping in force the provisions referred to in point 1."

§ 42. If only some of the provisions of an act are to be repealed, the repealing provision shall expressly and exhaustively list all such repealed provisions of the act.

§ 43. An act shall include a provision specifying the date on which the act shall come into force, unless such date is specified by separate provisions of the implementing act.

§ 44. 1. An act should come into force in its entirety on the same date. No different effective dates shall be specified for individual provisions of the act.

2. An exception from the solution stipulated in Section 1 may only be made in respect of amending, repealing, transitory and adjusting provisions.

§ 45. 1. The enacting provision may read as follows:

- 1) "This act shall enter into force 14 days after its promulgation ";
- 2) "The act shall come into force ..... (days, weeks, months, years) after its promulgation";
- 3) "The act shall come into force on the first day of the month following the month of its promulgation " or "The act shall come into force on the ..... day ..... of the month following the month of its promulgation ";
- 4) "The act shall come into force on ... (a calendar date)";
- 5) "The act shall come into force as of the date of its promulgation ".

2. The number of days, weeks, months or years, referred to in Section 1 points 1 and 2, shall be written in arabic numerals or in words. The date and the month referred to in Section 1 point 3, shall be written in words.

§ 46. 1. The act's coming into force shall not be made contingent upon the occurrence of any future event.

2. However, the application of an act or individual provisions thereof may be made contingent upon a future event. If the application of the entire act is to be contingent upon the occurrence of a future event, it shall be expressed with the phrase: "The act shall come into force as of the date of ..... (specification the event)" If the application of only some of the provisions of the act is to be contingent upon the occurrence of a future event, it shall be expressed with the following phrase: "The act shall come into force as of ....., except that the provisions of Article ... shall be applicable as of ..... (specification of the event)".

3. The solution referred to in Section 2, shall only apply if the date of the occurrence of the future event may be determined in a definite manner and such date shall be officially made public.

§ 47. 1. In the event of acts which are particularly extensive or which substantially amend the provisions of an existing act, the enacting provisions of the "main" act, the amending provisions, the repealing and adjusting provisions may be set forth in a separate act (the implementing act).

2. An implementing act may only apply to one "main" act. Exceptionally, if the "main" acts regulate closely related matters, one implementing act may refer to several "main" acts.

3. The solution referred to in Section 1 shall not apply to amending acts.

§ 48. The provisions of an implementing act shall be set out in the following order:

- 1) the enacting provisions regarding the “main” act;
- 2) the amending provisions;
- 3) the repealing provisions;
- 4) the transitory and adjusting provisions.

§ 49. The effective date of the “main” act set forth in the implementing act shall be the same day as the effective date of the implementing act.

§ 50. If the “main” act is repealed, the repealing act shall not contain a provision repealing the act which implements the “main” act. The provision repealing an implementing act shall only be included if such act contains provisions other than the provisions set forth in § 48.

§ 51. 1. A provision giving retroactive effect to an act or a part thereof shall read: "The act shall come into force as of ..... and shall apply to events (states of affairs) which occurred prior to ....." or "The act shall come into force as of ..... and shall also apply to events (states of affairs) which occurred prior to ...” or “The act shall come into force as of ..., with a retroactive effect as of ...”.

2. Provisions of an act other than provisions which are given a retroactive effect but which, however, have a retroactive effect arising from their contents and which refer to events or state of affairs that occurred prior to the effective date of the act, shall be drafted expressly to indicate such events or states of affairs.

§ 52. 1. Provisions which specify the date of expiry of an act or any individual provisions thereof, shall be included only if such act or any individual provisions thereof are to be in force for a limited period of time. The expiry of an act or individual provisions thereof may be made contingent upon the occurrence of a future event only if the date of such future event can be established in a definite manner and officially made public.

2. The provision referred to in Section 1 shall read as follows: "The Act ..... (the title of the act) shall come into force as of ..... (calendar date or definition of a future event)", or "The provisions of Article ... shall become null and void as of ..... (calendar date or definition of a future event)".

§ 53. If there are few transitory, adjusting and final provisions, they may be combined under the common title of "Transitory and Final Provisions”.

## Chapter 7

## Designation and systematization of the provisions of an act

§ 54. An article shall be the basic unit of text in an act.

§ 55. 1. Each individual thought shall contained in a separate article.

2. Insofar as possible, an article shall be one-sentence long.

3. If an independent thought is to be expressed by a series of sentences, the article shall be divided into sections. Sections of an act defined as a "Code" shall be designated with paragraph signs (§).

4. An article shall also be divided into sections if the contents of sentences expressing independent thoughts are related, but are not sufficiently significant to be made into a separate article.

§ 56. 1. An article (section) containing enumerations shall be divided into two parts: the introduction to the enumeration and the enumerated items. An enumeration may be concluded with a common part referring to all the items.

2. points may contain further enumeration, marked with letters.

3. Letters may contain further enumeration, marked with bullet points.

§ 57. 1. An article shall be designated with the abbreviation "Art." and an arabic number, followed by a full stop, with continuous numbering maintained throughout the act. References to articles shall be marked with the abbreviation "Art." Regardless of the number and case and an arabic number, not followed by a full stop. An article of an act that implements an act defined as a "Code" may be marked with a Roman number.

2. A section shall be marked with an arabic number, followed by a full stop without brackets, with continuous numbering maintained throughout the article. References to sections shall be marked with the abbreviation "Par.", regardless of the number and case and an arabic number, not followed by a full stop.

3. An item shall be marked with an Arabic numeral with a bracket on its right, with continuous numbering maintained throughout the article or the section. References to an item shall be marked with the abbreviation "It.", regardless of the number and case and an Arabic numeral without a bracket. Each item shall end with a semicolon and the last with a full stop, unless the enumeration is concluded with a part common for all of the foregoing items. In such case, a full stop shall follow the common part.

4. Enumeration within items (the letters) shall be marked with small Latin letters, excluding letters specific to the Polish language (ą, ć, ę, ł, ń, ó, ś, ź, ż), with a bracket on

the right, in alphabetic order within the item. References to letters shall be marked with the abbreviation "let.", regardless of the number and case, and a Latin letter without a bracket. Each letter shall followed by a comma and the last letter by a semicolon or full stop, unless the enumeration is concluded with a part common for all of the foregoing items. In such case, a full stop or semicolon shall follow the common part.

5. In the event referred to in Section 4, if there are insufficient letters, double-letter designations and, subsequently, multi-letter designations, adding to the last letter of the Latin alphabet, first the first and then consecutive numbers of the alphabet [a), b)..... z), za), zb) ..... zz), zza), zzb) .....].

6. Each bullet point shall be followed by a coma, semicolon or a full stop, unless the enumeration is concluded with a part common for all the items. In such case, a coma, semicolon or a full stop shall follow the common part. References to bullet points shall be designated with the word "bullet point" and the ordinal numeral of such bullet point in words.

§ 58. 1. Each unit of text shall start with a new line and shall be preceded by a designation placed on the same line.

2. Articles and sections shall start with a new paragraph.

3. Points, letters and bullet points shall start at the same indent as the introduction to the enumeration.

§ 59. 1. Provisions of an article divided into sections, points, letters and bullet points shall be referenced in the following order: "Article ... Section ... point ... letter ... bullet point...", without comas after consecutive designations.

2. If a text unit consists of several sentences and a reference is to concern only one of them, it shall be expressed with the phrase: "Article ... Section ... sentence (ordinal numeral designating the sentence)".

§ 60. 1. In order to systematize the provisions of an act, articles may be grouped into text units of a higher level.

2. Articles are grouped into chapters, chapters are grouped into divisions and divisions are grouped into titles.

3. In an act designated as a "code" the titles may be grouped into books and books into parts. By way of exception, such act may additionally introduce divisions as designations at a lower level than a chapter.

§ 61. Systematizing units of a higher level shall only apply, if at least in respect of one of them the relevant designations of a lower level have previously been used.

§ 62. 1. Chapters (divisions) shall be numbered with arabic numerals and systematizing units of a higher level, with Roman numerals.

2. The name of a systematizing unit of a higher level shall consist of the word: "part", "book", "title", "division", "chapter" "unit" with the relevant ordinal numeral and a concise definition of the contents or the scope of the regulated matters, beginning with a capital letter and starting with a new line.

## **Chapter 8**

### **Authorizing Provisions**

§ 63. The provisions authorizing to issue an ordinance shall indicate:

- 1) the body appropriate to issue an ordinance;
- 2) the type of the legislative act;
- 3) the scope of matters to be regulated by an ordinance;
- 4) guidelines as to the contents of the ordinance.

§ 64. 1. The body appropriate to issue an ordinance shall be indicated by specifying the full name of such body, as stated in its constitutive document.

2. If an ordinance is to be issued by a minister, such minister shall be indicated as relevant for the matters comprising the section of the governmental administration which the minister is in charge of, defined in Article 5 of the Act on the Governmental Administration Divisions of September 4, 1997 (Dz. U. of 1999: No. 82, item 928; of 2000: No. 12, item 136, No. 43, item 489, No. 48, item 550, No. 62, item 718, No. 70, item 816, No. 73, item 852, No. 109, item 1158 and No. 122, items 1314 and 1321; of 2001: No. 3, item 18, No. 5, item 43 i 44, No. 42, item 475, No. 63, item 634, No. 73, item 761, No. 76, item 811, No. 87, item 954, No. 102, item 1116, No. 113, item 1207, No. 115, item 1229, No. 123, item 1353, No. 125, item 1371, No. 126, item 1382, No. 129, item 1441, No. 130, items 1450 and No. 154, item 1800; and of 2002: No. 25, item 253, No. 41, item 365, No. 71, item 655, No. 74, item 676), except for the Minister of National Defense and the Minister of Justice that are indicated by their proper names.

§ 65. The scope of matters to be regulated by an ordinance shall be defined in a precise manner. The definition of such matters may not be vague, in particular by using the expression "... shall specify the detailed principles ....".

§ 66.1. Guidelines regarding the contents of an ordinance are the guiding principles governing the contents of ordinances or the manner of structuring their contents. The guidelines may indicate, without limitation:

- 1) the regulations which shall not be set forth in an ordinance;
- 2) the limits which must not be exceeded by the regulations of an ordinance;
- 3) the requirements which are to be met by the solutions adopted in an ordinance;
- 4) the objectives which are to be achieved by an ordinance.
- 5) the circumstances which must be taken into consideration in drafting the ordinance.

2. The degree of detail in the guidelines should be adjusted to the type of the matters to be regulated in an ordinance. The guidelines should be more detailed if the matters concern the legal situation of citizens.

§ 67. 1. An authorizing provision shall be contained in one article so that it may be referenced as a legal basis for issuing an ordinance.

2. The article referred to in Section 1, may be divided into a unit of text of a lower level, in particular the guidelines may be set out in separate Sections of such article or as one long sentence.

§ 68. 1. The authorization to issue an ordinance may be of an obligatory or a discretionary nature.

2. If it is necessary to issue an ordinance in order for an act to operate, the authorization shall be of an obligatory nature. If it is up to the discretion of an authorized body to decide whether and when to issue an ordinance, the authorization shall be of a discretionary nature.

3. An authorizing provision shall read as follows:

1) if the provision is to authorize a body to issue an ordinance and simultaneously obligate the authorized body to issue such ordinance: ".... (the name of the body) shall set forth, by way of an ordinance, ....." (the obligatory authorization);

2) if the provision is to authorize a body to issue an ordinance and simultaneously leave it to such body's discretion whether to use the authorization, "..... (the name of the body) may set forth, by way of an ordinance, ...." (the discretionary authorization).

§ 69. An issue of an ordinance may be made contingent upon the occurrence of a certain condition, stated in the authorizing provision in the following manner: "In the event of ..... (definition of the condition), ..... (name of the body) shall set forth, by way of ordinance, ....." or "If ..... (definition of the condition) occurs, ..... (the name of the body) may set forth, by way of ordinance, .....".

§ 70. Matters that are not clarified or that pose difficulties in drafting the act shall not be regulated by an ordinance.

§ 71. The authorizing provision shall not include an authorization to issue an ordinance in respect of several acts.

§ 72. A provision authorizing to issue a resolution or a regulation shall specify:

- 1) the body appropriate to issue a legislative act;
- 2) the type of the legislative act;
- 3) the general scope of matters, which must or may be regulated by the legislative act.

§ 73. 1. A provision that authorizes a body to participate in issuing an ordinance, resolution or a regulation shall specify:

- 1) the entity authorized to participate;
- 2) the form of the participation.

2. The authorization to participate in issuing a legislative act does not release from the obligation to agree upon the draft of such legislative act or to seek an opinion thereon on the terms set forth in separate provisions.

3. The entity authorized to participate in issuing a legislative act shall be specified in the manner indicated in §64.

§74. The provisions authorizing a body to participate in issuing an ordinance, resolution or a regulation shall read as follows:

- 1) if participation is to consist in the authorized bodies jointly issuing a legislative act: "The minister (or other body) ..... and minister (or other body) ..... shall set forth ....." or "The minister (or other body) ..... and the minister (or other body) ..... may set forth ....."
- 2) if joint participation is to consist in reaching an agreement on the contents of a legislative act, and the lack of such agreement is to result in the act not being passed: "The minister (or other authority) ..... in consultation with the minister (or other body) ..... shall set forth ....."
- 3) if joint participation is to consist in actively expressing prior consent for the issue of a legislative act, and the lack of such consent is to result in the act not being passed: "The minister (or other authority) ..... upon the consent of the minister (or other body) ..... shall set forth ....."

4) if joint participation is to consist in actively expressing subsequent approval for the issued legislative act, and the lack of such approval is to result in the legislative act not coming into force: "The minister (or other body) ....., upon approval by (the body) ....., shall set forth ....."

5) if joint participation is to consist solely in issuing an opinion on the draft of a legislative act, and the failure to seek such opinion is to result in the legislative act not being passed: "The minister (or other body) ....., upon seeking the opinion of (the body) ....., shall set forth ...";

6) if joint participation is to consist in the legislative act being initiated by another entity, and the lack of such initiative prevents such act from being issued by the body authorized to do so: " The minister (or other body) ....., upon the motion of (the body) ....., shall set forth..."

## Chapter 9

### Criminal provisions

§ 75. 1. A criminal provision shall state the criteria for a prohibited act in an exhaustive manner, without references to orders or proscriptions set forth in other provisions of the same act or other acts, including acts defined as the "code" or in the provisions of international treaties ratified upon the consent granted in the act.

2. The reference set forth in Section 1, shall be used only if the unlawfulness of the act consists in a breach of orders or proscriptions expressly stipulated in other provisions of the same act or the provisions of international treaties ratified upon the consent granted in the act. In such case, the criminal provision may make a reference to a specific provision of the same act or to a provision of a certain international treaty, using the following expression: "A person that, in breach of the provisions of Article ... (provisions of a Article ... of the agreement .....)".

3. The reference set forth in Section 1, shall also be used if the criminal provision provides that a prohibited act may be committed in a manner other than perpetration or provides for certain circumstances that preclude, attenuate or aggravate the criminal liability, which shall be expressed as follows: "A person that contributes to the preparation of an offence specified in Article ..., who ....." or "The person that ..... shall not be subject to a penalty for the offences set forth in Article ...".

§ 76. When describing the criteria for a prohibited act in a criminal provision, expressions "unlawfully", "intentionally" and similar shall not be used.

§ 77. 1. §77. 1. In a criminal provision describing the criteria for an offense, it shall not be stated that such offense may be committed only intentionally. If an offense may also be committed unintentionally, it shall be stated in a separate unit of text, reading: "If an offender acts unintentionally .....", or "A person that, even though unintentionally .....".

2. 2. A criminal provision describing the criteria for a minor offense shall not state that such offense may be committed both intentionally and unintentionally. If an offense may only be committed unintentionally, this shall be stated in a separate unit of text, reading: "If a perpetrator of a prohibited act set forth in Article ... acts intentionally ...." or "A person that intentionally.....".

§ 78. 1. In a criminal provision, a penal sanction for committing a prohibited act shall be specified without making a reference to other criminal provisions.

2. The reference set forth in Section 1, shall only be used in the provisions that directly follow each other, with the use of the following phrase in the second provision: "The same penalty shall apply to a person that.....".

§ 79. 1. A provision that sets forth a penal sanction and permits imposition of several alternative types of penalties, shall read:

1) "..... shall be subject to the penalty of ..... or the penalty of ....." (if only one of the listed types of penalty is permitted);

2) "..... shall be subject to the penalty of ..... or the penalty of ..... or to both penalties jointly " (if even both penalties may be imposed).

2. A provision that sets out penal sanctions and permits several types of a penalty to be cumulatively imposed, shall read:

1) "..... shall be subject to the penalty of ..... and the penalty of ....." (if it is mandatory that such penalties are imposed cumulatively);

2) "..... shall be subject to the penalty of ..... and the penalty of ....." (if it is optional that such penalties are imposed cumulatively).

3. A criminal provision shall set forth the criminal remedies that may be awarded for committing a prohibited act:

1) if a prohibited act is an offense, only if a mandatory or optional award of a criminal remedy does not result from the provisions of the general part of the Criminal Code or if the legislator's intention is to exclude the application of such remedy and to regulate a specific case in a different manner;

2) if a prohibited act is a minor offence: always, if the legislator's intention is for a certain criminal remedy to be awarded, provided that the penal provision should specify if the award is mandatory or optional; if the provision provides for an obligation to remedy the loss, the manner of remedying the loss shall also be indicated.

4. The following expressions shall not be used in a criminal provision: “unless a certain prohibited act is subject to a penalty under other provisions” or “unless a certain prohibited act constitutes another offence subject to a more severe penalty” and the like.

§ 80. 1. A criminal provision shall set forth the circumstances that preclude, attenuate or aggravate criminal liability, only if the occurrence thereof is a condition to a person not being subject to criminal liability, being subject to an attenuated or more severe liability.

2. Attenuating or aggravating circumstances may be indicated using evaluative expressions, such as “a less significant event”, “the weight of a deed” or similar.

§ 81. If, based on the penal sanction it is impossible to establish whether a given prohibited act is an offence or a minor offence, at the end of the criminal provisions a provision shall be set forth specifying the manner in which cases regarding such prohibited act shall be adjudicated, reading as follows: “Awards in cases referred to in Article ..., shall be issued pursuant to the provisions of the Code of .....”.

## **Division II**

### **Amendment of an act**

§ 82. An amendment to an act consists in repealing certain provisions thereof and replacing some of the provisions of an act with provisions of different contents or wording or adding new provisions to the act.

§ 83. Provisions of an act shall be amended by:

- 1) a separate amending act;
- 2) an amending provision set forth in another act.

§ 84. If there are to be numerous amendments to an act or such amendments were to affect the structure or consistency of the act or if such act has previously been amended on numerous occasions, a new bill shall be prepared.

§ 85. 1. Provisions of an act shall be amended by a provision that expressly specifies amendments to be made.

2. The first article of an amending act or amending provisions to be set forth in another act shall read as follows: “The act ..... (the title of the act) shall be amended as follows: .....”.

3. If only one provision of an act is to be repealed, the repealing provision shall read as follows: “Article .... of the act ..... (the title of the act) shall be repealed”.

4. If only one provision of an act is to be amended, the amended provision shall read as follows: "Article .... of the act ..... (the title of the act) shall be read as follows".

§ 86. An amendment to an act may not consist in replacing an old provision with a new one, without indicating that such amendment is being made (an implied amendment).

§ 87. 1. A full amended text of a provision of an act shall be quoted, even if only one word is replaced in, added to or deleted from such provision.

2. If articles of an act are divided into units of text of a lower level and the amendment refers to only one of such units of text, it shall be sufficient to quote only a full amended text of such restated unit of text.

§ 88. If a given term, which is used in many provisions of an amended act, is to be replaced by another term, such amendment shall be made by setting forth the following provision in the amending act: "The words " ..... " used in Article ... (or in the act), regardless of the number and case, shall be replaced with the words " ..... " used in the appropriate number and case".

§ 89. 1. If new articles are to be added to the text of an act, the original numbering shall be kept and a small letter of the Latin alphabet added to the number of a new article, except for the letters that are specific to the Polish language, in the alphabetic order, which shall be expressed with the following phrase: "After Article X, Article Xa shall be added reading as follows .....".

2. The principle set forth in Section 1 shall apply accordingly if a new section is added in an article, a new point in a section or a new letter in a point, which shall be expressed by the following phrase: "In Article ..., after section X (point X, letter X) section Xa (point Xa, letter Xa) shall be added, reading: ....." . If however a new unit of text of a lower level is added at the end of an article, section, point or a letter, it shall be designated, as the case may be, with an Arabic numeral or a letter from the Latin alphabet, which shall be expressed by the following phrase: "In Article ... in section ... point ... (letter ...) shall be added, reading: ....." , provided that the preposition "in" shall be used before the designation of each unit of text.

3. In the event referred to in Section 2, , if there are insufficient letters, double-letter designations and, subsequently, multi-letter designations shall be used, adding to the last letter of the Latin alphabet, first the first and then consecutive numbers of the alphabet [a), b)..... z), za), zb) ..... zz), zza), zzb) .....].

§ 90. Amendments shall always be made to the original text of an act or if such act has already been amended to the amended text of thereof. If a consolidated text of an act has been published, such consolidated shall be amended. If amendments have already been made to the consolidated text of an act, the amended consolidated text shall be amended.

§91. 1. Provisions amending another act shall not be amended.

2. If required in order to eliminate a flagrant error in the provisions amending a promulgated act, such provisions may, by way of exception, be amended in the period of *vacatio legis* for such provisions.

3. The amendment to the amending provisions referred to in Clause 2 shall come into force no later than on the effective date of the amended act.

§92. 1. One amending act shall concern only one act of parliament.

2. The principle set forth in Section 1 may only be waived if unquestionable relations exist as to the subject matters or if it is necessary to amend several acts simultaneously in order to achieve the legislator's intention.

§ 93. 1. An amending act may only set forth the repealing provisions, replacing provisions or provisions supplementing the amended act, and if necessary, also the transitory and adjusting provisions required for the purposes of the amendment.

2. An amending act shall not include any provisions regulating matters that are outside the scope of the amended act.

3. In certain particularly justified cases, if necessary in order to avoid a loophole in the provisions of law, an amending act may, by way of exception contain provisions that regulate matters exceeding the scope of the amended act.

4. If an amending act contains transitory and adjusting provisions or, exceptionally provisions other than provisions repealing, replacing or supplementing the amended act, it shall not be sufficient to repeal the amended act but also the amending act shall be amended.

§ 94. 1. Amendments made pursuant to an amending act shall be contained in one article of such act.

2. Each article to be amended shall be contained in a separate point. If in an article, amendments are made to text units of a lower level, each of such amendments shall be designated by a separate letter.

§ 95. If one amending act amends several acts, the amendment referring to each act shall be contained in a separate article.

§96. 1. The title of an amending act shall be drafted in accordance with the principles set forth in §16 through §18, provided that the subject matter of the act shall be phrased using the expression: "The act to amend the act ..... (the title of the act)", or "The act amending the act ..... (the title of the act)", and if several acts are amended simultaneously: "The act to amend the act .... (the title of the act)" specifying the title of each amended act.

2. If a number of acts are amended by one act and the listing of all titles of the amended acts would result in the title of the amending act becoming excessively long, by way of exception the title may be phrased using the expression: "The act to amend acts ....." and generally to describe the common subject matter of such acts, or "The act to amend the act..... (the title of an act) and certain other acts", listing only the title of the main act to be amended.

3. The title of the amending act shall specify the dates of the amended act and the meaning of official journals in which such act, any amendments thereto or the latest consolidated text and amendments thereto have been published.

4. In the event referred to in Section 2, a reference to the title of the amending act shall specify the titles of all the amended acts and the designations of the relevant official journals in which such acts and amendments thereto, as well as the latest consolidated texts and amendments thereto, have been published.

§ 97. 1. If the act comprises several amending provisions, such provisions shall be separated into a joint chapter entitled "Amendments to the existing provisions: and placed immediately before the transitory and final provisions.

2. If an act contains one amending provision, such provision shall be placed immediately before the transitory and final provisions in the chapter entitled "Amendments to the existing provisions, transitory and final provisions".

### **Division III**

#### **Consolidated text**

§ 98. 1. If an act is to specify the time limit for promulgating the consolidated text thereof, the provision which specifies such time limit shall be included in the act that amends the act, the consolidated text of which is to be promulgated or in the act implementing such act (in the Provisions implementing the act ...).

2. A provision which specifies the time limit for promulgating the consolidated text shall read as follows: "The consolidated text of the act ..... (the title of the act) shall be promulgated within ..... months (days) from the promulgation hereof".

3. The provision referred to in Section 2 shall not specify the designations of the official journals which promulgated the act, the consolidated text of which is to be promulgated, or the designations of the official journals in which amendment to such act, the latest consolidated text thereof or amendments thereto have been published.

§99. If the time limit to promulgate the consolidated text has been specified, such text shall be drawn up according to the legal status as at the effective date of the act in which the time limit to promulgate such text has been specified. The consolidated text may also include amendments made after the effective date of the act in which the time limit for the promulgation of such text was specified.

§ 100. If the time limit for the promulgation of the consolidated text has not been specified, the consolidated text shall be drawn up according to the legal status as at the date of publishing of the announcement regarding the promulgation of the consolidated text.

§ 101. A consolidated text shall be promulgated in the form of an announcement to which the consolidated text is attached.

§ 102. The title of the announcement shall read: "The announcement ..... (the body issuing the announcement) of .... regarding the promulgation of the consolidated text of the act .... (the title of the act)". The title of the announcement shall not specify the date of the act the consolidated text which is being promulgated and shall not specify designations of the official journals which promulgated the act, amendments thereto and any previous consolidated texts and amendments thereto.

§ 103. 1. The announcement shall cite the provision of the act that authorizes the promulgation of the consolidated text of the act and the title of the act which the consolidated text promulgates, as well as all acts which amended the original text of such act.

2. The announcement shall also cite the provisions set forth in amending acts that do not constitute part of the consolidated text due to the fact that they do not amend the text of the act of which the consolidated text is being promulgated.

§ 104. The announcement regarding the promulgation of the consolidated text shall be drafted in the following form:

"1. Pursuant to Article 16 Section 1 (if the announcement is made by the Speaker of the Lower Chamber of the Polish Parliament or Article 16 Section 3, if the consolidated text is promulgated by the body appropriate to issue a legislative act other than an act) of the Act on the Promulgation of Legislative Acts and Certain Other Legal Acts of July 20, 2000 (Dz. U. No. 62, Item 718, of 2001; No. 46, Item 499 and of 2002" No. 74, Item 676) promulgated in the form of an attachment hereto shall be the consolidated text of the Act on .... of ..... (Dz. U. No. ...., Item ....., specifying only the designation of the official journal in which the original text or the latest consolidated was promulgated), as amended by:

1) the act on .... of .... (Dz. U. No....., Item ..., specifying the designation of the official journals which promulgated the original text and all amendments thereto;

2) .....

as well as amendment arising from provisions promulgated prior to ..... (the date as a t which the consolidated text has been drawn up).

2. The consolidated text of the act set forth in an attachment hereto does not include:

1) Article ... of the act on ..... of .... (Dz. U. No. ..., Item ..., specifying the designation of the official journals which promulgated the original text and all amendments thereto), which reads:

"Art. ....";

2) ....."

§ 105. If based on a later provision it may be established beyond doubt that the earlier provision is null and void, the announcement regarding the promulgation of the consolidated text shall make a reference to such fact, reading: "The consolidated text of the act on ..... of ..... set out an the attachment hereto does not include the provision of Article ..... of that act as it has become null and void". In such event the relevant announcement shall be made in the announcement of the consolidated text as the next item (Item 3).

§ 106. The consolidated text shall be drafted according to the following principles:

1) the numbering of the original text of the act is kept and incorporates any numbering added by amending acts; consecutive numbering shall not be introduced;

2) in place of a repealed provision the designation of the repealed unit of text shall be indicated together with an annotation "repealed", with a footnote setting out the title of the repealing act and designations of the official journals in which the act and amendments thereto have been promulgated, as well as the repealing provision and the date of its coming into force;

3) in the case of amended provisions and added provisions, the footnotes to such provisions shall cite the title of the amending act and the designations of the official journals in which the act and amendments thereto have been promulgated, as well as the amending provisions and the date of its coming into force;

4) in the case of provisions that have been amended on man occasions, the footnotes shall quote all the amendments made in a chronological order, in accordance with the principles set forth in points 2 and 3.

§ 107. No amendments shall be made to a consolidated text, other than those expressly drafted in the amending act, unless the amendments are of purely formal nature. In such

an event, the amendments made shall be described in the footnotes to thus amended provisions.

§ 108. Footnotes to the consolidated text shall also describe any amendments other than those listed in §106 Items 2-4 and §107, including amendments to the provisions referred to by the act for which the consolidated text is being promulgated.

§ 109. In the event that the second or a consecutive consolidated text is promulgated, the footnotes to this text shall stipulate only the amendments made following the promulgation of the previous consolidated text.

§ 110. The principles expressed in this division shall apply as appropriate to consolidated texts of legislative acts other than an acts of parliament.

#### **Division IV**

##### **Rectification of an error**

§111. The rectification of an error may only refer to the text of a legislative act which has been promulgated in an official journal.

§ 112. 1. The announcement of the rectification of an error shall specify:

- 1) the title of the announcement, including the number of the rectifying authority and the date of issuing and the subject matter of the announcement;
- 2) the legal basis for rectifying the error;
- 3) the title of the legislative act in which the error is being rectified, as well as the designation of the official journal in which the act was promulgated;
- 4) the provision of the legislative act that is being rectified;
- 5) a citation of the error being rectified;
- 6) the relevant section of the legislative act, worded to reflect the rectification of the error.

2. The title of the announcement on the error rectification shall read: "The announcement of the Prime Minister (or the name of another authority issuing the announcement) dated ....., on the rectification of an error ".

3. The contents of the announcement on the rectification of an error shall be drafted in the following form: "Pursuant to Article 17 Section 3 (or Article 17 Section 4, if the announcement is issued by an authority other than the Prime Minister) of the Act on the Promulgation of Legislative Acts and Certain Other Legal Acts of July 20, 2000 (Dz. U. No. 62, Item 718, of 2001; No. 46, Item 499 and of 2002" No. 74, Item 676) in ..... (the title of the legislative act, with the designation of the official journal in which such act has been promulgated) in ..... (designation of the relevant unit of text) instead of the word "....." the word "... " should be placed.

4. One announcement on the rectification of an error may rectify more than one error in the same legislative act, as well as errors in various legislative acts.

§ 113. The solutions referred to in § 112 shall apply accordingly to the rectification of an error in the consolidated text of a legislative act.

§ 114. If following the promulgation of the legislative act in which an error is being rectified, the consolidated text of such act containing such error is promulgated, a rectification shall separately cover the promulgated consolidated text.

## **Division V**

### **Drafts of implementing legislation (ordinances)**

§ 115. An ordinance shall contain only provisions that regulate the matters referred for regulation by the authorizing provision (the statutory authorization).

§ 116. An ordinance shall not contain any provisions that are inconsistent with the authorizing act or other acts and ratified international treaties, unless the authorizing provision expressly permits otherwise.

§ 117. An ordinance shall not contain any criminal provisions or provisions that refer to any criminal provisions.

§ 118. An ordinance shall not repeat any provisions of the authorizing act or other legislative acts.

§ 119. 1. One ordinance shall be issued pursuant to one statutory authorization, and the ordinance shall comprehensively regulate the matters referred for regulation therein.

2. If one statutory authorization refers various matters to be regulated by an ordinance and such matters may be separated according to the subject matter, so that their scope is divisible, more than one ordinance may be issued on the basis of such authorization.

§ 120. 1. The title of an ordinance shall specify in separate lines:

- 1) the type of the legislative act;
- 2) the name of the body issuing the ordinance;
- 3) the date of the ordinance;
- 4) the subject matter of the ordinance.

2. The name of the issuing authority shall be provided as worded in the provisions establishing such body. In the case of ministers, their names shall be given in accordance with the name of the ministries they are in charge of, established pursuant to Article 39, Section 1 of the Act on the Council of Ministers of August 8, 1996 (Dz. U. of 1999, No. 82, Item 929, of 2000, No. 120, Item 1268 and of 2001: No. 102, Item 1116 and No. 154, Item 1799 and 1800), except for the Minister of National Defense and the Minister of Justice that shall be indicated by their proper names.

3. The date of an ordinance shall be a calendar date on which the ordinance was signed by the issuing authority. If the ordinance is issued jointly or in consultation with another authority, the date of the ordinance shall be the date of its execution by the body participating in the issuing of the ordinance. The body that participates in the issuing of an ordinance shall be the second to sign the ordinance.

4. The type of the act and the name of the body issuing an ordinance shall be in capital letters.

5. The subject matter of an ordinance shall be phrased as concisely as possible and shall not repeat, word for word, the scope of the matters referred for regulation as indicated in the authorizing provision or the guidelines regarding the contents thereof, unless the scope of the matters has been concisely indicated in the statutory authorization.

6. The subject matter of the ordinance shall begin from the words "regarding .....".

§ 121. 1. The text of an ordinance shall begin from citing the provision of an act containing the statutory authorization, as the legal basis for issuing the ordinance.

2. If the statutory authorization is expressed in several provisions, the provision cited as the legal basis for issuing the ordinance shall be the provision that indicates the body authorized to issue such ordinance and the scope of the matters referred for regulation therein.

3. The legal basis for issuing an ordinance shall be phrased as follows: "Pursuant to Article ... of the act ..... (the title of the act and the designation of the official journal in which the act, any amendments thereto or the latest consolidated text thereof has been promulgated until the date of issuing the ordinance) it is decided as follows: .....".

§ 122. 1. If the statutory authorization indicates that the body appropriate to issue an ordinance is a minister designated by the name of the relevant section of the governmental administration, the footnote regarding the legal basis for issuing the ordinance shall specify the provision of law pursuant to which the minister issuing the ordinance is in charge of the section of the governmental administration indicated in the statutory authorization.

2. If the jurisdiction of the body indicated in the statutory authorization, as appropriate to issue an ordinance has been taken over by another authority or if the authority indicated in the statutory authorization ceased to exist and its powers have been assumed by another authority, the footnote regarding the legal basis shall specify the provision of law which transferred the powers of the body indicated in the authorizing provisions to the body issuing the ordinance.

§ 123. The title of the act in which the authorizing provision is set forth, together with the designation of the official journal in which the act, amendments thereto or the latest consolidated text have been promulgated shall be specified only in the legal basis for the ordinance, whereas the body of the ordinance shall only make a brief reference to the act, citing only the title thereof.

§ 124. 1. The basic unit of text and a systematizing unit of an ordinance shall be a paragraph (§).

2. Paragraphs (§) may be divided into sections, sections into points, points into letters and letters into bullet points.

§ 125. General provisions of an ordinance shall:

- 1) define the subject matter of the ordinance, especially if the title of the ordinance is concise and does not contain detailed information regarding all matters regulated therein, beginning the provision with the words: "This ordinance sets forth .....";
- 2) contain provisions regarding definitions and abbreviations used therein.

§ 126. 1. An ordinance shall contain a provision to repeal another ordinance only if it is intended that the ordinance repeals:

- 1) a previous ordinance which was issued on the basis of the same authorizing provision that remains in full force and effect, by:
  - a) the body that issues the repealing provision,
  - b) an authority, the jurisdiction of which has been assumed by the body issuing the repealing ordinance;

2) an ordinance issued pursuant to an authorizing provision that is no longer in force, which has been temporarily kept in force by a new act, unless the new act ceased to be in force.

2. In the event referred to in Section 1 Point 2, the ordinance that has been kept in force shall not be repealed if the time limit until which the new act kept it in force has passed. In such situation, the new ordinance shall include a footnote stating the ordinance which ceased to be in force by operation of law and the contents of which are related to the contents of the new act. The footnote shall also specify the date on which the said ordinance ceased to be in force and the provision of law pursuant to which it became null and void.

§ 127. An ordinance should come into force on the effective date of the act, pursuant to which the ordinance is issued.

§ 128. 1. An ordinance may be issued after the day of promulgating the act containing a provision that authorizes to issue of such ordinance, but prior to such act coming into force.

2. In the event referred to in Section 1, the effective date of an ordinance shall be scheduled to fall not earlier than on the effective date of the act that authorizes the issue of such ordinance.

§ 129. 1. An ordinance may be amended pursuant to a later ordinance, issued on the basis of the same authorizing provisions which remains in full force and effect, by the body that issued such amended ordinance or by an authority that assumed the jurisdiction of the body which had issued the ordinance to be amended.

2. The subject matter of an ordinance specified in the title of an amending ordinance shall start with the phrase: "An amending ordinance regarding.....", omitting the name of the body which issued the amended ordinance, the date on which the ordinance was issued and the designations of the official journals in which the amended ordinance, amendments thereto or the latest consolidated text thereof and amendments thereto have been published.

§ 130. 1. The original copy of the ordinance shall bear the signature of the issuing authority.

2. If at least two authorities are authorized to issue an ordinance, the original copy thereof shall bear the signatures of each of the authorities.

3. If an ordinance is issued in consultation with another authority, the original copy thereof shall bear the signature of the issuing authority and the signature of the body in consultation with which it is being issued. The signature of the body in consultation with which the ordinance shall be issued shall not be affixed in the text of the ordinance promulgated in the official journal.

4. In the case of different forms of participating in the issue of an ordinance, other than those set forth in Section 2 i 3, the original copy of the ordinance shall only bear the signature of the body that issued the ordinance.

§ 131. 1. The draft ordinance shall be accompanied by a justification.

2. The justification of an act shall be drafted in accordance with the principles laid down by separate provisions of law.

§ 132. The principles set forth in Division I, Chapters: 2 through 7 and in Division II shall apply to a draft ordinance, unless the principles set forth herein provide otherwise.

## **Division VI**

### **Drafts of internal legislative acts (resolutions and regulations)**

§ 133. Resolutions of the Council of Ministers are issued on the basis of the Constitution of the Republic of Poland or an act of parliament, and resolutions and regulations of other bodies based on an act of parliament.

§ 134. The basis for issuing an act and a regulation shall be a provision of law that:

- 1) authorizes a given body to regulate a certain area;
- 2) assigns the responsibilities or the powers of a given body.

§ 135. A resolution and a regulation shall contain provisions regulating solely the scope of the matters assigned to be regulated by the provision referred to in § 134 Point 1, and matters within the scope of responsibilities or powers of the body referred to in § 134 Point 2.

§ 136. A resolution or a regulation shall not contain any provisions that are inconsistent with the act pursuant to which they are issued, as well as with any other acts and ratified international treaties and any provisions that are inconsistent with ordinances.

§ 137. A resolution or a regulation shall not repeat any provisions of acts and ratified international treaties and ordinances.

§ 138. 1. A resolution and an ordinance may be issued on the basis of several provisions referred to in § 134.

2. One of the legal provisions referred to in § 134 may be the basis for issuing more than one resolution or more than one regulation.

§ 139. The text of a resolution or a regulation shall start with an indication of the provision of law pursuant to which such resolution or regulation is being issued.

§ 140. All internal legislation shall be entitled exclusively a "resolution" or a "regulation".

§ 141. Unless otherwise provided in this Section, the principles set out in Section V, except for § 132, in Section II and in Section I, Chapters 2 through 7 shall apply accordingly to drafts of resolutions and regulations.

## **Division VII**

### **Local government legislation**

§ 142. 1. Local government legislation is enacted by a voivode and by local sectoral administration bodies, pursuant to authorizing provision set forth in an act on the governmental administration in a voivodeship or in other acts.

2. Local government legislation shall be enacted by a voivodeship council (*sejmik województwa*), the council or the executive board of a powiat and the council or the executive board of a commune, pursuant to authorizing provisions set forth in acts concerning the relevant local governments or in other acts of parliament.

3. The types of local government legislation shall be specified by acts of parliament referred to in Sections 1 and 2.

§ 143. Unless otherwise provided for by separate provisions of law, the principles set out in Section VI, except for § 141, in Section V, except for § 132, in Section II and in Section I, Chapters 2 through 7, and with respect to administrative provisions also the provisions of Section I Chapter 9 shall apply accordingly to local government legislation.

## **Division VIII**

### **Typical means of legislative technique**

§ 144. 1. If a regulation is to be addressed to a natural person, the addressee shall be indicated with the words "A person that".

2. If the scope of addressees is to be narrower than that specified in Section 1, it shall be stipulated by designating the relevant category.

3. In the events specified in Section 1 and 2, the designation of the addressee of a regulation shall not be preceded by the word "Any".

4. If the regulation is to be addressed to entities other than natural persons, the addressees of such regulation may be specified by designating their category or by their proper name.

§ 145. 1. If a regulation is to apply in any and all circumstances, the provision shall not specify the circumstances in which it shall apply.

2. If a regulation is to apply only in certain specific circumstances, the type of such circumstances shall be expressly and exhaustively described by the provision.

§ 146. 1. An act of parliament or another legislative act shall provide a definition of a certain term if:

- 1) the term is ambiguous;
- 2) the term is vague and it is advisable to have it precisely defined;
- 3) the meaning of such term is not generally understood;
- 4) considering the area of the regulated matters, it is necessary to define a new meaning of the term.

2. If an ambiguous term appears only in one provision of law, its definition shall be provided only if it is impossible to eliminate such ambiguity by placing the term in the relevant linguistic context.

§ 147. 1. If an act of parliament or another legislative act defines the meaning of a certain term, such term shall not be used in that act in any other meaning.

2. If it is necessary to waive the principle set forth in Section 1, the other meaning of the term shall and the scope to which it refers shall be clearly specified.

§ 148. If, by way of exception, it is necessary for an act to depart from the meaning of a certain term defined in an act designated as the "code" or the "law" or another act of parliament principal for a given area of matters, the other meaning of the term and the scope to which it refers shall be clearly specified, using the phrase: "for the purposes of this act the term .... shall mean ...." or the phrase: "whenever this act refers to....., it shall mean ...".

§ 149. A legislative act of a lower level than an act of parliament shall not provide definitions of terms used in acts of parliament, in particular an implementing act shall not provide definitions of terms used in the authorizing act.

§ 150. 1. If a given term is to be used in the same meaning throughout the act of parliament or another legislative act or the entire unit of text of a given act, its definition shall be provided in the general provisions of the act or in the general provisions of the relevant unit of text, respectively.

2. If a given term is to be used in a certain meaning only for the purposes of a certain set of provisions, its definition shall be set forth in the immediate vicinity of such provisions.

3. If an act includes many, frequently repeated terms which need to be defined, the definitions thereof may be set out in a separate section of the general provisions of such act, entitled "Definitions of Terms Used in the Act".

§ 151. 1. A definition shall be phrased so as to clearly indicate that it refers to the meaning of respective terms, in particular it shall be in the following form: "The term "a" shall mean objects b." or "The term "a" shall mean the phrase "b"."

2. If, for stylistic reasons, a different form of a definition should be used, the connecting phrase "means" shall be inserted.

§ 152. Phrases that are characteristic for definitions, in particular, the phrase "has the same meaning as .....", shall not be used in a non-defining meaning.

§ 153. 1. A definition covering a certain scope (that is enumerating the components of a scope) shall be contained in one provision of law and cover the entire scope of the defined term.

2. If it is impossible to enumerate all elements of the scope of the defined term in one provision, the definition shall clearly state that the text of the same or another act also comprises elements supplementing the definition, in particular by using the expression "... and others indicated in the provisions ....".

3. If it is impossible to draft a definition referred to in Section 1 or 2, the meaning of an expression may be described by an exemplary enumeration of the scope, expressly indicating the exemplary nature of such enumeration by using the phrases: "including without limitation" or "in particular".

§ 154. 1. In order to designate a complex term consisting of more than one word, which is frequently repeated in the text of a legislative act, an abbreviation of such term may be introduced.

2. An abbreviation shall be introduced in the general provisions of a legislative act or its systematizing unit or in the provision of such act in which the abbreviated complex term is used for the first time.

3. The abbreviated complex term shall first be stated in full wording and its abbreviation shall be introduced in the following manner: ".....(the complex term in full wording),

hereinafter referred to as ..... (the “abbreviation”)). An abbreviation may consist of: the first letters of the abbreviated term, written in capital or small letters; one of the words comprising the complex term; or of a word that is not used in the complex term.

4. An abbreviation shall not be introduced in the provision which contains the definition of a term.

§155. 1. If it is necessary to ensure a certain flexibility in a legislative act, unclear terms and general clauses may be used or the upper or lower limit may be set to the freedom of choice with respect a provision.

2. The ultimate limits to the freedom of choice with respect to the provision shall be stated in a single provision of law for all the cases of a certain type, which shall be placed in the general provisions of a legislative act.

3. If the lower limit to the freedom of choice with respect to the provision is to be higher or the upper limit is to be lower than the limit set in the general provision, this shall be expressly stated in the provisions referring to the given case.

4. Provisions aimed at lowering the upper limit of choice with respect to the provision shall be expressed by consistently using the phrases: “.... not exceeding ...” or “.... no more than ...”, and provisions aimed at increasing the lower limit of a discretionary application shall read: “... not lower than ...” or “not less than...”.

§ 156. 1. If it is necessary for the sake of brevity of text or coherence of the regulated legal institutions, a legislative act may include references.

2. If a reference is used only for the sake of brevity, the provisions containing such reference shall expressly indicate the provision or provisions to which it refers.

3. If a reference primarily serves the coherence of the legal institutions regulated in such act, the referring provision shall specify the scope of matters to which the reference is made and expressly state the provision or provisions of law to which it refers.

4. If a given legal institution is regulated in a comprehensive manner, and it is impossible to list the provisions of law to which it refers, by way of exception, a reference may be made to provisions defined by stating the subject matter thereof, provided that such provisions can, indisputably, be separated from the other provisions; such referring provisions shall read: "Provisions regarding ..... (subject matter of the provisions) shall apply accordingly to the ... (the relevant legal institution) ".

§ 157. No references shall be made to any provisions which already contain references.

§ 158. 1. If a legislative refers act several times to another legislative act, which:

1) has not been amended: the first reference shall specify the full title of such act, designating the number and the item, and if necessary the year, of the official journal in which such act was promulgated, with subsequent references stating only the type of the act, the date and the subject matter thereof, without designating the year, number and item of the relevant official journal;

2) has been amended and its consolidated text has been promulgated: the first reference shall specify the current title of such act in full wording, designating the year, number and the item of the official journal in which the consolidated text was promulgated, with subsequent references stating only the type of the act, the date and the subject matter thereof, without designating the year, number and item of the relevant official journal;

3) has been amended but its consolidated text has not been promulgated: the first reference shall specify the current title of such act, designating the number and the item, and if necessary the year, of the official journal in which both the original text of the act and all acts amending such act were promulgated, with subsequent references stating only the type of the act, the date and the subject matter thereof, without designating the year, number and item of the relevant official journals in which the original text and subsequent amendments thereof were promulgated.

2. If an amending provision to which a reference is made is repealed during the period of its *vacatio legis*, also the designation of the number and item, and, if necessary, the year of the official journal in which the amending provision and the provision which repealed the amending provision were promulgated.

3. If following the promulgation of the consolidated text of a legislative act to which a reference is made, the act has been further amended, when specifying the year, the number and the item of an official journal in which the consolidated text was published, also the year, the number and items of the official journals in which further amendments to that text were promulgated shall be specified.

4. If the Constitutional Tribunal handed down a verdict stating that the legislative act to which a reference is made or any individual provisions thereof to which a reference is made are inconsistent with the Constitution of the Republic of Poland or any international treaty ratified upon consent expressed in an act or parliament or by an act of parliament and, when specifying the number and item and, if necessary, the year of the official journals in which such act and subsequent amendments thereto were promulgated, the number and item and, if necessary, the year of the official journal in which the such verdict was promulgated; the year, numbers and items of the official journals in which the Constitutional Tribunal's verdicts which deemed a legislative act to which a reference is made to be consistent or inconsistent with the Constitution of the Republic of Poland or any international treaty ratified upon consent expressed in an act or parliament or by an act of parliament and decisions to discontinue the proceedings or not to consider an application submitted by the appropriate body.

5. In the events referred to in Section 1 Point 3 and in Sections 3 and 4, if there is a significant number of amendments to a legislative act to which the reference is made, the first reference shall not have to enumerate the years, numbers and items of the official journals in which such amendments were promulgated, but it shall limit itself to specifying the number and item and, if necessary, the year of the official journal in which the original text of such act or its latest consolidated text was published, with an annotation: “as amended”

6. In the event referred to in Clause 5, all subsequent amendments to the original text of a given legislative act or its latest consolidated text shall be listed in a footnote, specifying the relevant numbers and items of the official journals.

7. The years, numbers and items of the official journals shall be listed as follows: “((an abbreviated name of the official journal) of (year) ... No. ..., Item ... and No. ..., Item ..., of (year)... No. ..., Item ... and of (year) ... No. ..., Item ...)”.

§ 159. References referred to in § 156 through § 158 are references to the binding provisions of law, as the same may be amended from time to time, in the period in which the referring provision remains in force (the dynamic reference).

§ 160. If, by way of exception, a provision of law is to refer to other provisions of law in their specific version (the static reference), the referring provisions shall read: “The provisions of Article ..... of the Act (the title of the act) ..... shall apply to.....”, with the following annotation added in brackets: (“in effect as of ....”, in addition to the effective date of the provisions, providing the designation of an official journal in which such provisions were promulgated.

§ 161. 1. The principles of citing the titles of legislative acts, specifying the years, numbers and items of the official journals in which such acts were promulgated, set forth in § 158 shall also be followed in transitory, amending and repealing provisions, when referring to the amended or repealed legislative acts, as well as when indicating the legal basis for issuing legislative acts other than acts of parliament.

2. When specifying the years, numbers and items of official journals in which subsequent amendments to an amended or repealed legislative act, or the consolidated texts thereof where promulgated, the years, numbers and items of the official journals which have been published until the enactment of the amending or repealing act.

3. The principle set forth in Section 2 shall apply accordingly when indicating the legal basis for issuing legislative acts other than acts of parliament.

§ 162. 1. When designating official journals abbreviations of the titles of such journals shall be used.

2. The titles of the official journals shall be abbreviated as follows:

- 1) *Dziennik Ustaw Rzeczypospolitej Polskiej*: the abbreviation "Dz. U.";
- 2) *Dziennik Urzędowy Rzeczypospolitej Polskiej "Monitor Polski"*: the abbreviation "M.P.";
- 3) *Dziennik Urzędowy Rzeczypospolitej Polskiej "Monitor Polski B"*: the abbreviation "M.P. B";
- 4) *Monitor Sądowy i Gospodarczy*: the abbreviation: "M.S.G.";
- 5) the official journal of a minister in charge of a division of the governmental administration: the abbreviation: "Dz. Urz. Min. ..." (the first syllable of the minister's proper name ending with the last consonant of that syllable or the first consonant of the next syllable with a full stop) ...";
- 6) the joint official journal of two or more ministers in charge of certain divisions of the governmental administration: the abbreviation: "Dz. Urz. Min. ..." (as prescribed in Point 5)... and Min. ... (as prescribed in Point 5)...";
- 7) the official journal of a central office: the abbreviation "Dz. Urz. ..." (an abbreviation of the proper name of the office, consisting of the first capitalized letters of the words comprising the name of such office, written without full stops, and if the name consists of two words: an abbreviation thereof, e.g.: "Urz." or "Kom." with the first syllable of the second word of the name, ending with the last consonant of that syllable or the first consonant of the next syllable, with a full stop) ...";
- 8) the joint official journal of two or more central offices: the abbreviation "Dz. Urz. ..." (as prescribed in Point 7) ... and ... (as prescribed in Point 7) ...";
- 9) the joint official journal of a minister in charge of a division of the governmental administration and a central office supervised by that minister: the abbreviation: "Dz. Urz. Min. ..." (as prescribed in Point 5) ... and ... (as prescribed in Point 7) ...";
- 10) the official journal of a voivodeship: the abbreviation: "Dz. Urz. Woj. ..." (the full official name of the voivodeship or stated as prescribed in Point 5)...".

§ 163. 1. A footnote to a provision shall be designated with an arabic number and a bracket on its right, above the expression to which the footnote refers.

2. A footnote to a provision shall not be amended. If necessary another footnote is introduced.