

Procedural decision of 26th October 2005, [K 31/05](#)
**EFFECT OF EXPIRY OF PARLIAMENT'S TERM OF OFFICE
ON PROCEEDINGS BEFORE THE TRIBUNAL INITIATED
BY A GROUP OF DEPUTIES**

Type of proceedings: Abstract review Initiator: Group of Deputies	Composition of Tribunal: Plenary session	Dissenting opinions: 0
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On 27th July 2005, a group of Deputies of the Sejm (i.e. the lower chamber of the Polish Parliament) initiated proceedings before the Tribunal (cf. Article 191(1) point 1 of the Constitution), challenging the constitutionality of a series of provisions of the Housing Cooperatives Act.

The procedural decision discontinuing proceedings, summarised herein, refers to a line of Tribunal jurisprudence established during previous parliamentary terms of office, according to which the discontinuation of parliamentary activity, in consequence of the beginning of new terms of office of the Sejm and Senate, also has an impact on proceedings initiated before the Tribunal by Deputies and Senators.

In relation to the most recent change of the parliamentary term of office, the Tribunal also pronounced similar procedural decisions in cases numbered [K 37/05](#) (summarised separately), [K 29/04](#) and [K 48/05](#).

RULING

The Tribunal discontinued the proceedings, pursuant to Article 39(1) point 1 of the Constitutional Tribunal Act 1997, given that it would be inadmissible to pronounce judgment on this question.

THE PRINCIPAL REASON FOR THE RULING

The first sitting of the Sejm elected on 25th September 2005 was summoned on 19th October 2005, pursuant to a Decision of the President of the Republic of Poland of 28th September 2005 on Summoning the First Sitting of the Sejm of the Republic of Poland. Accordingly, the previous Sejm's term of office, and consequently the mandates of the Deputies within that Sejm, expired on 18th October 2005 (cf. Article 98(1) of the Constitution). Given the expiry of the term of office of the Sejm in which the initiators were Deputies, and the consequent expiry of their mandates as Deputies, there no longer exists any entity entitled to continue further with the present case. Accordingly, proceedings must be discontinued on the basis of Article 39(1) point 1, read in conjunction with Article 31(1), of the Constitutional Tribunal Act.

Provisions of the Constitution and the Constitutional Tribunal Act

Constitution

Art. 98. 1. The Sejm and the Senate shall be chosen each for a 4-year term of office. The term of office of the Sejm and Senate shall begin on the day on which the Sejm assembles for its first sitting and shall continue until the day preceding the assembly of the Sejm of the succeeding term of office.

Art. 191. 1. The following may make application to the Constitutional Tribunal regarding matters specified in Article 188:

- 1) the President of the Republic, the Marshal of the Sejm, the Marshal of the Senate, the Prime Minister, 50 Deputies, 30 Senators, the First President of the Supreme Court, the President of the Supreme Administrative Court, the Public Prosecutor-General, the President of the Supreme Chamber of Control and the Commissioner for Citizens' Rights,
[...]

CT Act

Art. 31. 1. Institution of proceedings before the Tribunal shall take place on the basis of an application, question of law or complaint concerning constitutional infringements by a subject entitled thereto.

Art. 39. 1. The Tribunal shall, at a sitting in camera, discontinue the proceedings:

- 1) if the pronouncement of a judicial decision is superfluous or inadmissible;
- 2) in consequence of the withdrawal of the application, question of law or complaint concerning constitutional infringements;
- 3) if the normative act has ceased to have effect to the extent challenged prior to the delivery of a judicial decision by the Tribunal.