

# **Law of Georgia On Normative Acts**

## **Chapter I General Provisions**

### **Article 1**

This Law shall define the types and hierarchy of normative acts, the ranking of international agreements and treaties in the system of normative acts of Georgia (27.06.97) and the general rules for drafting, adoption, publication, operation, registration and systematization of the normative acts.

### **Article 2**

1. A legal act is an act, binding for execution, adopted (issued) by an authorized state body (official) or a body (an official) of local self-government (government) in accordance with the rule defined by the legislation.
2. A legal act may be either normative or individual.
3. A normative act is a legal act, adopted (issued) by an authorized state body (official) or a body (an official) of local self-government (government) in accordance with the rule defined by the legislation, that prescribes a general rule for permanent or temporary and recurrent application of this act.
4. An individual legal act is valid for one occasion only, and it shall conform to a normative act. The individual legal act shall be adopted (issued) only on the grounds of the normative act and within the limits prescribed by the latter. The name of the individual legal act may not coincide with the name of the normative act, except in the exceptional cases within Article 12(1) of this Law. (27.06.97)

### **Article 3**

1. The state bodies and the bodies of local self-governments (governments) shall have the right to adopt (issue) normative acts within the scope of the authority conferred upon them by the Constitution and by other legislative acts.
2. A normative act shall be adopted (issued) by observing the requirements prescribed by (27.06.97) the Constitution, this Law and by the normative acts adopted on the grounds of the Constitution and this Law.

### **Article 4**

1. The following shall be the normative acts of Georgia: the Constitution of Georgia, a constitutional law of Georgia, an international agreement or a treaty of Georgia, an organic law of Georgia, a law of Georgia, a decree of the President of Georgia, an edict of the President of Georgia, a resolution of the Parliament of Georgia, a resolution of the council of the National Bank of Georgia, a resolution of the Securities Commission of Georgia, a resolution of the Accounting Standards Commission, (05.02.99) a resolution of the deliberative panel of the Audit Activities Council, (30.04.99) a resolution of the Central Electoral Commission, (25.06.97) an order of the president of the National Bank of Georgia, an order of the chairman of the Chamber of Control of Georgia, a resolution of the National Regulatory Commission of Energy Sector of Georgia,

(27.06.97) a resolution of the National Communications and Postal Services Regulatory Commission of Georgia, (23.07.99) an order of the chairman of the State Procurement Agency of Georgia, (30.03.2001 No. 833) an order of the head of the State Antimonopoly Service of Georgia, (13.06.2000), an order of the head of the State Supervision Service over Insurance of Georgia, (20.06.2001 No. 967) an order of the head of the State Regulatory Agency for Oil and Gas Resources of Georgia, (02.03.2001 No. 759) an order of a minister of Georgia or of a head of other state executive agency of Georgia.

2. The following shall be the normative acts of Abkhazia and Adjara: the constitutions of the autonomous republics, a law of the autonomous republic, a resolution of the supreme council of the autonomous republic, a resolution of the council of ministers of the autonomous republic, an order of a minister of the autonomous republic or of a head of other state executive agency of the autonomous republic.

3. The following shall be the normative acts of the bodies and officials of local self-governments (governments): a decision of the local council, a resolution of the administration (municipal authority, Tbilisi city government), an order of the district administrator (mayor). (08.09.99)

### **Article 5**

1. The following shall be the legislative acts of Georgia: the Constitution of Georgia, constitutional laws, organic laws and laws of Georgia and decrees of the President of Georgia.

2. The following shall be the sub-legislative normative acts of Georgia: an edict of the President of Georgia, a resolution of the Parliament of Georgia, a resolution of the council of the National Bank of Georgia, a resolution of the Securities Commission of Georgia, (24.12.98) a resolution of the Accounting Standards Commission, (05.02.99) a resolution of the deliberative panel of the Audit Activities Council, (30.04.99) a resolution of the Central Electoral Commission, (25.06.99) an order of the president of the National Bank of Georgia, an order of the chairman of the Chamber of Control of Georgia, a resolution of the National Regulatory Commission of Energy Sector of Georgia, (27.06.97) a resolution of the National Communications and Postal Services Regulatory Commission of Georgia, (27.07.99) an order of the chairman of the State Procurement Agency of Georgia, (30.03.2001 No. 833) an order of the head of the State Antimonopoly Service of Georgia, an order of the head of the State Supervision Service over Insurance of Georgia, (20.06.2001 No. 967) (13.06.2000) an order of the head of the State Regulatory Agency for Oil and Gas Resources of Georgia, (02.03.2001 No. 759) an order of a minister of Georgia or of a head of other state executive agency of Georgia. (27.06.97)

3. The legislative and sub-legislative normative acts of Georgia shall constitute the legislation of Georgia.

### **Article 6**

1. The operational procedures and structure of a state power body or a body of local self-government (government) shall be defined by the normative act – house rules, regulations, etc. – of this body issued on the grounds of a legislative act.

2. The regulations of the ministries of Georgia and of other executive agencies, as well as the regulations of other state bodies stipulated by law, shall be sanctioned by an edict of the President of Georgia.

### **Article 7**

1. A normative act of Georgia shall operate throughout the territory of Georgia, unless otherwise defined in the normative act itself, and shall be binding for execution.

2. A normative act of an autonomous republic shall operate throughout the territory of the autonomous republic, unless otherwise defined in the normative act itself, and shall be binding for execution.
3. A normative act of a body of local self-government (government) shall operate and shall be binding for execution throughout the territory under the governance of this body.
4. A normative act shall be applicable to the citizens of Georgia and to the foreigners present in Georgia, unless otherwise prescribed by an international agreement or a treaty or by a legislative act.

### **Article 8**

1. The authority of the supreme state bodies of Georgia to resolve the issues regulation of which, according to the Constitution, is subject to the exclusive authority of these bodies may not be transferred.
2. The Parliament of Georgia may not transfer its authority to resolve the issues which, according to the Constitution of Georgia, must be regulated by an organic law of Georgia or which, according to the Constitution and an organic law, must be regulated by a law of Georgia. (27.06.97)
3. The President of Georgia may not transfer the own authority to resolve the issues regulation of which is subject to a decree or an edict of the President as prescribed by the Constitution, organic law and law of Georgia.

## **Chapter II**

### **The Bodies Authorized to Issue Normative Acts and the Hierarchy of Normative Acts**

### **Article 9**

1. The Parliament of Georgia shall be authorized to adopt the following normative acts: constitutional law of Georgia, organic law of Georgia, law of Georgia, resolution of the Parliament.
2. A constitutional law of Georgia shall be adopted in a case within Article 2(3) of the Constitution – when defining the territorial state-structure arrangements of Georgia – and in the case of amending the Constitution. The Constitutional law shall form an integral part of the Constitution.
3. Only the Parliament of Georgia shall be entitled to ratify, denounce or annul the international agreements and treaties.
4. An organic law of Georgia shall be adopted to regulate only those issues which, according to the Constitution of Georgia, must be regulated by an organic law.
5. A law of Georgia may be adopted to regulate any issue under jurisdiction of Georgia, unless otherwise prescribed by the Constitution. A law of Georgia may not regulate the issues which are to be regulated by an organic law of Georgia.
6. A code is a systematized law, comprised of the legal norms that regulate particular (uniform) social relations.
7. Only such a resolution of the Parliament shall be non-normative that concerns employment and personal issues. (27.06.97)

### **Article 10**

1. The following issues shall be defined only by a legislative act of Georgia:
  - a) The issues which, according to the Constitution, are to be regulated by an organic law or law of Georgia;
  - b) The rules and procedures for exercise and protection of basic human rights and freedoms, the issues regarding legal liability of individuals and application of enforcement measures against individuals.

- c) The list of personal data of a citizen to be recorded in the Public Register;
  - d) Preconditions for creation of legal persons of public law and general rules of their functioning;
  - e) The rules for creation and operation of legislative, executive and judiciary bodies;
  - f) The types, structure and amounts of the taxes and duties effective in Georgia, the rules for their introduction and payment;
  - g) The legal status of media of mass information;
  - h) The procedure of election of representational bodies of state power and representational bodies of local self-governments;
  - i) Penal, penal procedure, civil, civil procedure, administrative and penitentiary legislation.
2. The structure and operational procedures of the executive power of Georgia shall be sanctioned by the laws of Georgia.
  3. The ministries of Georgia, other executive agencies and the supreme bodies of state control shall be created by the laws of Georgia.
  4. The bodies of executive power of Georgia and other bodies of state control shall be created in accordance with the rule defined by a law of Georgia.
  5. Law of Georgia on the state budget of Georgia shall be approved by the majority of the votes of all members of the Parliament. The Constitution of Georgia, the law "On Budget System and Budgeting Powers", this Law and the parliamentary rules shall define the procedures for drafting, approving and putting a state budget into effect. (27.06.97)
  6. The size of the armed forces shall be approved by a law of Georgia, which shall be passed by the majority of the votes of all members of the Parliament. The procedures for its drafting, approving and putting it into effect shall be defined by the Constitution of Georgia, this Law and the parliamentary rules.
  7. The parliamentary rules of the Parliament of Georgia shall be prepared in accordance with the procedure prescribed for drafting of the laws of Georgia and shall be deemed approved if supported by the majority of the members present at the session, but not by less than one third of all members of the Parliament. (27.06.97)

### **Article 11**

1. The president of Georgia shall be entitled to issue (27.06.97) the following normative acts: edits and decrees.
2. The President of Georgia, as the Supreme Commander-in-Chief of the armed forces of Georgia, shall issue the orders.
3. The president of Georgia shall issue the acts referred to in paragraphs (1) and (2) of this Article within the scope of the authority conferred on the President by, and on the grounds of, the Constitution, organic law and law.

### **Article 12**

1. An edict of the President of Georgia shall constitute a normative act (except for the edicts for appointment or dismissal of the members of the Government of Georgia – the ministers – and of the justices in the common courts of law (24.12.98), as well as for appointment of the members of the Constitutional Court of Georgia).
2. An order of the President of Georgia, as the order of the Supreme Commander-in-Chief of the armed forces of Georgia, may be a normative legal act or an individual legal act as well.

### **Article 13**

1. A decree of the President of Georgia shall be a normative act having the same legal force as that of a law and shall be issued only in the state of emergency.

2. A decree of the President of Georgia may not contravene the Constitution of Georgia, a constitutional law, an international agreement or a treaty or an organic law of Georgia.

#### **Article 14**

1. The following shall be the normative acts of the National Bank of Georgia: a resolution of the council of the National Bank of Georgia and an order of the president of the National Bank, the legal force of which shall be defined by this Law.
2. A resolution of the council of the National Bank of Georgia may be adopted, and (27.06.97) an order of the president of the National Bank may be issued only in the cases and within the limits defined by the Constitution of Georgia, the organic law of Georgia "On the National Bank of Georgia" and by other legislative acts.

#### **Article 14<sup>1</sup>**

1. A resolution of the Securities Commission of Georgia shall be a normative act of the Securities Commission of Georgia.
2. A resolution of the Securities Commission of Georgia may be adopted only in the cases and within the limits defined by the Constitution of Georgia and other legislative acts. (24.12.98)

#### **Article 15**

1. An order of the chairman of the Chamber of Control of Georgia shall be a normative act of the Chamber of Control of Georgia, and its legal force shall be defined by this Law.
2. An order of the chairman of the Chamber of Control of Georgia may be issued only in the cases and within the limits defined by the Constitution of Georgia, the law of Georgia "On the Chamber of Control of Georgia" and by other legislative acts. (27.06.97)

#### **Article 15<sup>1</sup>**

1. A resolution of the National Regulatory Commission of Energy Sector of Georgia shall be a normative act of the Commission, and its legal force shall be defined by this Law.
2. A resolution of the Commission may be issued only in the cases and within the limits defined by the law of Georgia "On Electric Power Industry and Natural Gas" and other legislative acts. (30.04.99)

#### **Article 15<sup>2</sup>**

1. A resolution of the Accounting Standards Commission shall be a normative act of the Commission, and its legal force shall be defined by this Law.
2. A resolution of the Accounting Standards Commission may be issued only in the cases and within the limits defined by the law of Georgia "On the Regulation of Accounting and Reporting" and other legislative acts. (05.02.99)

#### **Article 15<sup>3</sup>**

1. A resolution of the deliberative panel of the Audit Activities Council shall be a normative act of the Audit Activities Council.
2. A resolution of the deliberative panel of the Audit Activities Council may be issued only in the cases and within the limits defined by the law of Georgia "On Audit Activities" and other legislative acts. (30.04.99)

#### **Article 15<sup>4</sup>**

1. A resolution of the Central Electoral Commission (except for the resolutions concerning appointment and personal issues and the issues related to the registration of parties and electoral alliances) shall be a normative act of the Commission, and its legal force shall be defined by this Law.
2. A resolution of the Central Electoral Commission may be issued only in the cases and within the limits defined by the organic laws of Georgia "On Elections of the Parliament of Georgia" and "On Elections of the President of Georgia", the law of Georgia "On Elections of Local Representational Bodies – Local Councils" and by other legislative acts. (05.06.98)

#### **Article 15<sup>5</sup>**

1. A resolution of the National Communications and Postal Services Regulatory Commission of Georgia shall be a normative act of the Commission, and its legal force shall be defined by this Law.
2. A resolution of the Commission may be issued only in the cases and within the limits defined by the law of Georgia "On Communications and Postal Services" and other legislative acts. (23.07.99)

#### **Article 15<sup>6</sup>**

1. An order of the head of the State Antimonopoly Service of Georgia shall be a normative act of the State Antimonopoly Service of Georgia, and its legal force shall be defined by this Law.
2. An order of the head of the State Antimonopoly Service of Georgia may be issued in accordance with the antimonopoly legislation of Georgia, in the cases and within the limits defined by this legislation and by other legislative acts. (13.06.2000)

#### **Article 15<sup>7</sup>**

1. An order of the head of the State Regulatory Agency for Oil and Gas Resources of Georgia shall be a normative act of the State Regulatory Agency, and its legal force shall be defined by this Law.
2. An order of the head of the State Regulatory Agency may be issued only in the cases and within the limits defined by the law of Georgia "On Oil and Gas" and other legislative acts. (02.03.2001 No. 759)

#### **Article 15<sup>8</sup>**

1. An order of the chairman of the State Procurement Agency of Georgia shall be a normative act, and its legal force shall be defined by this Law.
2. An order of the head of the State Procurement Agency of Georgia may be issued in the cases and within the limits defined by the law of Georgia "On State Procurement" and other legislative acts. (30.03.2001 No. 833)

#### **Article 15<sup>9</sup>**

1. An order of the head of the State Supervision Service over Insurance of Georgia shall be a normative act of the State Supervision Service, and its legal force shall be defined by this Law.
2. An order of the head of the State Supervision Service over Insurance of Georgia shall be issued in accordance with the legislation of Georgia. (20.06.2001 No. 967)

## Article 16

1. A resolution of the council of the National Bank of Georgia, an order of the president of the National Bank, an order of the chairman of the Chamber of Control of Georgia, a resolution of the National Regulatory Commission of Energy Sector of Georgia, a resolution of the National Communications and Postal Services Regulatory Commission of Georgia and an order of the chairman of the State Procurement Agency of Georgia (30.03.2001 No. 833) shall necessarily indicate the normative act on the grounds of which and for execution of which the respective resolution (order) has been issued. The orders of the president of the National Bank and of the chairman of the Chamber of Control of Georgia concerning employment and personal issues shall not be normative. (27.06.97)
2. The structural units of the National Bank of Georgia, the Chamber of Control of Georgia and the National Regulatory Commission of Energy Sector of Georgia shall have no right to issue normative acts. (27.06.97)

## Article 17

1. An order of a minister of Georgia or of a head of other state executive agency of Georgia shall be a sub-legislative normative act, and its legal force shall be defined by this Law.
2. The order may be issued only in the cases and within the limits defined by a legislative act of Georgia and an edict of the President of Georgia. The order may not resolve an issue regulation of which is provided for in a legislative act of Georgia or in an edict of the President of Georgia.
3. The order shall necessarily indicate the normative act on the grounds of which and for execution of which it has been issued.
4. A legal act of a ministry of Georgia or of other state executive agency of Georgia that is of normative nature (ordinance, regulations, directive, instruction, etc.) shall be issued in the form of the order of the respective minister or of the head of the respective central agency of the state executive power.
5. The structural units of the ministries of Georgia and of other state executive agencies of Georgia shall have no right to issue normative acts.
6. Several ministries of Georgia or several other agencies of the state executive power may issue a joint order. The procedures for drafting, issuing, publishing and putting into effect of joint orders, according to this Law, shall be defined by an edict of the President of Georgia. (27.06.97)

## Article 17<sup>1</sup>

1. An order of the State Minister of Georgia shall be a sub-legislative normative act, and its legal force shall be defined by this Law.
2. An order of the State Minister of Georgia regarding the issues under the scope of the Minister's authority may be issued only in the cases and within the limits defined by a legislative act of Georgia and an edict of the President of Georgia.
3. The order of the State Minister of Georgia shall necessarily indicate the normative act on the grounds of which and for execution of which it has been issued. (24.12.99)

## Article 18

1. A sub-legislative normative act may be adopted (issued) only for the execution of a legislative act and only if so prescribed by the legislative act. The sub-legislative act shall necessarily indicate the legislative act on the grounds of which and for execution of which it has been adopted (issued).
2. The President of Georgia, within the scope of his authority, may issue an edict even if no legislative act regulates the respective subject-matter.

## Article 19

1. The normative acts operating in Georgia shall have the following hierarchy, according to their ranking by legal force:

- a) The Constitution of Georgia, a constitutional law of Georgia;
- b) An international agreement or a treaty of Georgia;
- c) Organic law of Georgia;
- d) Law of Georgia; decree of the President of Georgia;
- e) Edict of the President of Georgia;
- f) Resolution of the Parliament of Georgia; order of the State Minister of Georgia; (24.12.99)
- g) Resolution of the National Regulatory Commission of Energy Sector of Georgia; resolution of the National Communications and Postal Services Regulatory Commission of Georgia; (23.07.99) order of the chairman of the State Procurement Agency of Georgia, (30.03.2001 No. 833) order of the head of the State Regulatory Agency for Oil and Gas Resources of Georgia; (02.03.2001 No. 759) order of a minister of Georgia or of a head of other central agency of the state executive power; (27.06.97) resolution of the Accounting Standards Commission; (05.02.99) resolution of the deliberative panel of the Audit Activities Council; (30.04.99) resolution of the Central Electoral Commission. (25.06.99)
- h) Order of the head of the State Antimonopoly Service of Georgia. (13.06.2000)
- i) Order of the head of the State Supervision Service over Insurance of Georgia. (20.06.2001 No. 967)

2. The normative acts adopted (issued) by the National Bank of Georgia, the Securities Commission of Georgia (24.12.98) and the Chamber of Control of Georgia within the limits defined by the legislative acts of Georgia shall prevail over other sub-legislative acts; a resolution of the council of the National Bank of Georgia shall prevail over an order of the president of the National Bank.

## Article 20

1. The Constitution of Georgia is the supreme law of the state. It shall prevail over all other legal acts. All other legal acts shall conform to the Constitution.

2. The legislation of Georgia conforms to universally recognized principles and norms of international legislation. The international agreement or the treaty of Georgia, which has taken effect by observing the requirements prescribed in the Constitution of Georgia and in the law of Georgia "On Entering into, Ratification, Implementation and Denunciation of International Agreements of Georgia", shall prevail over intrastate normative acts unless it contravenes the Constitution of Georgia (whatever the form or the name of such an agreement or a treaty).

3. An agreement or a treaty between a state body of Georgia or a body of local self-government (government) on one side and a respective foreign body of state power on the other (whatever the form or the name of such an agreement or a treaty) shall have the same legal force as that of the normative acts issued by the Georgian party to the agreement (treaty).

## Article 21

1. Normative act may not contravene a decision made through the referendum.

2. The decision made through the referendum shall take effect as of the day of its publication, shall have the legal force and be final. The results of the referendum shall have the legal force of direct application.

3. The legislative and executive power of Georgia shall be bound to reconcile the Georgian legislation and other acts with the results of the referendum within one month.

## **Article 22**

1. An organic law shall prevail over laws, decrees of the President and sub-legislative acts of Georgia.
2. A law shall prevail over sub-legislative acts.
3. A decree of the President of Georgia shall have the same legal force as that of a law.

## **Article 23**

1. Taking into account the principle of separation of powers, the normative acts of Georgia shall prevail over the normative acts of autonomous republics of Abkhazia and Adjara.
2. A normative act issued by the President of Georgia shall prevail over the normative acts issued by the executive bodies (officials) of autonomous republics of Abkhazia and Adjara. (27.06.97)

## **Article 24**

Each normative act shall conform to the Constitution of Georgia and to those normative acts that have been adopted (issued) within the limits of the authority prescribed by the Constitution and that have the legal force superior to that of this act.

## **Article 25**

1. If normative acts are in conflict, the priority shall be given to the normative act with the higher ranking in the hierarchy.
2. If normative acts of the same rank in the hierarchy are in conflict, then the norm stipulated by the most recent act shall be applied.

## **Article 26**

1. If in the process of application of a normative act a state body or an official finds that the norms of some normative acts are in conflict, then this body or official shall be bound to apply that normative act which has the legal force superior to that of the others.
2. If in the process of application of a normative act a state body or an official finds that the norms of the normative acts of the same rank are in conflict, then this body or official shall be bound to apply the most recent normative act.

## **Article 27**

1. The legal norm regulating the most similar relation to the one under consideration shall apply to regulate a private law relation not literally prescribed by law (analogy of law).
2. In the event that it is impossible to use an analogy of law, the private law relation shall be regulated on the grounds of the whole system and general principles of law and justice.
3. Norms regulating special relations (norms on exceptions) may not be applied by analogy.

## **Chapter III**

### **General Rules for Drafting, Adoption, Publication and Operation of Normative Acts**

## **Article 28**

1. The procedures for drafting, adoption, publication and operation of the constitutional and organic laws and laws of Georgia, as well as procedures for entering into, ratification, denunciation and

annulment of international agreements and treaties, shall be defined by the Constitution of Georgia, this Law, the law of Georgia "On Entering into, Ratification, Implementation and Denunciation of International Agreements of Georgia" and the parliamentary rules of the Parliament. A constitutional or organic law of Georgia may not be passed through the simplified procedure. In the cases and according to the procedures defined in the parliamentary rules, a draft law may be reviewed and passed through the simplified and accelerated procedures. (27.06.97)

2. The procedures for drafting, adoption, publication and operation of the decrees, edicts and orders of the President of Georgia, the orders of the State Minister, (24.02.99) the ministers of Georgia and the heads of other state executive agencies shall be defined by the Constitution of Georgia, this Law and the edict of the President of Georgia "On Drafting, Adoption, Publication and Operation of the Normative Acts of the Executive Power".

3. The procedures for drafting, adoption (issuance), publication and operation of the normative acts of the National Bank of Georgia, the Securities Commission of Georgia (24.12.98), the Accounting Standards Commission, (25.02.99) the deliberative panel of the Audit Activities Council, (30.04.99) the Central Electoral Commission, (25.06.99) the Chamber of Control of Georgia, the National Regulatory Commission of Energy Sector of Georgia, (27.06.97) the National Communications and Postal Services Regulatory Commission of Georgia, (23.07.99) the State Procurement Agency of Georgia, (30.03.2001 No. 833) the State Regulatory Agency for Oil and Gas Resources of Georgia, (02.03.2001 No. 759) shall be defined by the Constitution of Georgia, this Law, the organic laws of Georgia "On the National Bank of Georgia", "On Elections of the Parliament of Georgia" and "On Elections of the President of Georgia", the laws of Georgia (25.06.99) "On the Regulation of Accounting and Reporting", (05.02.99) "On Audit Activities", (30.04.99) "On Elections of Local Representational Bodies – Local Councils", (25.06.99) "On Securities Market", (24.12.98) "On Energy Sector", (30.04.99) "On Communications and Postal Services", (23.07.99) "On State Procurement", (30.03.2001 No. 833) "On Oil and Gas", (02.03.2001 No. 759) "On Chamber of Control of Georgia" and the house rules or regulations of these agencies.

4. The procedures for drafting, adoption (issuance), publication and operation of the normative acts of the autonomous republics of Abkhazia and Adjara shall be defined by the constitutional law of Georgia, this Law, the constitutions of these republics and the respective normative acts adopted on the grounds of these legislative acts.

5. The procedures for drafting, adoption (issuance), publication and operation of the normative acts of local self-government (government) bodies shall be defined by the organic law of Georgia, this Law and the normative acts of these bodies.

6. The procedures for drafting, adoption (issuance), publication and operation of the orders of the head of the State Antimonopoly Service of Georgia shall be defined by the Constitution of Georgia, this Law and the regulations of the State Antimonopoly Service of Georgia. (13.06.2000)

7. The procedures for drafting, adoption (issuance), publication and operation of the orders of the head of the State Supervision Service over Insurance of Georgia shall be defined by the Constitution of Georgia, this Law and the regulations of the State Supervision Service over Insurance of Georgia. (20.06.2001 No. 967)

## **Article 29**

Draft of a normative act shall define:

- a) The normative acts that are to be repealed if this normative act is adopted (issued);
  - b) The normative acts that are to be adopted (issued) as a consequence of this normative act, the time periods for their adoption (issuance) and the name of the adopting (issuing) body (official).
- (27.06.97)

## **Article 30**

Draft of a normative act shall be accompanied by:

- a) The explanatory note that will describe the reason for adoption (issuance) of the normative act, its main characteristics and the estimated financial-economic results of its adoption (issuance). The explanatory note shall specify the names of the author(s) and the person submitting the draft;
- b) The draft on the amendments and/or additions to other normative acts to be made as a result of adoption (issuance) of the submitted draft, as well as the draft on those additions to the respective law which will define the liability for violating the norms of the submitted draft;
- c) The conclusion of the state body, designated in accordance with the legislation, on the conformity of the submitted draft with the Constitution of Georgia and the normative acts with superior legal force. In addition, when the submitted draft is a draft of a legislative act, it shall be accompanied by the conclusion of an independent expert, if there is one;
- d) The conclusion of the lobbyist, who is registered in the respective body according to the rules prescribed by the legislation, if there is one. (30.09.98)

### **Article 31**

1. A normative act shall contain the main part and the final provisions and, if necessary, the transitional provisions as well.
2. The normative act may begin with a preamble that will describe the purpose of the act and the principles on which it is based; if the act is a sub-legislative act, then the preamble shall refer to the legislative act for execution of which the normative act is issued.
3. The normative act may contain transitional provisions if for a fixed period of time the norms different from the primary norms are stipulated or if certain preconditions or time is required before the normative act takes full effect.
4. The final provisions of the normative act shall contain: the list of those normative acts that are to be repealed from the moment the normative act takes effect; the date of its effectiveness; and, if the act is issued to operate for a certain period of time, the duration of its effectiveness.
5. If the normative act has been amended and/or supplemented, then the officially published full text of the act shall indicate the date of adoption (issuance) of amendment(s) and/or addition(s) and the date of their effectiveness.

### **Article 32**

1. According to its content, a normative act may be divided into titles and chapters, and a code – into books as well. Each of these sections shall have a heading. The numbering of the titles, chapters and books shall be continuous and based on Roman numerals.
2. The numbering of articles in a normative act shall be continuous and based on Arabic numerals. If the article consists of several paragraphs, then they shall be numbered by continuous Arabic numerals and named as paragraphs (or, in a code – as parts). If the paragraph of the article is divided into subparagraphs, then they shall be numbered alphabetically. An article may have a heading (title). Paragraphs (parts) and subparagraphs of the articles have no headings.
3. If an article (paragraph) of a normative act is removed and/or repealed, then, in order to keep the continuous numbering of the act, the published act shall keep the numerical symbol of the removed and/or repealed article (paragraph) with the reference to that normative act which removed or repealed the respective article (paragraph).
4. If an article is added to a normative act, then, in order to keep the continuous numbering of the act, the added article shall be numbered as the preceding article and the numerical symbol shall be supplemented by a superscript numeral (primed article). (28.05.99)
5. Reference to a certain provision of a normative act shall be made as follows: the reference shall indicate the type and heading of the normative act, the article, its paragraph (part), subparagraph and, if necessary, the sentence as well.

### **Article 33**

1. A draft of a law or of other normative act shall be drawn up by the subject who has the right to the respective legislative initiative (or the right to submit the respective draft of the normative act) or by the body that is entitled to adopt (issue) the normative act.
2. The subject who has the right to the legislative initiative (or the right to submit the draft of the normative act) and the body entitled to adopt (issue) the normative act shall have the right to place an order for the draft with a governmental or non-governmental organization or agency (including foreign agencies) or with an individual specialist or group of specialists (including foreign specialists).
3. Before it is reviewed in the Parliament of Georgia, the draft of the normative act may be handed over to the specialists of the respective field for their expert conclusion.
4. Draft of a normative act to be issued by a minister of Georgia or by a head of other state executive body shall be handed over to the Ministry of Justice that, in turn, within two weeks, shall prepare the conclusion on the conformity of the draft with the legislative acts of Georgia and with the edicts of the President of Georgia. If the Ministry of Justice produces a properly justified negative conclusion, then the draft shall be revised so as to conform to the effective legislative acts of Georgia and to the edicts of the President of Georgia, after which the draft shall require reexamination by the Ministry of Justice and appropriate new conclusion of the Ministry on the conformity of the draft with the Georgian legislation. (27.06.97)

### **Article 34**

1. The Parliament of Georgia may begin the review of a draft only if there is a conclusion of the respective parliamentary committee. A negative conclusion of the committee may not prevent the review of the draft on a plenary session of the Parliament.
2. When reviewing a draft submitted by the President of Georgia under the procedure of legislative initiative, only the person specially designated by the President shall have the right to speak on behalf of the President. This person may not be a member of the Parliament.
3. The draft submitted by the President of Georgia for which the President requests the privileged review on a special session shall be handed over to the respective committee immediately, according to the procedure defined in the parliamentary rules. The committee shall be bound to review the draft on its nearest session and to produce the conclusion. The parliament shall review the draft on its nearest plenary session following the conclusion made by the committee.
4. If the President of Georgia returns the draft of a legislative act to the Parliament with motivated comments attached thereto, then all the comments submitted by the President shall be brought to a vote simultaneously. The Parliament may not make amendments to the comments of the President.

### **Article 35**

1. Only the President of Georgia shall have the right to submit international agreements and treaties of Georgia for ratification in the Parliament.
2. The Parliament of Georgia shall make a decision on ratification, annulment and denunciation of an international agreement or a treaty of Georgia in the form of the resolution of the Parliament by the majority of the votes of all members of the Parliament.
3. The Parliament may not review for ratification such an international agreement or a treaty that will cause changes in the effective legislation unless it is accompanied by the draft that provides for the amendments to the respective legislative act(s).

### **Article 36**

1. Amendments or additions to a normative act shall be made only through a normative act of the same type. The latter act shall be an integral part of the amended or supplemented normative act.
2. Drawing up, adoption (issuance) and putting into effect of the amendments and additions to a normative act shall be carried out according to the procedures prescribed for drafting, adoption (issuance) and putting into effect of the amended/supplemented normative act.

### **Article 37**

1. The day on which the Parliament passes the final version of a legislative act of Georgia shall be deemed to be the date of adoption of the legislative act.
2. The date of adoption (issuance) of other normative act shall be the day on which it is signed by the authorized official.

### **Article 38**

1. The Parliament of Georgia shall hand over the adopted draft to the President of Georgia within 5 days.
2. Within 10 days from the day the adopted draft is handed over to the President of Georgia, the President shall either sign it and promulgate the constitutional law, organic law or law of Georgia or return it to the Parliament with the motivated comments attached thereto. If the Parliament acknowledges the comments of the President, the President shall sign and promulgate the law within 7 days from the day it is handed over back to him.
3. If the President fails to promulgate the law within the stipulated period, then, not later than 5 days from the expiration of this term, the Chairman of the Parliament shall sign and promulgate the law.
4. A normative act of the President of Georgia, a normative resolution of the Parliament of Georgia, an order of the State Minister of Georgia (24.12.99) or a normative act of local self-government (government) body shall be published within 7 days from its signing (adoption). All other normative acts shall be published within 7 days from the day they are entered into the State Register of Normative Acts. A normative act of the Central Electoral Commission shall be published on the second day from its signing. A normative act of Georgia may not be published before it is entered into the State Register, except for the normative acts of the Parliament, President, Central Electoral Commission and the National Bank of Georgia. (23.10.2001, No. 1119, the Legislative Herald No. 32, 2001)
5. First publication of the full text of a normative act of Georgia in the "Legislative Herald of Georgia" (and, for the normative acts adopted by the Parliament – in the "Gazette of the Parliament" as well) shall be deemed to be the official publication of the act. A normative act may not be published in any other print medium until it is officially published.
6. Any state and local self-government body (official) that has adopted (issued) a normative act shall be bound to notify the Ministry of Justice of the date of its publication and to send the published normative act to the Ministry within 10 days from its official publication. (27.06.97)

### **Article 39**

1. Each normative act shall bear the following entries:
  - a) The type of the normative act;
  - b) The heading (title);
  - c) The date and place of its adoption (issuance) (and, if the act is amended or supplemented, the dates on which the amendments/additions were made);
  - d) The date on which the act takes effect and, if the act is issued to operate for a certain period of time, the duration of its effectiveness;

- e) The signature of the authorized official;
  - f) The registration number assigned by the body that has adopted (issued) the act, and, after the act is entered into the State Register – the state registration code as well.
2. The normative acts of the supreme state bodies (officials) (27.06.97) of Georgia shall bear the State Emblem of Georgia.

#### **Article 40**

The normative acts of Georgia shall be adopted (issued) and published in the state language of Georgia, and the normative acts of the autonomous republic of Abkhazia and of the local self-government (government) bodies (officials) of the autonomous republic – in Abkhazian language as well. A normative act may be published in a language other than the state language; such a text shall have no official status.

#### **Article 41**

1. A normative act effectiveness of which depends on its publication (27.06.97) shall take effect only after it is officially published in the print periodical which is stipulated to be the official medium by this Law or by other normative act. Certain provisions of a sub-legislative normative act may be omitted from publication only in the cases defined by the law of Georgia "On State Secret". Non-publication of the normative acts (or parts of these acts) that limit the rights and freedoms of individuals or that define the legal liability shall not be allowed.
2. If a local self-government (government) does not have an official print medium, then its normative act shall be published according to such procedure, defined by the respective representational body's rules, which will make the act available for the population.

#### **Article 42**

1. A legislative act of Georgia shall take effect on the 15th day from its publication in the official medium, unless the legislative act itself stipulates otherwise.
2. A decree of the President of Georgia shall take effect only after its publication in the official print medium, shall be effective from the moment indicated therein, and continue to be effective for a time period indicated therein but not later than the end of the state of emergency, unless it is revoked by a decree of the President of Georgia.
3. The President of Georgia shall submit the decree to the Parliament of Georgia within 48 hours from its issuance. (27.06.97)

#### **Article 43**

1. An edict of the President of Georgia shall take effect immediately after its publication in the official print medium, unless the edict itself stipulates otherwise.
2. An edict of the president of Georgia regarding appointment or dismissal of a minister of Georgia shall take effect from the moment it is signed, unless the edict itself stipulates otherwise.
3. An order of the President of Georgia, as the order of the Supreme Commander-in-Chief of the armed forces of Georgia, shall take effect from the moment it is signed, unless the order itself stipulates otherwise.
4. If a decision of the President of Georgia limits the rights and freedoms of individuals defined in Articles 18, 20, 21, 22, 24, 25, 30, 33 and 41 of the Constitution of Georgia, then the text of such a decision shall be broadcasted through radio and television, during at least one day from its signing, once in every two hours. Within 48 hours, the President shall be bound to submit the decision to the Parliament for approval. (27.06.97)

### **Article 43<sup>1</sup>**

An order of the State Minister of Georgia shall take effect immediately after its publication in the official print medium, unless the order itself stipulates otherwise. (24.12.99)

### **Article 44**

1. An order of a minister of Georgia, a head of other state executive body, the president of the National Bank of Georgia, the chairman of the Chamber of Control of Georgia, the chairman of the State Procurement Agency of Georgia, (30.03.2001 No. 833) and of the head of the State Antimonopoly Service of Georgia (13.06.2000), as well as a resolution of the council of the National Bank of Georgia, the Securities Commission of Georgia, (22.12.98) the Accounting Standards Commission, (05.02.99) the deliberative panel of the Audit Activities Council, (30.04.99) an order of the head of the State Supervision Service over Insurance of Georgia, (20.06.2001 No. 967) and a normative act (27.06.97) of a local self-government (government) body (official) shall take effect on the 10th day from the day it is entered into the State Register of Normative Acts, (27.06.97) unless the normative act itself stipulates otherwise.
2. A normative act of the Central Electoral Commission shall take effect immediately after publication, unless the act itself stipulates otherwise. (25.06.99)

### **Article 45**

1. "A normative act takes effect immediately after publication" – shall mean that the normative act takes effect at 24:00 hours on the day it is published.
2. A normative act may stipulate a special date on which a specific chapter or article of the act will take effect.
3. A legislative act that defines or aggravates legal liability shall take effect not earlier than 15th day from its publication.

### **Article 46**

1. A normative act shall operate for an unlimited time, unless the legislation or the act itself stipulates otherwise.
2. A normative act or its part may be adopted (issued) to operate for a certain period of time. After expiration of this term the normative act or its part shall be deemed repealed unless the body that adopted (issued) the act makes the decision to prolong the term in accordance with the procedures prescribed for adoption (issuance) of such normative acts.

### **Article 47**

1. A normative act shall be retroactive only if literally so prescribed by this normative act.
2. A normative act that defines or aggravates legal liability may not be retroactive.
3. If an offence was committed and, afterwards, a law repealed or alleviated liability for such an offence, then the norms defined by the new law shall be applied.

### **Article 48**

1. A legislative act shall have the direct legal effects, regardless of whether or not a sub-legislative act has been adopted (issued) based on it or for its execution, unless the legislative act itself defines such a condition.

2. Refusal to apply the norm defined by the legislative act on the grounds that no respective sub-legislative act has been adopted (issued) for its execution shall not be allowed, unless the legislative act itself defines such a condition.

#### **Article 49**

The President of Georgia shall have the right to repeal the normative acts issued by the executive bodies subordinated to the President.

#### **Article 50**

1. A Normative act or its part loses force if:
  - a) The time period for which it was adopted (issued) has expired;
  - b) Another normative act (27.06.97) that repeals it has been adopted (issued);
  - c) The authorized state body (official) has made (issued) such a decision that causes repeal of the normative act according to the Constitution of Georgia or other legislative act;
2. A normative act may not repeal another normative act with the superior legal force.
3. Repeal of a law that repealed a former law shall not reinstate the former law.
4. If a normative act or its part loses force, then all normative acts (or the respective parts thereof) adopted (issued) based on it or for its execution shall also lose their force.
5. A sub-legislative normative act that has been adopted (issued) on the grounds or for execution of the repealed legislative act shall have no legal force, regardless of whether or not the repeal of the sub-legislative act itself was declared.
6. When a legislative act is adopted, all sub-legislative acts or parts thereof regulating the respective social relation must be declared void.

#### **Article 51**

1. Adoption (issuance) of a normative act in violation of the rules prescribed by the legislation, or non-taking of the necessary measures for the implementation of a normative act, or obstructing its implementation, shall not be allowed.
2. If a normative act is adopted (issued) to regulate the issue which, according to the Constitution of Georgia or an organic law of Georgia, belongs to the scope of the authority of another state body (official) or another body (official) of local self-government (government), or if it is adopted in violation of the requirements of this Law, or if the procedures for adoption (issuance) and operation of the respective normative act are violated, then this normative act shall have no legal force and shall be deemed null and void.
3. The issues covered in this Article shall be considered and resolved by: the body (official) superior to the body (official) that adopts (issues) the normative act; the Constitutional Court of Georgia; the common courts of law, within the scope of their authority.
4. If the Ministry of Justice has learned of the circumstances referred to in paragraph (2) of this Article, then it shall be bound to demand from the body (official) that adopted (issued) the normative act, as well as from the bodies (officials) authorized to repeal (suspend) the act, that the normative act be repealed (suspended), except for the normative acts of the Parliament of Georgia, the President of Georgia and of the supreme power bodies of the autonomous republics of Abkhazia and Adjara.
5. If the Ministry of Justice, when performing the obligation defined in paragraph (4) of this Article, appeals to a common court of law, then in the court the Ministry shall represent the state. (08.09.99)

#### **Article 52**

When computing the time periods defined in this Law, the days off and holidays stipulated by the labor legislation of Georgia shall not be counted in, except when computing the period for putting a normative act into effect.

## **Chapter IV** **State Registration and Systematization of Normative Acts**

### **Article 53**

1. In order to register and systematize the normative acts and to ensure the publicity of the legal system, the State Register of Normative Acts shall be created.
2. The State Register shall record all normative acts operating in Georgia.

### **Article 54**

1. Any state body (official) or local self-government (government) body (official) that has adopted (issued) a normative act shall be bound to hand it over to the Ministry of Justice within 10 days from the day on which the authorized official signed the act.
2. The Ministry of Justice shall enter the normative act into the State Register and shall assign a state registration code to the act within 2 days from the day on which the act was handed over to the Ministry according to the procedure defined in paragraph (1) of this Article, and in the case of local self-government body's (official's) normative act – within 10 days from the day on which the act was handed over. (08.09.99)
3. Before they are entered into the State Register, the normative acts (except for the normative acts of the President of Georgia, the Parliament of Georgia, the State Minister, the Central Electoral Commission and the National Bank of Georgia) shall require the conclusion by the Ministry of Justice on their conformity with the normative acts with the superior legal force. (23.10.2001, No. 1119, the Legislative Herald No. 32) If the conclusion is negative, then the Ministry of Justice shall have the right not to enter the normative act into the Register, except for the normative acts of local self-government bodies (officials). (08.09.99)
4. If a normative act is submitted for registration in violation of the requirements stipulated by paragraph (4) of Article 38 of this Law, such a submission may constitute the grounds for refusal to enter the act into the State Register.

### **Article 55**

1. The State Register of Normative Acts shall record the following data with respect to each normative act:
  - a) The type of the normative act;
  - b) The name of the body (official) that has adopted (issued) the act (27.06.97);
  - c) The heading (title) of the act;
  - d) Full text of the normative act (except for a part classified as secret);
  - e) The date and place of its adoption (issuance);
  - f) The date on which the act takes effect and the duration of its effectiveness (unless it is effective for an unlimited time);
  - g) The registration number assigned by the body that has adopted (issued) the act;
  - h) The date of an amendment/addition made to the act;
  - i) The state registration code of the act.
2. A normative act which makes amendment or addition to another normative act shall be given an independent state registration code.

3. A normative act or a part thereof classified as secret shall be entered into the secret section of the State Register, and the main section of the Register shall record only the data referred to in subparagraphs (a), (b), (e) and (i) of paragraph (1) of this Article.
4. Any person may examine the entries of the State Register of Normative Acts, except for the information entered in the secret section of the Register. The procedure and requirements for access to the information entered in the secret section of the Register shall be defined by the law of Georgia "On State Secret".
5. No fees or other barriers to obtaining a copy of a normative act shall be allowed, except for the payment for necessary cost of copy-making.

## **Chapter V** **Transitional Provisions**

### **Article 56**

1. The Ministry of Justice of Georgia shall be obligated to develop the state registration code within one month from the effective date of this Law.
2. Before November 25, 1997, the Ministry of Justice shall be obligated to ensure registration of the normative acts issued and operating before the effective date of this Law into the State Register.
3. The Ministry of Justice of Georgia shall decide on whether or not to classify the legal acts adopted (issued) before the effective date of this Law as the normative acts, based on the substance of these acts (and regardless of their titles).

### **Article 57**

Before November 25, 1997, the Parliament of Georgia, the President of Georgia, the Ministry of Justice of Georgia, the state bodies and local self-government (government) bodies shall ensure the reconciliation of the normative acts adopted (issued) before the effective date of this Law with the Constitution and laws of Georgia.

### **Article 58**

1. Before the constitutional law of Georgia on territorial state-structure arrangements of Georgia and the organic law of Georgia on local self-governance (governance) are adopted, the types, legal force, procedures for drafting, adoption (issuance), publication and operation of the normative acts of the state and local governance bodies (officials) shall be defined by this Law, the effective legislation and those norms of the normative acts of the state and local governance bodies that are adopted (issued) in accordance with this Law and the effective legislation and that do not contravene this Law.
2. Before November 25, 1997, the state bodies and the local self-government (government) bodies (and, before they are created – the local bodies of government) shall be bound to publish, according to the requirements of this Law, all effective normative acts that were not yet published officially.

### **Article 59**

1. Before the constitutional law of Georgia on territorial state-structure arrangements of Georgia and the organic law of Georgia on local self-governance (governance) are adopted, the normative acts adopted (issued) in accordance with this Law and the effective legislation shall be in force.
2. Before the law of Georgia "On Chamber of Control of Georgia" is adopted, the Chamber of Control of Georgia shall issue the following normative acts:
  - a) An order of the chairman of the Chamber of Control of Georgia;

b) A resolution of the presidium of the Chamber of Control of Georgia.

### **Article 60**

Before the constitutional law of Georgia on territorial state-structure arrangements of Georgia and the organic law of Georgia on local self-governance (governance) are adopted, the President of Georgia shall have the right to repeal the normative acts of the local bodies of government.

### **Article 61**

Before the official print medium of Georgia – "the Legislative Herald of Georgia" – is published, a publication of the text of a normative act in the newspaper "Sakartvelos Respublika" or in the official print medium of the body that has adopted (issued) the act shall be deemed to be the official publication of the normative act.

## **Chapter VI Final Provisions**

### **Article 62**

This Law shall take effect as of February 1, 1997. (26.11.96)

President of Georgia

*Eduard Shevardnadze*

Tbilisi,