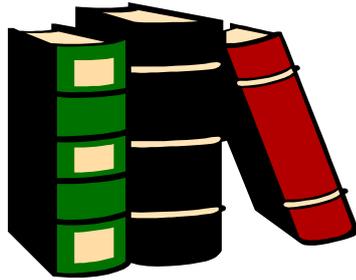




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LAW ON THE CONSTITUTIONAL COURT OF THE REPUBLIKA SRSPKA

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LAW ON THE CONSTITUTIONAL COURT OF THE REPUBLIKA SRSPKA

CHAPTER ONE – GENERAL PROVISIONS

Article 1

This law shall, as provided under the Constitution of the Republika Srpska (hereinafter: the Constitution), govern the organization of the Constitutional Court of the Republika Srpska (hereinafter: the Court), the proceedings before that Court and the legal effect of its decisions.

Article 2

In the exercise of their constitutionally established competences, the Court shall monitor the events of interest for realization of constitutionality and legality, and inform the highest constitutional bodies of the Republic about the situation and problems in this area and provide them with the opinions and proposals required for the enactment of legislation and for the undertaking of other measures in order to ensure the constitutionality and legality and protect the vital national interests of the constituent peoples and the group of Others, and to exercise and protect the rights and freedoms of citizens, governmental authorities and organizations.

Article 3

The Court may review the constitutionality of laws and the constitutionality and legality of regulations and other general acts which have ceased to have effect, provided that no more than one year has passed from the date when they ceased to have effect to the date when the proceedings were initiated.

Article 4

(1) Any person may raise an initiative in order to institute the proceedings for reviewing the constitutionality and legality.

(2) The proceedings before the Court may be instituted following a motion filed by:

- a) the President of the Republika Srpska,
- b) the National Assembly of the Republika Srpska (hereinafter: the National Assembly)
- c) the Council of Peoples, on matters within the framework of the competences established under the Constitution,
- d) the Government of the Republika Srpska,
- e) the Court, insofar as the issue of constitutionality and legality has been raised in the

proceedings before the Court,

f) the Republic Prosecutor, insofar as the issue of constitutionality and legality has been raised in the work of the prosecutor's office,

g) a municipality, city, company, political organization, or association of citizens and other organization, insofar as there has been a violation of their right established by the Constitution or the law; and

h) an authority empowered by the Constitution and the law to suspend the enforcement of a regulation and other general act due to its non-conformity with the Constitution and the law.

(3) Even the Court itself may institute the proceedings for reviewing the constitutionality and legality.

Article 5

(1) Where the Court has established that a law is not in conformity with the Constitution, that law or its specific provisions that are not in conformity with the Constitution shall cease to have effect on the date of publication of the Court decision.

(2) Where the Court has established that any other regulation or general act is not in conformity with the Constitution or the law, this act, or its provisions are not in conformity with the Constitution or the law, shall cease to have effect on the date of publication of the Court decision.

Article 6

The Court decisions shall be universally binding and enforceable.

Article 7

Governmental authorities, enterprises and other organizations, as well as the holders of government and other public offices shall have the obligation, at the request of the Court and within the time period specified by it, to provide the Court with the required data and information of relevance for the conduct of the proceedings and the decision-making.

Article 8

The work of the Court shall be public.

CHAPTER TWO – ORGANISATION OF THE COURT

Article 9

(1) The Court shall have a President and eight judges who shall be elected in accordance with the Constitution and this Law.

(2) The Council for the Protection of Vital Interest (hereinafter: the Council) shall consist of seven members, two from each constituent people and one member from among the group of "Others".

(3) The organization and methods of operation of the Council shall be regulated by the Rules of the Constitutional Court of the Republika Srpska (hereinafter: the Rules of the Court).

(4) The mandate of a Council member shall end with the termination of his or her office as judge of this Court.

(5) The Council shall be chaired by the Chairman of the Council, who shall be elected by the Council members from among the Council's membership, so that in each new case where a decision is to be taken, the Chairman of the Council shall come from among different constituent people or from among the group of "Others".

Article 10

(1) The President and judges shall be elected by the National Assembly and the Council of Peoples at the proposal of the President of the Republika Srpska

(2) The High Judicial and Prosecutorial Council shall propose to the President of the Republika Srpska a list of candidates for the President and judges of the Court.

(3) The President of the Republika Srpska shall propose to the National Assembly a candidate for the Court President from among the judges of the Court.

(4) The Court President shall be elected for a term of office of four (4) years with the possibility of reappointment.

(5) No judge of the Court shall be allowed to hold any other public office and perform any activities that are incompatible with the judicial office.

(6) The opinions about the incompatibility of offices referred to in paragraph 5 of this Article shall be given by the Court.

Article 11

The President and judges shall enjoy immunity identical to the one enjoyed by the MPs. The Court shall decide on the immunity.

Article 12

Before assuming office the President and the judges shall take a solemn oath at the session of the National Assembly.

Article 13

(1) In accordance with the Constitution, this Law and the Rules of the Court, the Court President shall:

- a) organize the work of the Court,
- b) represent the Court,
- c) ensure the realization of cooperation with governmental and other authorities and organizations,
- d) chair the sessions and meetings of the Court; and
- e) sign the general and other acts of the Court and perform other duties specified by law and by the general acts of the Court.

(2) The Court shall have two Vice Presidents who shall come from among the peoples other than the people the Court President is affiliated with. The Vice-Presidents shall be elected by the Court for a term of office of four (4) years and they can be elected for no more than two consecutive terms of office.

(3) The Court President shall designate the Vice President to replace him/her in the event that the President is absent from office or prevented from holding office, which shall be regulated by the Rules of the Court.

Article 14

(1) In accordance with the Constitution, this Law and the Rules of the Court, a judge of the Court shall:

- a) participate in the Court sessions and in the meetings organized by the Court,
- b) be a rapporteur and proponent of the decisions in the case where he/she has been designated as a Judge Rapporteur,
- c) propose institution of the proceedings for the review of constitutionality and legality;
- d) file a motion to the Court asking from it to reconsider an already issued decision,
- e) participate in the work of the Council, provided that he/she is its member,
- f) participate in the work of various committees and other working bodies of the Court,
- g) monitor and analyse the phenomena of interest for the achievement of constitutionality and legality;
- h) cooperate in the achievement of his/her tasks with scientific, professional and other staff members from various agencies and organizations,

i) report on his/her observations to the Court; and

j) raise an initiative to analyse certain issues or take appropriate measures.

(2) The judge shall be entitled to provide his/her dissenting opinion during the course of decision-making and explain his/her dissenting opinion by attaching thereto an explanatory note in writing.

Article 15

(1) When a judge has been convicted by a final and binding ruling for a criminal offense that makes him/her unfit for the performance of judicial service, the Court shall inform thereof the President of the Republika Srpska without delay, who shall in turn propose to the National Assembly to take a decision on the dismissal of the judge.

(2) Based on the opinion of a competent medical institution, the Court shall evaluate whether the judge has permanently lost the ability to perform the judicial service and shall inform thereof the President of the Republika Srpska without delay, who shall in turn propose to the National Assembly to take a decision on the dismissal of the judge. For the purpose of this Law, the term *permanent loss of ability* shall mean the loss of physical or mental ability to perform the judicial service.

(3) The office of the President and the judges shall be terminated once they have turned 70 years of age.

(4) No later than six months prior to the date when the term of office of the Court President or of the judges is terminated for the reason specified under paragraph (3) of this Article, the National Assembly shall inform thereof the High Judicial and Prosecutorial Council for the purpose of instituting the proceedings of election of the new President and new judges of the Court to their positions as judges.

(5) In the event that the term of office for the Court President or for the judges is terminated for the reason specified under paragraph (3) of this Article, the President and the judges shall continue to perform their judicial service until such time as the new Court President and the new judges have assumed office at their positions as judges.

Article 16

(1) The Court shall have a Secretary appointed and dismissed by the Court.

(2) For his/her work the Secretary shall be responsible to the Court.

Article 17

(1) In order to ensure the performance of technical and other administrative tasks for its own purposes, the Court shall establish the Technical and Administrative Service of the Court (hereinafter referred to as: the Service).

(2) The organization, tasks and method of operation of the Service referred to in paragraph (1) this Article shall be regulated by a separate act of the Court.

Article 18

The seat of the Court shall be situated in Banja Luka.

CHAPTER THREE – PROCEEDINGS CONDUCTED BEFORE THE COURT

1. Common Provisions

Article 19

(1) The matters falling within the Court's jurisdiction shall be decided by the Court at its sessions.

(2) The Court sessions shall be convened by the Court President at his/her own initiative, following a conclusion reached by the Court or by the Council, or following a reasoned motion filed by a judge.

(3) The Court session shall be held if there is a majority of its judges present at the session.

Article 20

(1) The Court shall decide the matters falling within its jurisdiction by a majority vote of all judges.

(2) The Council within the Court shall decide on the admissibility of the requests relating to the vital interest of one of the constituent peoples by a two-third (2/3) majority within the period of one (1) week, whereas within the period of one (1) month it shall decide on the merits of the cases that are regarded as admissible.

(3) In the event that the procedure relating to a matter of vital national interest of one of the constituent peoples has been initiated by a two-third (2/3) majority of one of the constituent people's caucuses, the vote of at least two judges shall be required in order for the Court to decide that the case involves a matter of vital national interest.

(4) Insofar as the Court has reached a positive decision about the vital interest, the respective law shall be considered as *not adopted* and the document shall be returned to the proponent who shall then be required to initiate a new procedure. In that event the proponent shall not be allowed to resubmit the same text of the law, regulation or act.

(5) In the event that the Court has decided that the respective law does not concern a matter of vital national interest the law shall then be considered adopted – and it shall therefore be adopted by a simple majority.

Article 21

(1) Public character of the Court's operation shall be ensured by way of public hearings in the proceedings conducted before the Court, by way of making announcements of its decisions, by way of providing information to the public about the work and otherwise as determined by the Court.

(2) During the course of work of the Court the public may be excluded when so is required in the interest of defence and security of the country or for moral reasons.

Article 22

No administrative fee shall be paid in the proceedings conducted before the Court.

Article 23

Should an issue of relevance for the proceedings before the Court remain ungoverned by this Law, the relevant legal principles and legal rules of procedural laws shall be applicable.

2. Parties to the Proceedings

Article 24

The parties to the proceedings shall be:

- a) the authorities and organizations empowered to institute the proceedings under Article 4, paragraph (2) of this Law;
- b) anyone at whose initiative the proceedings are conducted;
- c) an authority in charge of enacting the laws, other regulations and general acts (hereinafter referred to as: the general act) whose constitutionality and legality is under review;
- d) a political organization or association of citizens whose general act is under review;
- e) the governmental authorities between whom there is a conflict of jurisdiction to be decided by the Court, as well as anyone who due to the approval or rejection of jurisdiction has been unable to exercise his/her rights.

Article 25

Other persons summoned by the Court may also participate in the proceedings conducted before the Court.

Article 26

(1) The parties to the proceedings conducted before the Court, as well as other interested persons may, in accordance with the Rules of the Court, request to gain access to the case files and make a transcript of these files, other than the files that may eventually constitute a reason for exclusion of the public from the work of the Court.

(2) The persons referred to in paragraph (1) of this Article shall bear the cost of making the transcripts of the concerned case files.

Article 27

(1) In the proceedings conducted before the Court, a public authority or a legal entity shall be represented by their representatives who are authorized to represent them by law or by their general acts.

(2) Any persons who are authorized by either party to the proceedings can also participate in the proceedings conducted before the Court.

Article 28

During the course of the proceedings and at the hearings, the parties to the proceedings conducted before the Court under Article 24 of this Law shall be entitled and have an obligation to put forward the motions and provide the required data and information, present and explain its positions and reasons, respond to the allegations made and reasons specified by other parties to the proceedings, and submit evidence and undertake other actions of relevance for the process of the Court's decision-making.

Article 29

(1) Either party to the proceedings conducted before the Court shall bear their own costs.

(2) The Court may reimburse other summoned persons for the costs they have incurred in the proceedings.

3. Preliminary Proceedings

Article 30

A motion filed or an initiative raised in order to institute the proceedings for the review of constitutionality and legality shall be examined during the course of the preliminary proceedings.

Article 31

The motion filed or initiative raised in order to institute the proceedings shall first be examined by a judge designated under the distribution of tasks (hereinafter referred to as, the Judge Rapporteur), who shall check whether the procedural requirements and other terms and conditions have been met in order to conduct the proceedings and decide the requests.

Article 32

During the process of preliminary examination the Judge Rapporteur may request the required information and data from the party filing the motion or raising the initiative, as well as from other participants in the proceedings, governmental authorities and legal entities, as well as the expertise and other opinions, documentary evidence and other information about the facts of relevance for the decision-making.

Article 33

Whenever a motion or initiative is unintelligible, incomplete or it does not contain the information required in order to conduct the proceedings, the Judge Rapporteur shall request from the party filing the motion or raising the initiative to remove those deficiencies within the period of 15 days.

Article 34

(1) The court shall submit a copy of the motion or initiative to other parties and shall set a deadline by which the parties are required to submit their responses.

(2) The response shall be provided by the issuer of the disputed act, or by an authority designated by the issuer.

Article 35

(1) Within the period specified by the Court, but which may not be less than 15 days, the authority referred to in Article 34 this Law shall submit to the Court the disputed general act and the required documentation and provide data and information of relevance for the conduct of the proceedings and the decision-making.

(2) Following the request of the Court and within the period determined by the Court, other authorities and organizations shall be obligated to provide the required data and information of relevance for the conduct of the proceedings and the decision-making.

Article 36

The Court shall resume the proceedings in the event that it does not receive any response, opinion, documentation, required data and information within the required period of time.

Article 37

(1) The Court shall reject the motion and/or decline the initiative filed or raised in order to institute the proceedings for the review of constitutionality and legality, once it finds that:

- a) it lacks jurisdiction required for the decision-making;
- b) the motion and/or initiative were submitted after the expiry of one year following the date of the end of validity of the act whose constitutionality or legality is challenged,
- c) the party filing the motion or raising the initiative has failed to remove the deficiencies within the required period of time that prevent the Court to undertake an action concerning the motion and/or initiative,
- d) has already reached decisions on the same matter before; and
- e) there no other procedural requirements have been met in order to conduct the proceedings and take the decisions as provided by law.

(2) Once the Court has rejected the motion or declined the initiative, it shall notify thereof the party filing the motion and/or raising the initiative.

4. Instituting and conducting the proceedings

Article 38

(1) The proceedings for the review of constitutionality and legality of general acts shall be instituted once the public authority and the legal person have submitted the motion and once the Court has issued a ruling instituting the proceedings concerning the submitted initiative or concerning its own initiative.

(2) The ruling instituting the proceedings shall be delivered to the party enacting the general act and shall specify the deadline for the submission of the party's responses.

(3) The ruling instituting the proceedings shall also be delivered to the party raising the initiative.

Article 39

(1) The motion and/or the initiative to institute the proceedings for the review of constitutionality and legality of the general acts shall contain: the name of the concerned general act, a clear indication of the disputed provision, the name and number of the Official Gazette where it was published, the reasons used as the basis for making the motion, as well as other information of relevance for the review of its constitutionality and legality.

(2) Where a general act whose constitutionality and legality have been challenged was not published in the Official Gazette, the motion and/or initiative shall be submitted together with a certified copy of this act.

Article 40

(1) The proceedings for the review of constitutionality and legality of a general act shall be considered to have been initiated on the date of receipt of the motion by the Court.

(2) The proceedings following an initiative that is raised in order to institute the proceedings for the review of constitutionality and legality of a general act shall be considered to have been initiated on the date when the Court has issued the ruling instituting the proceedings.

(3) In the event that the initiative has been raised to institute the proceedings for the review of constitutionality and legality of a general act that is no longer valid, the proceedings are considered to have been instituted on the date of receipt of the initiatives by the Court.

(4) Where the Court has instituted the proceedings for the review of constitutionality and legality of a general act upon its own initiative, the proceedings shall be considered to have been instituted on the date of issuance of the ruling instituting the proceedings.

(5) Where the initiative is challenging the constitutionality and legality of a general act or of some of its provisions with regard to which the Court has already taken its position, or where during the course of the preliminary proceedings the legal status has been fully established and the collected information has provided a reliable basis for decision-making, the Court shall decide without issuing the ruling instituting the proceedings.

Article 41

Where the Court finds that there are no grounds to institute the proceedings following the raising of an initiative, it shall decide thereon by issuing a ruling to decline the initiative and shall notify thereof the party raising the initiative.

Article 42

(1) In the proceedings for the review of constitutionality and legality of a general act, the Court shall not be bound by the request of the party filing the motion or the party raising the initiative.

(2) In the event that the party filing the motion or the party raising the initiative has withdrawn from the motion or initiative, the Court shall resume the proceeding for the review of constitutionality and legality of the general act insofar as it finds that there are grounds for their resuming.

Article 43

The provisions of Articles 39 through 43 of this Law shall apply accordingly also in the proceedings for the review of constitutionality and legality of the general acts of political organizations.

5. The proceedings to resolve the conflicts of jurisdiction

Article 44

(1) When a conflict of jurisdiction has occurred between the governmental authorities, the motion for resolving the conflict of jurisdiction shall be submitted by one or both of the authorities having the conflict of jurisdiction.

(2) The motion for resolving the conflict of jurisdiction under paragraph (1) of this Article may also be submitted by a person who has been unable to exercise his/her rights due to the admission or rejection of jurisdiction.

Article 45

The motion for resolving the conflict of jurisdiction in Article 44, paragraph (1) of this Law shall contain the name of the authority admitting or rejecting the jurisdiction and the reasons for such admission or rejection.

Article 46

The proceedings for resolving the conflict of jurisdiction in Article 45 paragraph (1) of this Law shall be considered to have been instituted on the date of receipt of the motion by the Court.

Article 47

The Court may order a suspension of the proceedings conducted before the authorities having the mutual conflict of jurisdiction until such time the Court has taken its final decision.

6. Deliberation and decision-making

1) Public Hearings

Article 48

In general, the Court shall reach its decisions on the basis of public hearings.

Article 49

(1) In general, the court shall hold the public hearings when deciding on the conformity of a law, other regulation and general act with the Constitution and the conformity of regulations and general acts with the law.

(2) The Court may decide not to hold a public hearing in the cases referred to in paragraph (1) of this Article, insofar as it has already taken a position on the same matter or if the requirements have been met for the suspension of the proceedings.

(3) The Court may hold a public hearing also in other cases when it deems it necessary.

Article 50

(1) The public hearings shall be scheduled and managed by the Court President or a judge replacing the President.

(2) The parties to the proceedings shall be summoned to a public hearing in order to present their views and provide the required information.

(3) Insofar as it is of interest for the review of constitutionality and legality, the Court may summon to a public hearing the representatives of the authorities and organizations that are responsible for the enforcement of the general act with regard to which the proceedings are being conducted.

(4) Where appropriate, the representatives of the authorities and organizations, scientists and public servants, and other persons shall also be summoned to attend a public hearing in order to provide their opinion and information.

Article 51

(1) The parties to the proceedings and other persons summoned to attend a public hearing shall receive a letter of summons no later than eight days prior to the public hearing.

(2) Depending on the subject-matter of the dispute, the Court may set even a stricter time limit required for the serving of the letter of summons to a public hearing.

(3) The letter of summons to the public hearing shall indicate the subject-matter, and the date and venue of the public hearing.

Article 52

In general, the public shall be informed about the time and venue of the public hearings.

Article 53

The absence of individual parties to the proceedings from a public hearing shall not prevent the Court from holding the public hearing.

Article 54

The Court may adjourn or discontinue the public hearing in order to obtain the required data, information and opinion, as well as in other justified cases.

Article 55

(1) The Court President shall ensure that the order is maintained at the public hearings.

(2) After issuing a warning, the Court President may take the floor from a speaker who is abusing his/her participation in the public hearing, or remove a participant and other attendees and audience, if they disturb the order at the public hearing.

Article 56

(1) The Court President shall communicate the subject-matter of the public hearing.

(2) The Judge Rapporteur may present the situation existing in the case as established in the preliminary proceedings, without putting forward any proposal for a decision.

(3) The parties to the proceedings shall present and explain the opinions and facts of interest for clarification of the situation existing in the case.

(4) Without presenting their opinion or proposal for the decision, during the public hearing the judges may ask questions and seek clarifications from the parties to the proceedings and from other summoned persons about the matter that is the subject of the public hearing.

(5) Within 30 days following the completion of the public hearing, the Court shall make the final decision on the subject matter of the proceedings.

2) Suspension of the proceedings

Article 57

The court shall suspend the proceedings in the event that:

a) during the course of the proceedings, a law, other regulation and/or general act have ceased to be valid, in the event that they have been harmonized with the Constitution, or in the event that other regulation and general act have been harmonized with the law, while the Court has not ascertained that a decision is required to be made on account of the fact that no effects of unconstitutionality or illegality have been remedied;

b) during the course of the proceedings, a motion has been withdrawn or an initiative abandoned for the review of constitutionality and/or legality of a general act, while the Court has found no grounds allowing it to resume the proceedings at its own initiative;

c) during the course of the proceedings, a motion for resolving the conflict of jurisdiction has been withdrawn;

d) the proceedings have been instituted on the basis of erroneously established facts; and

e) during the course of the proceedings, the procedural requirements for the conduct of the proceedings have ceased to exist.

Article 58

(1) During the course of the proceedings and until such time as the final decision has been made by the Court, the Court may order the suspension of enforcement of an individual act or execution of an action, which have been undertaken on the basis of a law, regulation and other general act whose constitutionality or legality is under review, insofar as their enforcement or execution could cause the occurrence of irreparable harmful consequences.

(2) In the event that during the course of the proceedings the Court finds that the reasons for suspension have ceased due to any changing circumstances, it shall revoke the measure of suspension of enforcement of the individual act and/or execution of the action.

3) Acts of the Court

Article 59

(1) The matters falling within its jurisdiction shall be decided by the Court or by the Council by virtue of issuing a decision or ruling.

(2) The decisions and rulings of the Court must be explained by attaching a reasoning thereto.

Article 60

(1) The decisions of the Court shall:

a) determine whether a law, other regulation or general act is or is not or whether, during the period of its validity, it was or was not in conformity with the Constitution,

b) determine whether another regulation or general act is or is not or whether, during the period of its validity, it was or was not in conformity with the law,

c) determine whether a general act of a political organization is or is not in conformity with the Constitution and law,

d) decide on the conflict of jurisdiction between the governmental authorities,

e) reject the motion for the review of unconstitutionality and illegality; and

f) determine the method of eliminating the consequences in the cases referred to in Article 73 of this Law.

(2) The Council shall issue its decision in order to decide on the matters of vital interest.

Article 61

(1) The Court rulings shall:

a) institute the proceedings,

- b) suspend the proceedings in the cases stipulated by Article 57 of this Law,
- c) suspend the enforcement of a particular act or execution of a particular action, repeal the measure of suspension or reject the motion for suspension of an individual act or action,
- d) decline an initiative to institute the proceedings for the review of constitutionality and legality;
- e) reject a motion or decline an initiative in the cases referred to in Article 37 of this Law; and
- f) decide on the matters of case management.

(2) Within the period of seven days the Council shall decide on the admissibility of the requests for the protection of vital national interest.

Article 62

Following a written and reasoned request filed by the Judge Rapporteur, the Court President may put on the session agenda the motion for reconsideration of a decision or ruling, insofar as the new information of interest for the protection of constitutionality and legality has been obtained, until such time as the decision or ruling are dispatched from the Court.

Article 63

(1) Should the Court find that the opinion expressed by the Court in the draft decision or ruling differs from an earlier opinion taken with a view to addressing an identical issue, the making of the decision or ruling will be postponed and a special session shall be scheduled, where the opinion taken earlier shall be considered and the decision or ruling shall be made.

(2) Where the decision or ruling has been made without being distributed to the parties in the proceedings or without being published, while the facts referred to in in paragraph (1) this Article have been established already, the Court President may propose to the Court to reconsider the taken opinion before signing it.

Article 64

(1) Where necessary, the enforcement of the decisions made by the Court shall be ensured by the Republika Srpska Government.

(2) The Court may request the undertaking of measures against a responsible person for the failure to enforce the decisions of the Court.

Article 65

The decisions and rulings of the Court shall be delivered to the parties in the proceedings.

Article 66

(1) The Court decisions shall be published in “the Official Gazette of the Republika Srpska”, as well as in the way in which the general act itself was published, with regard to which the decision was made.

(2) Once the Court finds it appropriate, the Court ruling shall be published in “the Official Gazette of the Republika Srpska”, as well as in the way in which the general act itself was published, with regard to which the ruling was reached.

Article 67

The Court acts shall be signed by the Court President.

CHAPTER FOUR – LEGAL EFFECTS OF THE COURT DECISIONS

Article 68

(1) The laws, regulations and general acts under which the Court decisions have ceased to be valid shall not be applicable to relationships established before the date of publication of the Court decision, unless they have been decided until that date by a final and binding ruling.

(2) The regulations and other general acts adopted in order to enforce the laws, regulations and other general acts under which the Court decisions have ceased to be valid shall not be applicable from the date of publication of the Court decision, unless it flows clearly from the decision that these acts are inconsistent with the Constitution or law.

(3) Enforcement of the final and binding individual acts adopted under the regulations that are no longer applicable can be neither allowed nor implemented; however, if the enforcement has already been initiated it shall be suspended.

Article 69

(1) Anyone whose right has been violated by a final or legally binding individual act adopted under a law or other regulation and general act which has ceased to be valid under the Court decision shall be entitled to request from the competent authority to amend the concerned individual act.

(2) The motion to amend the final or legally binding individual act referred to in paragraph (1) of this article shall be submitted no later than within the period of six (6) months following the date of publication of the decision in “the Official Gazette of the Republika Srpska”, unless more than one year has passed from the date of delivery of the individual act and the date of the Court decision.

(3) The Court decision referred to in paragraph (1) of this Article shall constitute a reason for reopening of the proceedings before the authority issuing the final or legally binding individual act.

Article 70

Once the final and binding Court decision has been made to reject the implementation of the regulations or general acts due to their non-conformity with the Constitution or law, while the Court has established that there is no any such inconsistency, any person whose right has been violated may request that the final and binding Court decision be amended within the period of one (1) year following the publication of the Court decision.

Article 71

Whenever it is determined that the amendments to an individual act cannot eliminate the effects produced as a result of implementation of a general act that has ceased to be valid under the Court decision, the Court may order that these effects are to be eliminated either by way of providing *restitution in integrum*, or by damage compensation, or otherwise.

Article 72

(1) In the event that, during the course of the proceedings, the disputed general act has ceased to be valid or it has been harmonized with the Constitution and/or the law, but the consequences of unconstitutionality or illegality have not been eliminated, the Court shall issue a decision establishing that the general act was not in compliance with the Constitution and/or the law during the term of its validity.

(2) The Court decision referred to in paragraph (1) of this Article shall have the same legal effect as the decision establishing that the general act is inconsistent with the Constitution or the law.

CHAPTER FIVE – CONDITIONS AND FUNDING REQUIRED FOR THE COURT OPERATIONS

Article 73

Funding required for the work of the Court shall be provided in the budget of the Republika Srpska

Article 74

The Court President shall be an authorized official empowered to issue the orders for spending of the funds required for the work of the Court and the Court Service, provided that these powers may also be conferred on the Court Secretary.

Article 75

(1) By virtue of a special act the Court shall determine the salaries and other allowances for the Court President, judges and appointed persons.

(2) The Court shall issue an act governing the matter of salaries and other allowances for the persons employed in the Court.

(3) The salaries and other allowances referred to in paragraph (1) and paragraph (2) of this Article shall be set in the amounts determined by the Republika Srpska Budget for the current year.

CHAPTER SIX – TRANSITIONAL AND FINAL PROVISIONS

Article 76

The Court's method of operation and its organization shall be regulated by the Rules of the Court and the decision on its organization.

Article 77

(1) The term of office for the Court President and judges who were elected to office under the regulations applicable until the date of entry into force of this Law, who have turned 70 years of age, shall end with the expiration of eight years following the date of their assuming office. Exceptionally, their term of office shall be extended until such time as the new Court President and new judges have assumed office at their positions as judges.

(2) The term of office for the judges who were elected to office under the regulations applicable until the date of entry into force of this Law, who have turned 70 years of age, shall end with the date of reaching that age. Exceptionally, their term of office shall be extended until such time as the new judges have assumed office at their positions as judges.

Article 78

Upon the entry into force of this Law, the Law on the Constitutional Court of the Republika Srpska ("Official Gazette of the Republika Srpska", Nos. 29/94, 23/98, 97/04 and 54/05 – Consolidated Version) shall cease to have effect.

Article 79

This Law shall enter into force on the eighth day after its publication in "the Official Gazette of the Republika Srpska".

15 July 2011
Banja Luka

OF THE NATIONAL ASSEMBLY
M.Sc. **Igor Radojičić**, *manu propria*