



The Act on the Constitutional Court

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The Act on the Constitutional Court

FULL WORDING of the ACT ON THE CONSTITUTIONAL COURT of 16 June 1993, No. 182/1993 Sb., as amended by Acts No. 331/1993 Sb., 236/1995 Sb., 77/1998 Sb., 18/2000 Sb., 132/2000 Sb., 48/2002 Sb., 202/2002 Sb., 320/2002 Sb., 114/2003 Sb., 83/2004 Sb., 120/2004 Sb., 234/2006 Sb. and 342/2006 Sb.

The Parliament has enacted the following statute of the Czech Republic:

F I R S T P A R T ORGANIZATION OF THE CONSTITUTIONAL COURT

§ 1
The Constitutional Court [hereinafter "Court"] shall consist of a Chairperson, two Vice-Chairpersons, and other Justices.

The Chairperson and the Vice-Chairpersons of the Court

§ 2
From among the Justices of the Court [hereinafter "Justices"], the President of the Republic [hereinafter "President"] shall appoint a Chairperson and two Vice-Chairpersons of the Court [hereinafter "Chairperson" and "Vice-Chairpersons"].

§ 3
(1) The Chairperson shall:
a) represent the Court externally;
b) perform the administrative work of the Court;
c) call meetings of the Plenum of the Court [hereinafter "Plenum"], fix the agenda for, and direct the business of meetings;
d) appoint Chairpersons of Panels of the Court [hereinafter "Panels"],
e) perform other duties placed upon her by statute.
(2) The Vice-Chairpersons shall act on behalf of the Chairperson in her absence, to the extent and in the order determined by the Plenum.
(3) With the consent of the Plenum, the Chairperson may delegate the long-term performance of certain of her duties to the Vice-Chairpersons.

Justices

§ 4
(1) The office of Justice is a public office.
(2) Justices may not be prosecuted for administrative offenses.
(3) It is incompatible with the performance of his duties for a Justice to hold some other compensated positions or to engage in some other profit-making activities, with the exception of the management of his own assets and activities of a scholarly, pedagogical, literary or artistic nature, provided that such activities are not to the detriment of the office of Justice, its significance and dignity, and do not tend to undermine confidence in the independence and impartiality of the decision-making of the Court.
(4) The performance of the office of Justice is also incompatible with membership in a political party or political movement.

§ 5

A Justice is obliged to maintain secrecy concerning matters about which she learned in connection with the performance of her judicial duties. This obligation continues even after she has left her judicial office.

§ 6

(1) The President shall seek the consent of the Senate to his appointment of a Justice.
(2) If the President does not obtain consent under paragraph 1 within 60 days of his request, only due to the fact that the Senate did not vote on the matter within the above-stated period, then the Senate shall be deemed to have given its consent.

§ 7

(1) A Justice may resign from her office by means of a declaration to that effect made before the President. If she is prevented by serious circumstances from so doing, she may make a written declaration in the form of a notarial record.
(2) A Justice's office shall terminate on the day after he makes a declaration pursuant to paragraph 1 or on the day after such a declaration is delivered to the President.
(3) A Justice's office shall also terminate:
a) upon the expiration of the term for which she was appointed;
b) on the day she ceases to be eligible for election to the Senate;
c) on the day a decision by which she is convicted of the willful commission of a criminal offense becomes final;
d) upon the announcement by the Court of a ruling under § 144 terminating her office.
(4) If a Justice's seat is left vacant due to his office terminating pursuant to paragraph 3, the Chairperson shall so inform the President without delay.

Assistants to Justices

§ 8

(1) At least one Assistant shall be named for each Justice.
(2) The Chairperson names and recalls each Assistant on the basis of a proposal of the Justice for whom she will work.

§ 9

(1) Any citizen may be named an Assistant, provided he has a character beyond reproach and has completed a university legal education.
(2) An Assistant may resign from her position; her duties shall terminate on the day after her letter of resignation is delivered to the Chairperson.
(3) An Assistant's position shall also terminate:
a) upon the termination of the office of the Justice whose Assistant he was named;
b) on the day a decision, by which the Assistant is convicted of a criminal offense, becomes final;
c) upon his recall.
(4) An Assistant is obliged to maintain secrecy concerning matters about which she learned in

