

Analysis of the Legal System of the Czech Republic for the Purpose of Identifying Obsolete Legislation

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Annotation in English

The “Analysis of the Legal System of the Czech Republic for the Purpose of Identifying Obsolete Legislation” (the “Analysis”) was prepared with the determination of several basic objectives:

- a) To analyse the legislation defined by the tender documentation, which was published in official journals from 28 October 1918 to 31 December 2018, with the objective to determine which legislation is valid and effective and which is repealed or obsolete.
- b) To create a database of the above legislation containing a list of obsolete legislation.
- c) To provide a methodology for the future identification of obsolete legislation.

The main results of the analysis are:

- a) An introductory text summarizing the methodology for the identification of obsolete legislation and the legal theory dealing with legislation as a source of law in the legal system of the Czech Republic and its predecessors (since 28 October 1918) with a focus on the phenomenon of obsolete legislation. The introductory text also addresses the issue of general derogation clauses in greater detail.
- b) A database of legislation that was the subject of the Analysis in accordance with the tender documentation, containing for each analysed legislation its name, type (constitutional law, law, legal measure, government regulation, regulation of government, regulation or decree), the status of the legislation (valid, explicitly repealed, repealed on the basis of a general derogation clause or obsolete), including grounds of the status, determination of links between legislation at the legal level – implementing legislation, designation of bill managers, and determination of the addressees of the legal norm and areas of law according to the characteristics and categories requested by the contracting authority.
- c) A final text summarizing the results of the analysis and containing a proposal for the procedure for repealing obsolete legislation and other recommendations.

The basic data obtained by the Analysis is as follows:

From the set of the analysed legislation, 8455 were identified as obsolete, 10533 as explicitly repealed, 3681 as repealed by general derogation clauses and 5851 as valid.

The conclusions of the Analysis propose a procedure for repealing obsolete legislation and resolving the status of legislation repealed by general derogation clauses as well as general recommendations for the preparation of future legislation and the prevention of further obsolete legislation.