

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA Calls on the Minister of Justice to Make Immediate Changes in the Order Adopted by Him

Georgian Young Lawyers' Association responds to the [Order of the Minister of Justice of Georgia N158, dated December 29, 2011](#). The order adopted "Procedures for Drawing Up, Adopting (Issuing), Sending, Registering, Systematizing and Publishing a Normative Act (Draft Normative Act) by Using Automated Means of Management"

Under para. 5 of Article 8 of the noted Procedure, "the [Legislative] Herald [of

Georgia] is authorized to correct editorial errors in a normative act, which entails correcting orthographic or punctuation errors(s) in a normative act without changing contents of a normative act”.

GYLA deems application of the noted authority of the Legislative Herald of Georgia to laws adopted by the Parliament of Georgia as absolutely unacceptable. None of the agencies, except for the parliament, should have an opportunity to correct any mistakes - including editorial - in texts adopted by the parliament, as it would conflict with the constitutional authority of the parliament. Regulations of the Parliament of Georgia provide for adoption of editorially correct legislative act. In fact, third hearing of a draft law serves the purpose of preventing errors that are editorial in nature.

[The Legislative Herald of Georgia responded to the discussions about the new Order of the Minister of Justice](#) and published brief clarification regarding the issue on its website. More specifically, the Legislative Herald of Georgia clarifies that “the noted authority of the Legislative Herald of Georgia does not apply to publication of texts of Georgian laws or other normative acts adopted by the Parliament of Georgia. Procedures for preparing, considering and adopting as well as publishing acts adopted by the Parliament are determined by the Constitution of Georgia and the Regulations of the Parliament of Georgia that constitutes an act of a legal force.”

It is noteworthy that the clarification offered by the Legislative Herald of Georgia is irrelevant to the text of the Minister of Justice’s Order. The Order stipulates that the new authority of the Legislative Herald applies to all normative acts. Under para. 1 and 2, Article 7 of the Law of Georgia on Normative Acts, legislative acts adopted by the Parliament (Constitution of Georgia, constitutional law of Georgia, organic law of Georgia, law of Georgia, Regulations of the Parliament of Georgia) constitute normative acts. Therefore, these documents will now be subject to the new authority of the Legislative Herald of Georgia.

Georgian Young Lawyers’ Association calls on the Minister of Justice to abide by the Constitution of Georgia and make immediate changes to the December 29, 2011 Order so that the new authority of the Legislative Herald of Georgia no longer applies to normative acts adopted by the Parliament. Georgian Young Lawyers’ Association also calls on the Chairman of Parliament of Georgia to react to the noted Order of the

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Minister of Justice and protect Constitutional authority of the Parliament of Georgia.