

ZOLTÁN TÓTH J.

University Professor at Károli Gáspár University of the Reformed Church, Hungary, Head of the Department of Legal Theory, Chief Counsellor at the Constitutional Court of Hungary

CLARITY OF NORMS IN THE LIGHT OF THE CONTENT REQUIREMENTS OF LEGISLATION, LEGISLATIVE ERRORS AND THEIR CONSEQUENCES – IN GENERAL AND WITH PARTICULAR REGARD TO THE LEGISLATIVE REQUIREMENTS IN HUNGARY

Abstract

The content requirements of legal norms incorporated in laws can be of three types: semantic, syntactic and structural. The most important semantic requirements of laws (legal norms) are simplicity, clarity, consistency and that the addressee should always be clear from the wording. It is important to emphasise that general clauses, maxims and vague concepts should only be used by the legislator in exceptional circumstances, for example when it wishes to grant broad discretion. The most common consequences of legislative errors in the application of the law are the dysfunctionality of the law text, legal uncertainty resulting from legal loopholes, and divergent judicial practice. The most common legal consequence of legislative errors (affecting the validity, scope or legal applicability of the law) is review of legality.

1. Content requirements of laws (legal norms)

*The content requirements of legal norms incorporated in laws can be of **three types**: semantic, syntactic and structural requirements.*

- 1) **Semantic requirements** are requirements against the literal meaning of the legal norm proposition (the wording of the legal provision), with the aim of ensuring the clarity and intelligibility of the legal provisions and, through this, the highest possible level of compliance with the norm. In principle, it cannot be expected that the legal norm will be followed by the addressees if they are not aware of the meaning of the norm and the words and expressions contained therein, or if different addressees can interpret the legal provision in different ways even in good faith (without any intention

to circumvent the norm).¹ The semantic requirements are primarily *not* legal requirements, *not* normative propositions, but expectations that make the norms intelligible and thus applicable (though some of them are also included in the provisions of positive law on legislative procedure); the less these requirements are enforced in the drafting of norms, the less the norm proposition will be able to fulfil its declared purpose of influencing people's behaviour.

- 2) The **syntactic requirements** govern the sentence structure of the legal norm proposition, i.e. they regulate the correct placement of linguistic connectors and the relationships between the different elements of the text. These requirements are intended to ensure compliance with the rules of the language; if these requirements are not met, the text violates the rules of the language and becomes unintelligible, perhaps unintentionally ambiguous (and therefore unusable).
- 3) The **structural requirements** ensure that the norms are free from legal inconsistency, i.e. that the legal norm created does not conflict with other norms.

The most important **semantic requirements** of laws (legal norms) are as follows:

- 1) The **pursuit of simplicity** is an important desideratum, because simplicity is the key to ensuring (except at the expense of precision!) that the norm is understood by ordinary people, which is the ultimate and essential aim of any law. **Legislative drafting is not an exercise in style.**² Simplicity can be achieved by considering the following aspects:
 - *avoidance of over-complicated structures* wherever possible (in particular, the use of bureaucratic language should be avoided;

¹ For the theoretical issues of legal interpretation, see, eg.: Zoltan J. Toth: The Methods of Statutory Interpretation in the Practice of the High Courts of Hungary. *Annales Universitatis Mariae Curie-Sklodowska, Sectio M Balcaniensis et Carpathiensis*, Lublin – Polonia, Vol. 1., 2016, pp. 173–201. (<https://pdfs.semanticscholar.org/bacc/ce543d963697c02-d928e0757ca456cc3ce01.pdf>); for the constitutional interpretation, with special regard to the case of Central European constitutional courts, see: Zoltán J. Tóth (ed.): *Constitutional Reasoning and Constitutional Interpretation: Analysis on Certain Central European Countries*. Ferenc Mádl Institute of Comparative Law – Central European Academic Publishing, Budapest – Miskolc, 2021 (Internet: <http://real.mtak.hu/134538/>)

² As, for example, expressly stipulated in Hungary by Decree 61/2009 (14 December) of the Minister of Justice and Law Enforcement on legislative drafting (hereinafter: Jszt.) in its Section 2: “The draft legislation must be drafted in accordance with the rules of the Hungarian language, in a *clear, plain and unambiguous manner*.”

- simpler is usually more understandable and more elegant in linguistic terms, despite the common misconception that such expressions are the measure of literacy);
- *avoidance of the use of foreign words when there is a common mother-tongue word with the same meaning* [e.g. *in secret* should be used instead of *sub rosa* for the meaning ‘covertly, stealthily’, *copy* instead of *facsimile* for the meaning ‘duplicate, reproduction’, as the foreign words make the text difficult for many people to understand, while offering no tangible advantage over the use of common mother-tongue words (a legal text is not a scientific work; the use of such terms can be justified in the latter, but not in the former)];
 - *omitting lengthy phrases* (e.g. both *in the event that* and *in the case of* should be replaced with the simple *if*);
 - *avoidance of unnecessarily long detailed and exhaustive lists*; instead general umbrella terms should be used (e.g. “by car, bus, motorcycle, moped, tractor...” should be replaced with by “motor vehicle”), and regulate only the few remaining exceptions, if necessary;
 - *avoidance of old-fashioned, obsolete expressions* (e.g. ‘*thou*’, ‘*wherefore*’, ‘*puissance*’);
 - *avoidance of superfluous terms (fillers)* (a principle of legal interpretation is that no word is meaningless, so fillers cause confusion and also undermine legal certainty).
- 2) **Clarity** is key (at least for the specific addressees of the given legal stipulation and lawyers in general). It can be achieved through *precise, exact wording* (even at the cost of simplicity) with the aim of avoiding vagueness and ambiguity. (If a word or phrase has several meanings which may be equally meaningful in the given legal context, its meaning should be clarified until it is clear, or the same should be achieved by definitions (interpretative provisions), or another word or phrase should be chosen which has no other meaning in the given context.)
- 3) **Consistency** is essential in the drafting of legislation. As expressly mentioned in Jszzr. Section 4 (1): “Where, within a law and its implementing legislation, the same concept or provision may be expressed in several ways, the same wording shall be used for each occurrence of the concept or provision.” The obvious reason for this is that if synonyms were used, the applier of law would not be able to decide whether they meant the same thing or whether a word with the same meaning or a related meaning but a different form is used

because it has a specific meaning that is different from the previous word. This *ambiguity cannot be allowed in a norm text*. The above rule applies here as well: legislative drafting is not an exercise in style. While the use of synonyms in a work of fiction or a scientific work is elegant, in a law text it only creates ambiguity, which should be avoided at all costs. If the same word is to be written twenty times in a section because it means the same thing, then the same expression must be used all twenty (or however many) times.

- 4) **The addressee must always be clear from the wording.** (For example, the sentence „A border crosser cannot be stopped by a border guard without carrying a firearm.” is incorrect because it is not known whether the *border crosser* or the *border guard* is obliged to carry a firearm in order for the border crosser to be lawfully stopped by the border guard. A provision without a subject is also incorrect if the subject is not clear from the context.)
- 5) **General clauses, maxims and vague concepts** (e.g. “within a reasonable time”, “for important reasons”, “in a proper manner”, “with due care”, “usually considered of good quality in normal business”) **should only be used in exceptional** cases: firstly, when the applier of law is expressly given discretionary power, and secondly, when the variety of life circumstances means that the correct (just, moral, etc.) or legal policy-based result of the regulation can only be ensured in this way. (For example, Section 6:96 of the Civil Code of Hungary stipulates “A contract shall be null and void if it is manifestly in contradiction to good morals.” This is the correct use of the general clause, because the concept of “good morals” cannot be defined precisely, and it changes from time to time, so in this case it is impossible to define it precisely, and there are always cases that the legislator could not have foreseen.)
- 6) Semantic requirements also include **specific requirements for definitions** (i.e. interpretative provisions).
 - First of all, *if a word or phrase has more than one meaning and the intended meaning is not clear from the context, it must always be defined.*
 - *If the legal meaning of a word differs from its ordinary meaning or from the accepted meaning in the regulated profession (e.g. robbery, fruit, computer, drug), it must be defined unless the meaning of the word is established and generally accepted in law (e.g. jurisdiction, competence, presumption).*
 - *However, it is forbidden to define ordinary words with a clear meaning (e.g. delivery, requirement, president, submit, to have)*

because this would render the normative text long-winded, since each definition necessarily defines the meaning of a word by other words, which then also have to be defined, which is also only possible by other words, and so on (*regressus ad infinitum*).

- *In law*, a definition *can only* be a **nominal definition** (a definition of what is to be defined in other words), *not* a **real definition** (which only specifies a characteristic). E.g.: “*company* shall mean, unless otherwise provided by law, a legal entity which is formed by registration in the company register for the purpose of carrying on a business-like economic activity”.³ This is a valid nominal definition, which precisely defines the term *company*. By contrast, phrases such as “company is a business which” or “a company manages its finances” would be a real definition that would not distinguish a “company” from other “businesses” that are not companies or other entities that are or might otherwise be businesses.]
- The definition must not refer back to the thing to be defined (*no tautologies*), nor can different interpretative provisions refer to each other (*no circular reference*).

The most important **syntactic requirements** of laws (legal norms) are as follows:

- 1) The most basic and natural expectation is that **the wording should be in accordance with the rules of the given language**.
- 2) **The norm text should always consist of declarative sentences, although the content is an imperative.**⁴
- 3) In legal norms, conditional phrases (if ... then) are typical and can be replaced by other constructions (any person who ... shall).
- 4) Legal norms refer to groups, so **the use of the plural is** generally unnecessary and **should be avoided** (“the driver” instead of “those drivers”).⁵
- 5) The **style** of norm texts should be **impersonal** and emotionless.
- 6) It is a fundamental requirement **to be concise**, i.e. avoid unnecessary words; the written norm text should only contain what is necessary and sufficient for understanding and application.

³ Act V of 2006 on Company Registration, Court Proceedings and Winding-up, Section 2(1).

⁴ Eg., in Hungary, Jszer. [Section 3(2)] regulates: “In the draft legislation, the normative content must be expressed in the present tense by means of a declarative sentence in the third person singular.”

⁵ In Hungary, see also: Jszer. Section 3(2)

- 7) **Multiple compound sentences should be avoided wherever possible.** In practice, this is the most often overlooked requirement, as legislative drafters always understand the area they are regulating and are aware of their own intentions and objectives, so they can understand a text containing multiple complex sentences. However, such a text often appears over-complicated to the applier of law or to ordinary people as addressees, that is difficult or even impossible to understand. It must therefore be emphasised that the **text of laws must be comprehensible for the addressees** if they are to be expected to comply with the legal requirements; therefore, baroque circular sentences, while they may look good in a novel or an academic article, are not appropriate in the text of laws.
- 8) The wording should always make it clear whether the **list** in a hypothesis (or possibly a legal consequence) is **exhaustive or non-exhaustive (illustrative)**, i.e. whether or not other similar elements, in addition to those mentioned, are included in the scope of the regulation. This can *always* be achieved by choosing the right language, but unfortunately, legislative drafters often fail to do so.⁶
- 9) The wording should also **clarify the logical relationship (conjunction, alternation, disjunction) between the elements of the list.**

Among the **structural requirements of** legislation, i.e. the requirements to ensure the substantive and logical unity of the legal system, at least in the civil law systems, the following should be highlighted.

- 1) **A legal norm incorporated in a law shall not be contrary to**
 - **the Constitution** (neither in form nor in substance);
 - **a higher-level legal norm;**
 - usually, a **legal norm governed by an international convention** promulgated at least at the same level of legal source as the legal norm in question;
 - **EU law.**
- 2) The **legal norm** incorporated in the law **must not contradict other legal norms** (or, if it does, the legal norm must resolve this contradiction by amending or repealing other norms).
- 3) **The regulation of a given life relationship must cover all segments of the life relationship** (no unregulated areas, no loopholes).

⁶ The use of the words “including”, “among other things”, “especially”, etc., are examples of the non-exhaustive nature of the list; while “exclusively” and its synonyms make the list exhaustive (complete).

- 4) **Duplication of regulation** (imposing the same rights, obligations and prohibitions on the same addressees in different pieces of legislation) **should be avoided.**
- 5) The **implementing act shall not go beyond the subject matter and scope of the implementation.**
- 6) **The prohibition of retroactive effect** (except for rules that are more favourable to all addressees) **must be respected.**
- 7) **A law may not provide for its own validity or invalidity or for that of any other law.**⁷

2. The (practical) consequences of legislative errors in the application of law

The most common (practical) consequences of legislative errors in the application of law can be the following.

- 1) First and foremost, wrongly drafted legislation becomes *dysfunctional*, i.e. incapable of achieving the intended legislative/policy objective, and sometimes even *counterproductive*, i.e. achieving the opposite effect to the intended objective. For example, administrative decisions may contain an obligation which follows the letter of the law but is contrary to its purpose.
- 2) In the case of a legal loophole, the norm is *not applied* to certain cases that would otherwise be covered by the norm according to its purpose.
- 3) Due to the absence of sanctions or a legal loophole, the law is not enforced in practice (it is an *ineffective law*) or its application is delayed (due to the suspension of administrative procedures or the waiting for information, opinions, etc. from the ministries).
- 4) A wrongly drafted and thus wrongly interpreted and applied law *may give rise to an action* for damages caused in the exercise of administrative authority⁸ or in the exercise of judicial, prosecutorial, notarial and executive authority⁹.
- 5) Vague, incomplete or contradictory norms lead to *divergent judicial practice*, which, because of the unpredictable application of the law, undermines legal certainty, since the adjudication of a right or obligation depends on the jurisdiction of the court in question (i.e. in similar cases, certain courts, on the basis of a particular interpretation

⁷ See also: Jszt. Section 61

⁸ Hungarian Civil Code, Section 6:548

⁹ Hungarian Civil Code, Section 6:549

- of the law, decide differently from other courts with the same jurisdiction, on the basis of different interpretations of the law, which also undermines citizens' confidence in the law).
- 6) Laws that violate the semantic and syntactic content requirements *cannot be interpreted by its addressees* and are therefore ineffective in practice.
 - 7) If the rule is in conflict with a provision of EU law, it *cannot be applied* (any court has the right to establish this).

3. Legal consequences of legislative errors

The most common legal consequence of legislative errors in the civil law systems, with concentrated constitutional adjudication (affecting the validity, scope or legal applicability of the law), is the so-called **norm control**, which may result in *the annulment of the law or legal provision in question*, thus rendering it ineffective and/or inapplicable, and sometimes in the (subsequent) loss of the legal character of the law or legal provision in question, i.e., in the case of annulment with retroactive effect to the adoption of the law or legal provision, the loss of the validity of the law or legal provision.

Specifically in Hungary, for example, two bodies can review laws: in general, the *Constitutional Court* (except in the case of so-called public finance prohibitions¹⁰), and the *Curia*, that is, the *Supreme Court* (only in the case of a municipal decree that is in conflict with other laws).¹¹

¹⁰ In Hungary, Article 37(4) of the Hungarian Constitution (Fundamental Law) states: "As long as government debt exceeds half of the total gross domestic product, the Constitutional Court may, within its powers set out in Article 24 (2) b) to e), review the Acts on the central budget, the implementation of the central budget, central taxes, duties and contributions, customs duties and the central conditions for local taxes for conformity with the Fundamental Law exclusively in connection with the rights to life and human dignity, to the protection of personal data, to freedom of thought, conscience and religion, or the rights related to Hungarian citizenship, and it may annul these Acts only for the violation of these rights. The Constitutional Court shall have the unrestricted right to annul Acts having the above subject matters as well, if the procedural requirements laid down in the Fundamental Law for making and promulgating those Acts have not been met." Thus, the infringement of the Fundamental Law can be examined without limitation in the course of an ex-ante review of legality, and the infringement of an international treaty can also be examined without limitation; in other cases, however, a legal norm that is substantively contrary to the Fundamental Law cannot be examined in the first place, so the infringement of the Fundamental Law cannot be declared, and the given law or legal provision cannot be annulled. All this means that the legislator has prohibited substantive constitutional review in these cases by formal constitutional provisions.

¹¹ For more details on the powers of constitutional courts, see: 200. Tóth J., Zoltán: Constitutional Adjudication. In: Csink, Lóránt – Trócsányi, László (eds.): Comparative Constitu-

The reasons for a review of legality may include:

- 1–2) The norm (or the law incorporating it) was not adopted by the body empowered to do so or was not adopted in a due procedure, i.e. the law or legal provision is formally contrary to the Constitution (in Hungary: Fundamental Law).
- 3) The content of the norm is contrary to the Constitution (Fundamental Law).
- 4) The norm is contrary to international law (general rules of international law or a ratified international convention).
- 5) The norm is in conflict with a norm in another higher source of law (but not in the Constitution (Fundamental Law) or an international convention).

In the case of paragraphs 1) to 4), the Constitutional Court is responsible for the norm control; in the case of paragraph 5), the Curia is responsible for the ex post review in the event of a conflict of municipal regulations with other legislation (but not the Constitution itself), and the Constitutional Court for all other cases (i.e. in the event of a conflict of municipal regulations with other, higher-level laws).

There are basically two types of constitutional **review performed by the Constitutional Court**: abstract and concrete. **I.) The abstract norm control** means that the Constitutional Court examines the conformity of a norm with the Fundamental Law in a general way, independently of a specific case and procedure, upon the motion of the person entitled to do so, while **II)** in the case of the **concrete norm control**, there is a basic case (basic procedure) in which the unconstitutionality of a given law or legal provision arises.

Again, there are only two types of abstract reviews: ex-ante and ex-post. **I/1.) The ex-ante abstract review** takes place before the promulgation of the given law, which can be proposed by Parliament on the one hand, and by the President of the Republic if Parliament has not exercised this right; **I/2.) the ex-post abstract review**¹² is possible after the promulgation of

tionalism in Central Europe: Analysis on Certain Central and Eastern European Countries. Central European Academic Publishing, Miskolc – Budapest, 2022, pp. 361–383. (Internet: <http://real.mtak.hu/147531/>)

¹² In Hungary, the examination of the conformity of a law (including a municipal decree), a public law regulating instrument or a court decision with the Fundamental Law [Article 24(2)e) of the Fundamental Law, Sections 24 and 37 of the Act on the Constitutional Court (hereinafter: Abtv.)], the examination of the conflict of a law (including a municipal decree), a public law regulating instrument or a court decision with an international treaty [Article

the law. [As for Hungary, since the possibility to submit an application without legal interest (the so-called *actio popularis*) has been abolished as of 1 January 2012, persons who claim the unconstitutionality of a law or a legal provision without proving their own legal interest may no longer apply to the Constitutional Court themselves; however, they may report the suspicion of unconstitutionality to the Ombudsman, who, if he or she agrees, may propose the Constitutional Court to annul the given law or legal provision on his own behalf.]

However, those who have a legal interest of their own in establishing unconstitutionality still have a direct right to submit applications: through the specific review of legality.¹³ **There are three types of concrete norm control. II/1.)** The first is the “old” **constitutional complaint with constitutional review of norms**, by which anyone who, in a court case, believes that the court has applied a *law or legal regulation* that is contrary to the Fundamental Law and that a right guaranteed by the Constitution (Fundamental Law) has been violated as a result, may apply for a declaration that the law or legal provision on which the judgment or proceedings are based is contrary to the Fundamental Law and for the annulment of such judgment or proceedings, provided that they have exhausted their other ordinary legal remedies or have not (had not) been granted any other legal remedies. **II/2.)** The second is the **direct constitutional complaint**, which can be used if the application or effectiveness of a provision of a *law* that is contrary to the Fundamental Law has directly, without a judicial decision, resulted in a violation of (fundamental) rights. **II/3.)** The third is the **judicial initiative for a specific review procedure** (which cannot be initiated by the person concerned, but only by the court hearing the case).¹⁴

24(2)f), Abtv. Sections 32(1) and 37], and the ex-post examination of the Fundamental Law and amendments to the Fundamental Law [Article 24(5) of the Fundamental Law, Abtv. Section 24/A(1)] may be initiated only by the Government, one quarter of the Members of Parliament, the President of the Curia, the Prosecutor General or the Commissioner for Fundamental Rights in an abstract manner, i.e. independently of any specific case.

¹³ An exception to this is, of course, the judicial initiative for an individual review procedure, where, as the name of the legal instrument indicates, the judge (or the chamber of judges) acting in the case may initiate a review by the Constitutional Court; the person concerned may at most propose to the judge to suspend the procedure and refer the case to the Constitutional Court.

¹⁴ Since 1 January 2012, however, Hungary has also had a *new form of individual fundamental rights protection*, the so-called “real” **constitutional complaint** (Abtv. Section 27), the essence of which is that any person or organisation affected by an individual case may appeal to the Constitutional Court even if it is not the law applied by the court that it considers to be contrary to the Constitution (Fun-

The **annulment** of a law or a legal provision, which results in the norm ceasing to have effect, may be **ex nunc**, i.e. from the day following the promulgation of the decision of the Constitutional Court; **ex tunc**, i.e. with retroactive effect from the day of entry into force of the law (possibly exceptionally from the day of its promulgation); and **pro futuro**, i.e. from some future date (in which case the law must still be applied to legal relations arising up to that future date).

However, the **legal consequence** may not only be 1) *annulment*, but also the following: 2) *establishing the existence of an infringement of the Constitution (Fundamental Law) caused by the legislator's omission* (the Constitutional Court then calls upon the body which committed the omission to fulfil its duties, setting a time limit); 3) *declaring a prohibition of application* if it does not follow from the law; and 4) *establishing a constitutional requirement*, by which the Constitutional Court may determine for the courts and for everyone else the constitutional meaning of a law, i.e. its conformity with the Constitution (Fundamental Law), and the requirements which the application of the law by the courts or other bodies must meet. In addition, it is also possible to 5) *order a review of criminal proceedings* that have been concluded by a final decision on the basis of a law that is contrary to the Constitution (Fundamental Law), if the defendant has not yet been exonerated from the adverse consequences of the criminal record or the execution of the sentence imposed or the measure applied has not yet been completed or its enforceability has not yet ceased; or to 6) *order the review of a misdemeanor procedure* which has been terminated by a final decision on the basis of an unconstitutional law, if the execution of the sentence or measure imposed in the misdemeanor procedure ordered for review is in progress or the offender is registered in the register of misdemeanors for the case ordered for review. In the latter case, the prosecutor is obliged to submit a request for retrial *ex officio*.¹⁵

damental Law), but (in addition to recognising the constitutionality of the law) *the court decision itself* or the *court procedure* leading to the court decision.

¹⁵ It is equally true for a “real” constitutional complaint and for the “old” complaint under Abtv. Section 26(1) that the challenged judicial decision must be made on the merits of the case (an order of pre-trial detention or temporary involuntary medical treatment, for example, do not meet this condition), or must close the case (e.g. an order terminating the proceedings). A “genuine” complaint (as well as the other two types of complaint, which are specific reviews) may be submitted by the person concerned in an individual case; the person concerned may

The **review of legality by the Curia** is carried out by the *Local Government Council of the Curia*, which decides on the conflict with and annulment of a local government decree in the case of “indirect infringement of the Fundamental Law” under Article 32(3) of the Fundamental Law;¹⁶ it also decides on the finding of failure of a local government to fulfil its legislative obligation under the law^{17,18}. The list of **applicants** is clearly defined, i.e. these Curia procedures may be initiated by the metropolitan and county *government office* that exercises control over the legality of the given local government, the *Commissioner for Fundamental Rights (Ombudsman)*, and the *judge proceeding in the individual case*, if the local

be a private individual, a legal entity or an entity without legal personality (e.g. a condominium). The individual case itself can be either a contentious or a non-contentious procedure for both “old” and “genuine” constitutional complaints (in civil law proceedings). The complaint may be submitted on either of these grounds [Abtv. Sections 26(1) and 27] within sixty days of the notification of the decision complained of or, failing this, of the date of gaining knowledge of the decision or of the occurrence of the violation of the right guaranteed by the Fundamental Law, which is a procedural deadline, i.e. it is the date of service, not the date of receipt that matters. In the event of failure to comply with this deadline, an application for excuse may be submitted within an objective deadline of 15 days from the date of the cessation of the obstacle, but not more than 180 days from the date of notification of the decision or the date of the infringement of a right guaranteed by the Fundamental Law.

Similarly, both types of complaint (whether or not the main action is a contentious or a non-contentious procedure) can only be submitted after a final court decision (judgment or order), if the normal legal remedies have been exhausted or no remedy is available. (Of course, exhaustion of any ordinary remedies is also a condition for the third type of complaint, the direct complaint.) For all three types of complaint, there is a separate admissibility procedure and (if the complaint is admissible) a separate procedure for the examination on the merits, although it is possible to decide on admissibility in the decision on the merits itself, which the Constitutional Court sometimes does. According to the Rules of Procedure of the Constitutional Court, a decision on the admission must be taken within 120 days of the notification by the Secretary General of the opening of the procedure, and the first draft on the merits must be prepared within 180 days of the admission. However, there is neither a procedural nor a statutory time limit for making a decision on the merits: according to Abtv. Section 30(5), it must be made “within a reasonable period of time”.

¹⁶ Cf.: Section 24(1)f) of Act CLXI of 2011 on the organisation and administration of the courts (hereinafter: Bszi.).

¹⁷ Cf. Bszi. Section 24(1)g)

¹⁸ Based on the 7th Amendment to the Fundamental Law of Hungary, as from 1 January 2020 the newly established Supreme Administrative Court will be responsible for conducting procedures related to the review of local government regulations.

government's decree in question should be applied in the case pending before him. The possible **legal consequences** are as follows: if the Curia finds that a local government decree or one of its provisions is in conflict with another law, it will either 1) *annul* it (if it is still in force); or 2) *declare the annulled local government decree or its provision to be in conflict with another law* (in which case it will not apply in the individual case and in other pending individual cases); or 3) *declare that the local government decree or its provision that has been promulgated but has not yet entered into force will not enter into force*.