

Rules of procedure

The consolidated version of the Rules of Procedure of the Government Legislative Council, adopted by Government Resolution No. 534 of 21 August 1998 and amended by Government Resolution No. 1158 of 24 November 2004, and Government Resolution No. 1148 of 4 October 2006

RULES OF PROCEDURE

The Government Legislative Council

Article 1

Sessions of the Government Legislative Council

1. Sessions of the Government Legislative Council (hereinafter referred to as the “Legislative Council”) shall be held as necessary, once every two weeks as a rule. Sessions of the Legislative Council shall be convened by the Chairman of the Legislative Council, who shall in an invitation notice specify the place, date, time and agenda of the session of the Legislative Council. Enclosed with the invitation notice shall be documents that were presented to the Legislative Council for discussion and the proposed position of the Legislative Council prepared by the Government Legislative Department of the Government Office (hereinafter referred to as the “Government Legislative Department”); if no proposed draft position is available, the Government Legislative Department shall submit it later.

2. Documents for discussion shall be presented to the Legislative Council by

- a) a member of the Government or the head of any other central governmental authority,
- b) the Chairman or any other member of the Legislative Council.

3. The Chairman of the Legislative Council, or the vice-chairman of the Legislative Council authorised by the Chairman of the Legislative Council in cooperation with the head of the Secretariat of the Legislative Council, shall as a rule assign a member of the Legislative Council, or a member of a working commission of the Legislative Council (hereinafter referred to as the “reporter”), to prepare a verbal report on a certain item on the agenda of the Legislative Council session, which the reporter shall present at such session. For the purpose of preparation of the report, the reporter shall have access, in addition to the documents presented for discussion, to the proposed position of the Legislative Council, minutes of the meeting of the working commission of the Legislative Council, and the position of the Compatibility Department of the Government Office (hereinafter referred to as the “Compatibility Department”).

4. Invitation to the sessions shall be distributed to

- a) members of the Legislative Council,
- b) the submitter – member of the Government or the head of another central governmental authority – who submitted to the Government for discussion a material intent of a law, a draft bill or a draft Government regulation; the submitter may be represented by his/her deputy or any other designated representative, and the session may also be attended by other professionals of the submitter; the submitter defends the submitted draft at the session,
- c) the chairman of the working commission of the Legislative Council (hereinafter referred to as the “Working Commission”) that discussed the draft proposed by the submitter and

prepared its position with respect thereto, containing principal comments on the draft discussed by it; if a draft was discussed by multiple Working Commissions, the chairmen of all such Working Commissions shall be invited accordingly; the chairman defends the position of the Working Commission; the chairman of the Working Commission may be substituted by a Working Commission member designated by the chairman,

d) a representative of the Office of the President of the Czech Republic, directors of the legislative departments of the Office of the Chamber of Deputies of the Parliament of the Czech Republic and of the Office of the Senate of the Parliament of the Czech Republic,

e) the head of the Secretariat of the Legislative Council,

f) the director of the Section of the Chairman of the Government Legislative Council,

g) the director of the Government Legislative Department and the employee of the Department who prepared the draft position of the Legislative Council, and the director of the Compatibility Department and the employee of the Department who prepared the position to the material being discussed,

h) any other persons according to the decision of the Chairman of the Government Legislative Council (for example, representatives of the relevant departmental bodies and the relevant employers' organisations, or experts).

5. The Chairman of the Legislative Council shall send a letter of invitation to the submitter (paragraph 4 letters (a) and (b) above), along with the proposed draft position of the Legislative Council. In the cases referred to under paragraph 4 letters (c) through (h) above, the letter of invitation shall be sent by the head of the Secretariat of the Legislative Council.

6. Due to the coordinating and advisory nature of the Legislative Council, its dealings are conducted with a view to clarifying and unifying standpoints and positions on the basis of professional argumentation. If a member of the Legislative Council participated in the preparation of a legislative draft prior to its submission to the Government and the Legislative Council, he/she shall inform the Legislative Council to this effect while discussing such draft. In the absence of consensus, the majority opinion shall be determined by voting of the present members of the Legislative Council; provided, however, that the member of the Legislative Council who participated in the preparation of the legislative draft prior to its submission to the Government and the Legislative Council shall not have the right to vote; in the event of equality of votes, the chair have the casting vote.

7. A sound recording shall be made of sessions of the Legislative Council. Brief minutes of the session of the Legislative Council shall be taken; the minutes shall contain the standpoints and recommendations as well as the principal conclusions of the deliberations. The minutes shall be signed by the Chairman of the Legislative Council.

8. In the position of the Legislative Council submitted to the Government in respect of a material intent of a law, a draft bill or a draft Government regulation, the Legislative Council may suggest that the Government

a) adopt the draft as proposed to it,

b) adopt the draft in the form of the revisions proposed in the position,

c) dismiss the draft and return it to the submitter, either to be completed for the reasons stated in the position, or reasoning that the submitted draft law or regulation is unnecessary.

9. The final version of the position of the Legislative Council for deliberations of the Government session shall be prepared, on the basis of the conclusions of the Legislative Council, by the Government Legislative Department who will then present it to the head of the Secretariat of the Legislative Council.

10. The position of the Legislative Council shall be signed by the Chairman of the Legislative Council.

11. The provisions of Article 1, paragraphs 8 through 10 of these Rules of Procedure shall apply mutatis mutandis to the position of the Chairman of the Legislative Council.

12. The position of the Legislative Council or the position of the Chairman of the Legislative Council taken with respect to a material intent of a law, a draft bill or a draft Government regulation submitted to the Government shall, to the extent adopted by the Government, constitute part of the conclusions drawn at the session of the Government.

Article 2

Meetings of Working Commissions of the Legislative Council

1. Meetings of members of a working commission of the Legislative Council (hereinafter referred to as the “Working Commission”) shall be convened by an invitation signed by the head of the Secretariat of the Legislative Council. Enclosed with the invitation shall be the proposed drafts to be discussed.

2. Invitation to meetings of the Working Commissions shall in each case be sent to the submitters of the drafts to be discussed. Meetings of Working Commissions shall be attended on behalf of the submitter by a deputy minister or by a deputy to the head of the central governmental authority (or another representative designated by him/her) or, as the case may be, an official designated by him/her and familiar with the draft.

3. Meetings of the Working Commissions shall be governed, mutatis mutandis, by the provisions of Article 1, paragraphs 4 and 6 of these Rules of Procedure.

4. The minutes of a meeting and the position of the Working Commission shall be delivered by the Commission to the Government Legislative Department and to the Secretariat of the Legislative Council. The Secretariat of the Legislative Council shall forward the position of the Working Commission to the submitter of the draft.

5. A Working Commission may, at the request of the head of the Secretariat of the Legislative Council, discuss any submitted draft in summary proceedings. In such case, the Working Commission shall be capable of transacting business and adopting positions if its meeting is attended by at least three members of the Working Commission.

6. The date, time and place of meetings of the Working Commissions shall be determined by the Secretariat of the Legislative Council. The time schedule and a list of places of meetings of the Working Commissions shall be distributed to the members of the Working Commissions and the members of the Legislative Council who have the right to attend the meeting of any Working Commission.

Article 3

Final Provision

These Rules of Procedure shall enter into effect on 22 August 1998.