

GOVERNMENT OF THE REPUBLIC OF TAJIKISTAN
RESOLUTION
No. 456 as of 5 October 2001
ON APPROVAL OF REGULATION ON THE PROCEDURE OF
STATE RECORD AND REGISTRATION OF NORMATIVE-LEGAL ACTS OF THE
REPUBLIC OF TAJIKISTAN

In accordance with the Law of the Republic of Tajikistan “On normative-legal acts”, and for improving the system of state record and registration of normative-legal acts of the Republic of Tajikistan the Government of the Republic of Tajikistan resolves:

1. To approve the attached Regulation on the Procedure of State Record and Registration of Normative-legal Acts of the Republic of Tajikistan.
2. The ministries, state committees and agencies of the Republic of Tajikistan to ensure timely

Regulation on the Procedure for State Record and Registration of Normative-legal Acts of the Republic of Tajikistan

1. The present Regulation settles the procedure for state record and registration of normative-legal acts of the Republic of Tajikistan. According to the Law of the Republic of Tajikistan “On normative-legal acts” the normative-legal acts are: the Constitution of the Republic of Tajikistan, constitutional laws of the Republic of Tajikistan, laws of the Republic of Tajikistan, joint resolutions of Majlisi Milli and Majlisi Namoyandagon of Majlisi Oli of the Republic of Tajikistan, resolutions of the Majlisi Milli of Majlisi Oli of the Republic of Tajikistan, resolutions of the Majlisi Namoyandagon of Majlisi Oli of the Republic of Tajikistan, decrees and orders of the President of the Republic of Tajikistan, resolutions and decrees of the Government of the Republic of Tajikistan, acts of the ministries, state committees and agencies, international legal acts, recognized by the Republic of Tajikistan.

2. Normative-legal acts are included in state register of normative-legal acts, which is an integral part of informational system of the Republic of Tajikistan, implementing legal information in the territory of state, and representing a database for legal information.

The state register for normative-legal acts of the Republic of Tajikistan is kept by the Ministry of Justice of the Republic of Tajikistan.

3. The following normative-legal acts, adopted in the Republic of Tajikistan after 9 September 1991 are included in the state register of normative-legal acts:

- Constitution of the Republic of Tajikistan;
- Constitutional laws of the Republic of Tajikistan;
- Laws of the Republic of Tajikistan;
- decisions of the Supreme Council of the Republic of Tajikistan;
- joint resolutions of Majlisi Milli and Majlisi Namoyandagon of Majlisi Oli of the Republic of Tajikistan, resolutions of the Majlisi Milli of Majlisi Oli of the Republic of Tajikistan, resolutions of the Majlisi Namoyandagon of Majlisi Oli of the Republic of Tajikistan;
- decrees and orders of the President of the Republic of Tajikistan;
- resolutions and decrees of the Government of the Republic of Tajikistan;
- decision of the Presidium of Supreme Council of the Republic of Tajikistan;
- resolutions of Constitutional Court of the Republic of Tajikistan;
- normative-legal acts of ministries and state committees and agencies of the Republic of Tajikistan of general effect;
- international-legal acts, recognized by the Republic of Tajikistan;

4. The state register of normative-legal acts of the Republic of Tajikistan has an informational nature. Inclusion of normative-legal acts into state register of normative-legal acts of the Republic of Tajikistan shall not affect their enactment.

Departmental normative-legal acts shall be issued on the bases of other laws and laws of the Republic of Tajikistan, decrees of the President of the Republic of Tajikistan in pursuance of the Constitution of the Republic of Tajikistan, constitutional laws of the Republic of Tajikistan, resolutions of the Government of the Republic of Tajikistan.

5. Normative-legal act subject to inclusion in the State Register of Normative-legal Acts of the Republic of Tajikistan shall contain the following information:

- name of an organ that adopted the act;
- type of act;
- date of adoption and act number;
- name of act;

- text of act;
- date of enactment of act;
- data on issue of act in official publications;
- information on amendments or abolition of act.

6. The state registration of departmental normative-legal acts includes:

- legal examination of conformity of the act with the legislation of the Republic of Tajikistan;
- taking of a decision on the necessity of state registration of the given act (delivery of a conclusion);
- appropriation of a registration code;
- inclusion in the State Register of Normative-legal Acts.

7. Departmental normative-legal acts, irrespective of the term of their validity and type of information they contain (including those with columns “for official use”, “not for print” and “confidential”) shall be referred for state registration, that is subject to inclusion in departmental normative-legal acts of the Republic of Tajikistan in case if the norms (norm) contained therein:

- involve civil, political, socio-economic, cultural and other rights, freedom and legal interests of citizens, guarantee of their implementation, secured in the Constitution and legislative acts of the Republic of Tajikistan, and reestablish or change, supplement or abolish organizational legal mechanism of realization of these rights, freedom and legal interests, acting at the moment of submission of the act for registration;
- have intergovernmental nature, i.e. mandatory for other organs of state governance, as well as for enterprises, institutions, organizations, not embodied in the system of ministries, state committees, agencies that approved the act.

8. Departmental normative-legal acts, subject to state registration, according to Item 7 of the present Regulation, upon their signing by the head of the relevant organ of state governance, shall be submitted to the Ministry of Justice of the Republic of Tajikistan in duplicate (the original and a certified copy). In case of necessity, the Russian text of the normative-legal act shall also be submitted in duplicate. Their texts in electronic format shall be simultaneously submitted.

Submission for state registration of a departmental normative-legal act, adopted jointly by several state organs, shall be conferred to the organ that among signatories of the act is its initiator.

9. State registration of departmental normative-legal acts shall be performed by the Ministry of Justice of the Republic of Tajikistan within a month from the moment of receiving the departmental normative-legal act. In exceptional cases term of registration may be extended by the Ministry of Justice of the Republic of Tajikistan within the same period.

10. Registration of departmental normative-legal act may be refused, if a submitted normative-legal act:

- contradicts the acting legislation;
- impairs rights and freedom of a person and citizen, set by the legislation or confers on them responsibilities unprovided in the legislation;
- grows out of the competence of an organ that adopted it.

11. Departmental normative-legal acts, refused in state registration, shall be returned to the body that approved them with indication of allowed inconformity with the legislation of the Republic of Tajikistan. A copy of it shall remain in the Ministry of Justice.

Departmental normative-legal acts may be returned to the body that approved act without registration, if the established procedure for submission of act for state registration, provided for in the present Regulation is violated.

12. Refusal of the Ministry of Justice of the Republic of Tajikistan in registration of departmental normative-legal act may be appealed by the issuing ministry, state committee and agency in the Government of the Republic of Tajikistan.

13. Normative-legal acts of the Republic of Tajikistan, included in state Register of Normative-legal Acts of the Republic of Tajikistan for the purpose of state record shall be appropriated a code.

After state registration of a departmental normative-legal act a copy (original) with an appropriated code of state registration shall be sent to a relevant organ of state governance. The second copy (copies) remain in the Ministry of Justice of the Republic of Tajikistan.

14. Departmental normative-legal acts shall be published (except for act, containing state or other protected by the law secret) in open official publications and shall enter into force on condition of their issue in these publications.

15. After state registration of departmental normative-legal acts and not later than 7 days, an organ that approved the departmental normative-legal act shall provide to the Ministry of Justice of the Republic of Tajikistan information on the source of publication of the given normative-legal act (in the form of a copy of a published departmental normative-legal act).

In publishing a departmental normative-legal act indication to the code and date of state registration is required.

16. Release of data from the State Register of Normative-legal Acts of the Republic of Tajikistan shall be implemented on the bases of agreements and special tariffs for the rendered services.

The Procedure and the payment rate shall be set by the Ministry of Justice of the Republic of Tajikistan jointly with the Ministry of Finance of the Republic of Tajikistan and agreed with the Ministry of Economy and Trade of the Republic of Tajikistan and State Agency for Antimonopoly Policy and Entrepreneurship Support under the Government of the Republic of Tajikistan.

Funds coming as a payment for the issue of data from the State Register of juridical acts of the Republic of Tajikistan shall be transferred to the proceeds of the republican budget.

17. Amendments brought in the normative-legal acts that have passed state registration are subject to registration in general order and shall be attached to the code of the main normative-legal act.