

By the Judgement of 14 November 2019 No.35-II the Constitutional Court of the Russian Federation appraised constitutionality of Article 42, para. 2 of the Land Code of the Russian Federation and Article 8.8, Section 1 of the Code of Administrative Offences of the Russian Federation.

The challenged provisions were subject of consideration to the extent that on their basis the issue of bringing the owner of the land plot with the type of permitted use for conducting personal subsidiary farming and the residential building located thereon (apartment building) to administrative liability provided for the use of the land plot for the purpose other than the established one, in case if such an owner provided the religious organisation with the opportunity to conduct services religious rites and ceremonies in this residential building (apartment building), as well as use the address as the address of the religious organisation as a legal entity.

The Constitutional Court recognised the contested provisions as not contradicting the Constitution of the Russian Federation, since they do not imply bringing to administrative liability provided for in Section 1 of Article 8.8 of the Code of Administrative Offenses of the Russian Federation, the owner of the land plot and the residential building located thereon in these circumstances. At the same time, these provisions do not exclude the possibility of bringing to administrative liability provided for the use of the land for other purposes, in case the dwelling (apartment building) is used by a religious organisation in such a way that, having practically lost the characteristics of a residential property, it acquires the characteristics of a cult premises or administrative (service) premises of a religious organisation.