

By the Judgment of 4 December, 2017 No. 35-II/2017 the Constitutional Court appraised constitutionality of Section 1³ of Article 32.2 of the Administrative Offences Code of the Russian Federation.

The disputable norm was the subject-matter of consideration to the extent it serves as a reason for the decision on the possibility to restore the established twenty-day period for payment of an administrative penalty, prescribed in the order envisaged by Section 3 of Article 28.6 of this Code, in the amount of half of the sum of the imposed administrative penalty (hereinafter – established period) in the event when the resolution on the prescription of the administrative penalty, which was posted to the person made administratively accountable by a registered postal sending, arrived at his address on expiry of twenty days since the day of its passing (hereinafter – the said event).

The Constitutional Court has recognised the contested provision as not conforming to the Constitution of the Russian Federation to the extent it excludes the possibility to restore the established period in the said event.

Until the appropriate legislative amendments have been made, law-appliers, including courts, are not entitled to evade of considering the possibility to restore the established period upon application of the person made administratively accountable in the said event.