

**By the Judgement of 16 October 2020 No. 42-II the Constitutional Court of the Russian Federation appraised constitutionality of Article 8.8, Section 1 of the Code of Administrative Offences of the Russian Federation.**

The challenged provision was the subject of consideration to the extent that it resolves the issue of bringing to administrative liability for the use of a land plot not for its intended purpose in accordance with its belonging to one or another category of land and (or) permitted use in the case when the owner (right holder) of the land plot uses the land plot not only in accordance with the main type of its permitted use, specified in the Unified State Register of Real Estate, but also in accordance with the auxiliary type of permitted use, which is provided for by the land use and development rules of the municipality (town planning regulations) for a certain territorial zone without entering the relevant information into the Unified State Register of Real Estate.

The Constitutional Court recognised this provision as inconsistent with the Constitution of the Russian Federation to the extent that the uncertainty of the current legal regulation on the issue of whether the owner (right holder) of a land plot is obliged if, in addition to the main type of its permitted use, he independently chooses an auxiliary type of permitted use, to enter as a condition for the lawful implementation of an auxiliary type of permitted use in the Unified State Register of Real Estate information about such use, creates uncertainty in the issue of the possibility of bringing this owner (right holder) to administrative liability for the use of the land plot not for its intended purpose in accordance with its belonging to a particular category of land and (or) permitted use.

The Constitutional Court also established that, pending the introduction of the necessary amendments to the legislation, the owners (right holders) of land plots cannot be forced to include any information in the Unified State Register of Real Estate when they, in addition to the main type of permitted use of their land plots, independently choose the auxiliary type of their permitted use.