

By the Judgement of 21 January 2020 No.3-II the Constitutional Court of the Russian Federation appraised constitutionality of Article 54 of the Civil Procedure Code of the Russian Federation

The challenged provision was subject to consideration to the extent that it relates the right to appeal judicial decisions in the case of declaring a citizen legally incompetent through a lawyer, personally chosen by this citizen, with a power of attorney which specifically empowers the lawyer with the right to appeal court decisions.

The challenged provision, in conjunction with the provision of Article 284, Section 3 of the Civil Procedure Code of the Russian Federation, is recognised not contradicting the Constitution of the Russian Federation, since in the current legal regulation it does not imply the possibility of a court refusing to examine the merits of a lawyer's complaints aimed at challenging a court decision recognising a citizen legally incompetent and filed by a lawyer, acting on the basis of the authorisation, on the grounds of the lawyer's absence of a power of attorney issued by this citizen which specifically stipulates his authority to challenge the court order, if it follows from specific circumstances that the lawyer acts in the interests and at the behest of this citizen.