

By the Judgement of 3 October 2024 No.43-II, the Constitutional Court assessed constitutionality of Article 24.5 (item 2 of part 1), Article 28.2 (part 5), Article 29.4 (item 4 of part 1) and Article 29.9 (parts 1 and 2) of the Code of Administrative Offences of the Russian Federation

The legal provisions have been considered insofar as they serve as a reason for the termination of proceedings in an administrative case in the event that the judge during the consideration of a case discovers the absence of the signature of the official who drew it up in the protocol on an administrative offence.

The contested legal provisions were found incompatible with the Constitution because, in this case, they oblige the judge, on the basis of a single specified (absence of the signature) fact, to terminate the administrative proceedings.

Until the introduction of appropriate legislative amendments, the judge who, during the consideration of an administrative offence case on the merits, and discovers that the protocol on an administrative offence does not have the signature of the official who drew it up, shall summon this official to a court to confirm the drawing up of the relevant protocol by him and the further consideration of the case.