

# *LES ACTES LEGISLATIFS \* LEGISLATIVE ACTS*

## THE PEOPLE'S COUNCILS ACT OF JANUARY 25TH, 1958

J. of L. of the Polish People's Republic No. 5, Chap. 16 as amended and promulgated in the uniform text J. of L. No. 29 of 1963 Chap. 172.

For the purpose of:

—a statutory definition of the scope of the activities of the People's Councils and of a further increase in their powers,  
—a correct establishment of the competence of the organs of the People's Councils,  
—strengthening the independence of the People's Councils, while at the same time establishing rights of supervision over them, indispensable for the realization of a uniform policy throughout the country,  
the following is enacted:

### Chapter 1

#### General Provisions

Art. 1. 1. In the Polish People's Republic power belongs to the working people of town and country.

2. The People's Councils in the rural communities, settlements, towns, city and borough districts, in districts and voivodships, shall be the organs of the State power of the working people and shall express their will.

Art. 2. 1. The People's Councils shall be elected by the population.

2. The Councillors shall be responsible to their constituents and may be recalled by them.

3. The mode of carrying out elections and of recalling Councillors shall be determined by the People's Councils Electoral Law.

Art. 3. 1. The People's Councils shall direct economic, social and cultural activities on their territory; all matters which lie within the scope of the State authority and administration, and are not reserved for other organs, shall belong to them.

2. In particular, the following shall lie within the scope of the activities of the People's Councils:

- 1) the protection of public security and order,
- 2) agriculture,
- 3) local industries and handicrafts,
- 4) local building, building inspection and the planned development of towns and villages,
- 5) the management of public facilities and housing estates,
- 6) the home trade,
- 7) State purchases of agricultural produce from farmers,
- 8) the construction and maintenance of roads and road transport,
- 9) water supply,
- 10) education and culture,
- 11) health and social welfare,
- 12) physical culture and tourism,

\* "Poland is divided into voivodships (województwa) and cities which are not included into any voivodship (miasta wyłączone z województw) in the text called "cities".

Voivodships are divided into districts (powiaty) and boroughs, which have a status of a district (miasta stanowiące powiaty miejskie) in the text called "boroughs"

Districts are divided into towns and rural communities (gromady). Rural communities consist of one or more villages.

Cities and boroughs are divided into districts—(city districts and borough districts).

When generally speaking about cities, boroughs and towns as urban areas, the legislator is introducing into the text the expression "municipal".

- 13) employment,
- 14) finance,
- 15) other matters of the State administration, as foreseen in the provisions in force,

3. The People's Councils shall be entitled, within the scope as foreseen in this Act or by special provisions, to control and co-ordinate the activities of State organs, institutions and economic units, not subordinated to them.

Art. 4. The People's Councils shall have the responsibility of ensuring an ever better satisfaction of the population's needs, and an all-round development of their area, while harmonising its needs with the general tasks of the State.

Art. 5. The People's Councils shall maintain a close watch of the observance of the People's rule of the law, protect social property, secure the citizens' rights and co-operate in strengthening the defences and security of the State.

Art. 6. The People's Councils shall combat any manifestations of arbitrary behaviour and of a bureaucratic attitude towards citizens and shall watch over the citizens carrying out their duties towards the State.

Art. 7. 1. Within the framework of the rights conferred upon them by the statutes, the People's Councils shall issue by-laws universally enforceable throughout their area.

2. In particular, the People's Councils may issue by-laws aimed at the maintenance of security, public peace and order, within the scope not covered by separate provisions. The ways and means of issuing such by-laws shall be established by statute.

Art. 8. 1. The People's Councils shall strengthen the ties between the State authority and the working people of town and country, by attracting an ever-increasing numbers of working people to participation in ruling the State.

2. In carrying out their aims, the People's Councils shall avail themselves of the initiative and co-operation of political organisations, trade unions, and other social organisations of the working people, as well as of that of the Workers' Councils and agricultural organisations.

3. The People's Councils avail themselves of the initiative and co-operation of the committees of the Front of National Unity, more particularly so in attracting the population to participate in the carrying out of their tasks, in initiating social actions, organizing meetings of the Councillors and their constituents, carrying into effect the constituents' postulates and motions, as well as in popularising the achievements and intentions of the Councils among the population.

4. The People's Councils and their organs have the duty of explaining to the population the fundamental aims and guiding principles of the policy of the People's authorities.

5. The People's Councils shall extend their support to any social initiatives aimed at strengthening harmonious relations between the inhabitants.

Art. 9. The People's Councils shall carry out their tasks at sessions, through the intermediary of their auxiliary organs—the People's Council Committees, through the Councillors' activities locally, as well as through their executive and administrative organ—the Presidium of the People's Council and the local organs of the State administration subordinated to it—the Departments.

#### Chapter 2

##### The Objectives of the People's Councils

Art. 10. 1. The People's Councils shall vote both long-term and annual economic plans, as well as control their execution. Such plans should be in accordance with the trends and tasks detailed to the economy of the People's Councils in the National Economic Plans.

2. The plans dealt with in § 1 should also comprise the more important tasks of the economic units covered by the central Plan, and affecting the area of activities of the local People's Council.

3. The annual economic plans should be voted in the year preceding that covered by the plan.

4. The Rural Community People's Councils shall vote the long-term economic plans in the form of rural community development programmes, defining in them:

1) the tasks to be fulfilled in the domains of agriculture and forestry, in particular in the fields of the production of basic crops, of livestock breeding, of seed production, of drainage and State purchases of farming produce, as well as in that of tree planting and the afforestation of waste land;

2) other tasks, in particular those concerning local roads, the network of supplies, State purchases of farming produce, and services to the population, as well as social, cultural and communal facilities.

5. The Council of Ministers may decide that the People's Councils in towns and settlements shall vote long-term economic plans, in the form of programmes of town and settlement development.

Art. 11. 1. The People's Councils shall vote the budget for the following year annually and control its execution.

2. The expenditure provided for in the local budgets should be covered, first and foremost, from the Council's own revenue; the People's Councils may, however, receive grants from the central budget, in conformity with the provisions of budgetary law.

3. Their own revenue shall consist in particular of:

1) the sums paid in by the enterprises and works subordinated to the People's Councils;

2) payments for services and the revenue from property and from the administration of the economic units subordinated to the People's Councils;

3) payments of rates and other local dues, as well as their share in the revenue of the central budget, which shall be fixed by separate provisions.

4. The People's Councils shall make use of the budget surpluses obtained by them for the carrying out of their own activities, in accordance with the principles established in budgetary law.

Art. 12. 1. The managers of the enterprises and works not subordinated to the People's Councils, as well as the organs of worker self-government, shall co-operate with the People's Councils, particularly for the purpose of making use of the productive and service potential of such units for local needs, of co-ordinating the plans and location of residential building, of realising together communal, social and cultural investments, and of organizing and carrying out special communal activities.

2. The People's Councils shall watch over the activities of the enterprises and works not subordinated to them as concerns employment, housing, social and cultural tasks and investments, as well as supply of water, electricity and gas by such enterprises, and also in other matters which exercise an influence upon the local economy.

3. The Council of Ministers shall establish the scope and the detailed principles of carrying out the tasks enumerated under paragraphs 1 and 2 by the People's Councils of the several grades.

Art. 13. 1. The People's Councils shall co-ordinate the activities of co-operative societies and of their local unions with the activities of State enterprises, whether local or centrally managed, and of the handicrafts, as well as shall control their activities and grant them aid, within the scope and according to the mode established by separate provisions.

2. The co-ordinating activities dealt with in paragraph 1 comprise, in particular:

1) the fixing, for co-operative societies and their local unions, of development trends and basic planned tasks such as result of both national and local economic plans and from the directions of the central co-operative unions;

2) the examining of the draft economic plans of the local co-operative unions;

3) the examining of the directions of the local co-operative unions for the purpose of elaborating the economic and financial plans of co-operative societies;

4) the examining of the periodical reports of the co-operative societies and of their local unions, concerning the carrying out of their planned tasks, as well as giving them recommendations concerning the carrying out of their plans.

3. The Council of Ministers may, after consulting the supreme organs of the co-operative movement, establish the detailed principles and the way of carrying out of the tasks described in §§ 1 and 2.

Art. 14. 1. The Voivodship People's Councils shall give general guidance to the activities of the People's Councils throughout the voivodship, and shall co-ordinate the activities of the People's Councils of Districts and Boroughs.

2. The Voivodship People's Councils shall carry out the State administration within the scope laid down by the provisions in force.\*

3. The Voivodship People's Councils shall undertake economic, social and cultural activities of a range wider than that of the District People's Councils; in particular, they shall include following matters:

1) local industrial enterprises, technical design and constructional offices serving the needs of the voivodship, or at least those of several districts;

2) State farms and the enterprises for the mechanisation of agriculture and drainage labours;

3) enterprises of the State motor transport;

4) State consumer and industrial wholesale enterprises, within the frames fixed by the Council of Ministers, with the exception of those wholesale enterprises which cover more than one voivodship;

5) the construction and maintenance of State roads and bridges, within the frames fixed by the Council of Ministers;

6) schools and other educational institutions, within the frames established by the provisions in force;

7) theatres, voivodship libraries, museums and voivodship culture centres;

8) voivodship and regional hospitals as well as dispensary enterprises, health resort enterprises of a voivodship level and sanatoria;

9) special social assistance institutions.

Art. 15. The Voivodship People's Councils may delegate some of their tasks, laid down in art. 14 § 3, to the People's Councils of an immediately lower grade, in accordance with the directions of the Council of Ministers, issued with the consent of the Council of State; such delegation shall take place with the consent of the People's Council entrusted with taking over the above-mentioned tasks; it shall be accompanied by a simultaneous remittance of the means which serve the fulfilment of such tasks.

Art. 16. 1. The Voivodship People's Councils shall co-ordinate the whole of the economy within the voivodship, basing themselves on both national and local economic plans, as well as on town-building plans, and, in particular:

1) put forward motions concerning the carrying out, within their territory, of economic tasks by the units comprised by the central plan;

2) participate in the elaborating and examining of the drafts of the more important investments throughout their territory;

3) give their opinion on, or fix, the location of such investments;

4) give their opinion concerning the more important tasks contained in the draft economic plans of the units not subordinated to the People's Councils, if such plans are to exert a direct influence upon the managements of the People's Councils and the economic development of their area, examine the reports on the carrying out of such tasks and put forward motions in such matters;

5) come forward with motions concerning the creation, organization, joining and liquidation of enterprises and works not subordinated to the People's Councils, as well as making a better use of their productive power;

6) initiate the undertaking of investments common to several users;

7) initiate and organize the co-operation between the enterprises subordinated and those not subordinated, to the People's Councils;

8) undertake other steps aimed at ensuring a mutual connection of the tasks which result from both local plans and the plans of economic units not subordinated to the People's Councils;

9) draw up economic balance-sheets, comprising the total of the economy within their territory, and, more particularly, balance-sheets of employment, productive power in industry and the building trade, as well as those of agriculture, materials, water and the pecuniary income and expenditure of the population.

2. The Council of Ministers shall determine the principles and mode of carrying out the co-ordination tasks specified in § 1.

3. The Voivodship People's Councils shall determine, in accordance with the provisions in force and the directions of the Council of Ministers, to what extent the co-ordination tasks, specified in § 1, are to be carried out by the People's Councils of a lower grade.

Art. 17. 1. The opening of a centrally administered enterprise or other works on the territory of the voivodship, as well as its closing down, require the consent of the Présidia of the Voivodship People's Councils.

2. The provisions of § 1 shall be appropriately applied to any changes in the line of production of centrally administered enterprises, if such changes should seriously influence the exploitation of local power resources, raw materials or other resources, or else the state of employment or the health conditions, of the concerned area.

3. The Présidia of the Voivodship People's Councils may control the use of the productive power of centrally administered enterprises, and, as the need arises, they shall come forward with motions for transfer of the redundant raw materials, other

materials, machines and plant between the enterprises concerned, as well as for a common exploitation, or else the making over to another user, of inefficiently exploited production or storage space.

4. The Council of Ministers shall determine the principles and mode of carrying out the provisions of the present article.

Art. 18. 1. The Prsidia of the Voivodship People's Councils shall approve the draft cashbook plans of the voivodship branches of the National Bank of Poland, examine the reports on the carrying out of such plans, co-operate with the branches of the banks which finance investments, in so far as the control of the course of investments in the voivodship is concerned, and determine the directions for the division of the bank credits granted to the voivodship, and destined for co-operative and for non-socialized economic units.

2. The Prsidia of the Voivodship People's Councils may, in accordance with the directions of the Council of Ministers, determine, to what extent the tasks described in § 1 above are to be carried out by the Prsidia of the People's Councils of a lower grade.

Art. 19. 1. The District People's Councils and the Borough People's Councils shall be empowered to deal with all matters which lie within the scope of the activities of the People's Councils, with the exception of such matters which are specially reserved for the People's Councils of a superior or inferior grade.

2. The District People's Councils and the Borough People's Councils shall exercise State administration within the scope provided for in the provisions in force.

Art. 19. 1. In particular, the following shall lie within the scope of the District People's Councils:

1) the enterprises dealing with the mechanisation of agriculture and of irrigation works, within the scope established by the Council of Ministers, veterinary services, plant protection, the popularization of agricultural knowledge, the control over the activities of agricultural institutes and organisations, as to the matters entrusted to them by the State are concerned;

2) the assistance to the agricultural production co-operative societies and to other forms of collective farming in the countryside;

3) the enterprises of the local industry, including building and maintenance;

4) rural building;

5) the municipal retail trade enterprises and the State catering establishments;

6) the construction and maintenance of local roads;

7) schools and other educational institutions, within the scope determined by the provisions in force;

8) the District culture centres, theatres, cinemas, museums and regional archives;

9) the out-patients surgeries on a District scale, district hospitals, specialist out-patients surgeries, District first-aid stations, District sanitary and epidemic preventive stations, dispensaries and health resort enterprises;

10) institutions of social assistance.

2. The District People's Councils shall co-ordinate the activities of the People's Councils of an inferior grade.

Art. 20. The District People's Councils may, with the consent of the Voivodship People's Councils, transfer some of their tasks, mentioned in art. 20 § 1 above, to the People's Councils of an inferior grade; the provisions of art. 15 shall appropriately apply thereto.

Art. 22. 1. The principal task of the Municipal People's Councils shall be the running of the municipal economy and the catering for the material and cultural needs of the town inhabitants.

2. The Municipal People's Councils shall carry out the State administration within the scope determined by the provisions in force.

3. In particular, the following shall lie within the scope of the activities of the Towns People's Councils:

1) the municipal power stations and gas works, waterworks, sewage works and refuse collection, as well as the municipal transport enterprises and the construction and maintenance of roads, streets, squares and bridges;

2) the management of residential buildings, municipal hotels and municipal grounds;

3) municipal production establishments and services;

4) the securing of proper premises and services for the elementary schools, and the management of nursery schools;

5) theatres, musical institutions, archives, municipal culture centres and canteens, as well as public libraries;

6) out-patients surgeries, maternity homes and clinics and creches.

4. The provisions of § 3 above and the appropriate provisions concerning the scope of the activities of the District People's Councils shall be appropriately applied to the People's Councils of boroughs.

5. Moreover, the provisions concerning the scope of the activities, and the rights, of the Voivodship People's Councils shall be appropriately applied to the People's Councils of cities.

Art. 23. 1. In the cities divided into (city, borough) districts the City or Borough People's Councils shall transfer part of their tasks to the (City, Borough) District People's Councils. The Council of Ministers may, with the consent of the Council of State, determine the tasks, the transfer of which shall be obligatory.

2. The City or Borough People's Council shall not be allowed to transfer to the (City, Borough) District People's Council its rights concerning:

1) the issuing of by-laws;

2) the enacting of taxes, rates and other dues;

3) the running of enterprises and works of importance for the whole of the city or town;

4) the disposing of real property and of installations of importance for the whole of the city or borough

3. In administrative matters the City District People's Councils in cities which are not included in any voivodship shall enjoy the rights of a District People's Council and the remaining Borough District People's Councils shall enjoy the rights of the Towns People's Councils.

Art. 24. The People's Councils in settlements shall ensure the development of public facilities in their settlements, and carry out such other tasks as are provided for the Town People's Councils.

Art. 25. The fundamental task of the Rural Communities People's Councils shall be fostering of the development of agricultural production, the employment of local possibilities for the satisfying of the communal, social and cultural needs of the inhabitants of their community, and the ensuring that the latter shall acquit themselves of their duties towards the State.

2. The Rural Communities People's Councils shall carry out the State administration within the scope determined by the provisions in force, in particular in matters of taxes and other dues, in the keeping of registers of permanent inhabitants and visitors, as well as of births, marriages and deaths.

3. In particular, the Rural Communities People's Councils shall:

1) initiate activities aimed at the development of agricultural production and co-ordinate the activities of agricultural circles, of agricultural production co-operative societies and of other local institutions and organizations, in so far as the carrying out of the development programme of the rural community and of the annual economic plan are concerned, as well as the proper and timely carrying out of farming labours, the securing of the health of both people and livestock in their community and the organizing of plant protection;

2) co-ordinate the advance purchases of agricultural produce by the State, within the scope and in the mode determined by the Chairman of the Council of Ministers;

3) co-operate with the workers' self-government in State farms;

4) in accordance with the provisions on the protection of the forests which are not State property, look after the proper growth and protection of the trees, assist in the organization of forestry associations, and see to the afforestation of waste land and to the development and protection of areas already afforested;

5) co-operate with the supply and marketing co-operative societies with regard to the proper supplying of the countryside with industrial and consumption articles, and look after the development of service units;

6) administer rural community's property, run small production plant, mills and service units, ensure communal services and maintain unsurfaced local roads;

7) ensure a proper accommodation and service for the primary schools, agricultural vocational schools, nursery schools and maternity homes, run communal recreation rooms, libraries, kindergartens, nursing and maternity clinics and creches.

Art. 26. The Council of State may, upon motion from the Council of Ministers:

1) define in detail the tasks incumbent upon the People's Councils of the several grades;

2) make over to the People's Council of inferior grades the tasks of the People's Councils of superior grades.

#### Chapter 3

##### Sessions of the People's Councils

Art. 27. 1. The People's Councils at their sessions shall discuss matters of fundamental importance for their area; in particular they shall vote the economic plan and the budget and examine the reports on their execution, they shall establish directions for the carrying out of the more important tasks, appoint and recall their organs, provide them with directions for their activities and examine their reports.

2. Matters of fundamental importance for the interests of the local population, concerning the activities of the enterprises and institutions not subordinated to the People's Council, shall also be subject to examination at the session.

3. The People's Councils, at their sessions, evaluate the activities of the local organs of the State administration and of economic units, and determine upon the means to be adopted for removing shortcomings and speeding up the development of their area.

4. The People's Councils have the duty of periodically examining, at their sessions, the extent and mode of the carrying out of their constituents' postulates and motions.

5. Prior to a session, the Committees and Councillors shall locally investigate the matters which are to be the subject of the debates and, in particular, they shall consult their constituents' opinion on such subjects.

Art. 28. 1. The Presidium elected by the People's Council which had previously held office shall convene the first sessions of a newly elected People's Council, not later than within a fortnight from the date of the election. In the newly-created units of the administrative division of the country the first session shall be convened by the Presidium of the People's Council of a superior grade.

2. The session shall be opened by the Chairman of the Presidium.

Art. 29. At its first session the People's Council shall elect its Presidium and Committees.

Art. 30. 1. Ordinary sessions shall take place at dates fixed in the plan of labours, annually voted by the People's Councils, which shall establish the principal problems on the agenda.

2. Ordinary sessions of the Voivodship People's Councils and of the City People's Councils shall be convened at least once in every three months.

3. Ordinary sessions of the District People's Councils and of the Borough People's Councils, as well as those of City District People's Councils shall be convened at least once in every two months.

4. Ordinary sessions of Rural Community People's Councils shall be convened, as a rule, once in every month, but at least eight times in a year.

5. Ordinary sessions of the remaining People's Councils shall be convened at least once in every month.

Art. 31. In case of need arises, an extraordinary session may be convened. Such an extraordinary session must be convened if this be demanded by motion in writing of at least one-fourth of the number of Councillors, a motion which at the same time points out the suggested subject of debates. In such a case the opening of the session should take place within ten days from the date of entering the motion.

Art. 32. 1. The session shall be convened by the Presidium of the People's Council.

2. The draft agenda, the manner of preparing the session and the place, day and hour of its opening shall be fixed by the Presidium of the People's Council together with the chairmen of the People's Council Committees.

Art. 33. 1. The session shall be opened by the Chairman of the Presidium.

2. After the opening of its session the People's Council shall elect the chairman and the secretary of the debates. The People's Council may elect a chairman of the debates to hold office for several sessions. The sessions of Rural Community People's Councils shall be presided over by the Chairman of the Rural Community People's Council.

3. The People's Council may hold its debates when there are not less than one-half of the total number of councillors present; the election or recall of the Presidium or

of any particular member of it demand the presence of at least two-thirds of the total number of councillors.

4. If there is no quorum, the Chairman shall appoint another date for the meeting.

Art. 34. 1. The debates at the session shall be public. The time, place and subject of the debates must be made known to the public.

2. The Chairman of the debates shall order the sitting in camera, either on his own initiative or upon a motion of the Presidium, if this be demanded by the interests of the State.

Art. 35. 1. The Chairman of the debates may allow persons invited from outside the Council to take the floor at its debates.

2. The managers of local State organs, institutions and economic units not subordinated to the People's Council may be summoned to provide information at a session.

Art. 36. 1. Resolution at a session shall be taken by an ordinary majority of votes in open voting.

2. At the elections and recalling of the Presidium of the Council or any member of it, as well as in other cases determined by the provisions in force, a secret vote by ballot shall take place. A People's Council may also limit the secrecy of voting in other matters as well.

Art. 37. 1. The resolutions of the People's Council shall be signed by the Chairman of the debates and by the Chairman of the Presidium of the People's Council. The resolutions of a Rural People's Council shall be signed by its Chairman and by one of the members of its Presidium.

2. The Council of Ministers shall determine by order the principles and mode of publishing the resolutions of the People's Councils and of issuing the official gazettes of the Voivodship People's Councils.

Art. 38. The People's Councils shall vote their own Standing Orders, in which they shall determine the mode of conducting their debates as well as the fundamental forms of the labours of the Council and councillors. In its Standing Orders a People's Council may also determine the more important duties and the scope of the activities of its organs.

#### Chapter 4

##### The People's Council Committees

Art. 39. 1. The People's Councils shall appoint permanent committees for the several fields of their activities and also, in case of need, interim commissions for definite temporary tasks.

2. The types and numerical strength of the several committees shall be determined by the People's Council in accordance with the directives of the Council of State and in dependence on the local requirements.

3. Persons who are not members of the People's Council may also be appointed as members of its committees; their number, however, must not exceed one-half of the total. The Chairmen of the committees shall be appointed by the People's Council from among the councillors.

Art. 39. The Committees shall invite to participate in the carrying out of their tasks specialist experts and other persons who are not their members, and who are concerned in the subjects dealt with by the Committees.

Art. 41. The tasks of the permanent People's Council Committees shall include:

1) the maintaining of permanent contacts with the working masses and with their organizations, attracting them to a co-operation with the State authorities and with their organs, the encouraging and utilizing of social initiatives, the receiving, examining and transmission to the organs competent of plans originated by social organizations or individual citizens;

2) coming forward with initiatives and plans concerning the People's Council and its organs;

3) the examining and elaborating of matters entrusted to the Committees by the People's Council or submitted by the Presidium of the latter;

4) watching over the correct carrying out of the resolutions and directions of the People's Council, of its Presidium and superior organs;

5) control over the activities of the Council departments, as well as over those of the enterprises, works and institutions subordinated to the Council;



6) the exercising of social control over the State organs, economic institutions and units, not subordinated to the People's Council.

2. The units subjected to the control exercised by the Committees in question shall have the duty of supplying it with any information and materials, necessary for the carrying out of its tasks; secret information and materials are made accessible in accordance with the provisions concerning the protection of State secrets.

Art. 42. 1. The Committees shall be subordinated, in all their activities, to their People's Council, and shall be bound, at the demand of the latter, to submit for confirmation their plans of future work and to submit reports at such dates as shall be fixed by the Council.

2. The Presidium of the People's Council shall have the duty of extending its assistance to the Committees in carrying out of their tasks and of including them in the participation in preparing the more important resolutions, as well as of inviting the Chairman of the Committees to take part in those meetings of the Presidium, at which matters connected with the field of activity of the Committee concerned are to be discussed.

3. As the need may arise, the Committee approaches the People's Council or its Presidium with a motion for the issuing of the appropriate orders.

4. The Presidium shall be under obligation to notify the Committee of the manner in which its motion has been dealt with, not later than within one month from the date of receipt of such motion. The decision of the Presidium rejecting the motion should be motivated. From such decision the Commission may appeal to the People's Council.

Art. 43. 1. The Heads of the Departments, if and when invited by a Committee, should take part in its meetings, consult the Committee's opinion prior to taking the more important decisions, and extend their assistance to the Committee in carrying out of its tasks.

2. A Committee may approach the Head of a Department or of other unit controlled with motions concerning the activities of the unit in question. The Head is bound to notify the Committee, not later than within one month, on the manner its motion has been dealt with, while failure to conform to the motion should be motivated.

Art. 44. 1. The Council of Ministers, or else the Présidia of the People's Councils acting on its directions, shall determine the matters in which:

1) the recommendations issued by the Committee, and concerning the carrying out of its tasks by a Department or the removing of shortcomings found to exist shall be binding for the Head of the Department;

2) the Heads of the Departments shall be bound to consult the opinion of the Committee;

3) the opinion of the Committee shall be binding for a Head of a Department.

2. The Head of a Department who has received a binding recommendation or a binding opinion from a Committee shall be bound to notify the Committee on the activities undertaken in this connection. Should the Head of a Department have reservations concerning the well-foundedness of the binding recommendation or the binding opinion received, or else as to the practicability of complying with them, he shall be bound to notify of this immediately both the Committee and the Presidium of the People's Council.

3. Not later than within one month from the date of receiving from the Head of a Department his reservations the People's Council Presidium shall be bound to:

1) put the Head of the Department under the obligation of complying to the binding recommendation or the binding opinion, and notify the Committee of the fact, or else.

2) notify the Committee of the motives because of which it acknowledges the reservations as well-founded; in such a case the Committee may appeal to the People's Council.

Art. 45. The organisation and course of labours of the Committee shall be determined by the Regulations of the Committee's Labours, voted by itself; such Regulations are subject to approval by the People's Council.

#### Chapter 5

#### Rights and Duties of a Councillor

Art. 46. 1. At the first session of the People's Council the Councillors shall take the following oath:

"I solemnly swear, as a Councillor, to work for the welfare of the Polish nation and to assist in rendering its unity more profound, to contribute to the strengthening of the ties between the State authorities and the working people, to care for their concerns and not to spare efforts in carrying out the tasks of the People's Council."

2. The Councillors absent from the first session of the People's Council shall take the above oath at the first session in which they take part.

Art. 47. A Councillor is bound to participate in the sessions of the Council and in the labours of the Committee on which he has been called upon to sit, as well as to carry out other duties imposed upon him by the People's Council.

Art. 48. 1. A Councillor shall maintain a permanent contact with his constituents, care for the best possible satisfaction of their economic, social and cultural needs, encourage their initiative in these fields, receive their proposals and critical remarks in order to submit them to the Council or to its Presidium, or else to other component organs and institutions, and watch over the manner they are dealt with and look out for his constituents being informed in proper time.

2. A Councillor must explain to his constituents the essential aims and guiding principles of the policy of the People's authorities, and attract them to a participation in the carrying out of the resolutions of the People's Council and of its Presidium, as well as of the organs superior to it.

3. In fulfilling his tasks, a Councillor shall co-operate with the local social organizations of the working people.

4. A Councillor shall report to his constituents both on his own work and on the activities of the People's Council and of its organs.

Art. 49. 1. A Councillor may approach the People's Council or its Presidium with a motion for considering matters which may arise in the course of his activities.

2. A Councillor may submit interpellations to the Presidium of the People's Council, either at its session or during the period intervenient between two sessions; the reply to such an interpellation should be given within a fortnight from its date.

Art. 50. 1. In the carrying out of his duties, a Councillor shall enjoy full legal protection. The People's Council, or the Presidium of a superior grade, are bound to take the defence of a Councillor exposed to unjustified consequences in connection with his activities, provided the latter were carried out in accordance with the Councillor's oath.

2. An enterprise which employs a Councillor has no right to give him notice without obtaining consent for this from the Presidium of the People's Council. The Presidium shall take its resolution in this matter after consulting the opinion of the Tenure of Office Committee. In matters concerning the members of a Rural Communities Councils, as well as the Councils of towns the competent authority is the Presidium of the District People's Council, which shall take its resolution after consulting the opinion of the Tenure of Office Committee of the Council of the said member.

3. In the event of the labour relation with a Councillor having been dissolved without giving notice, the manager of the enterprise in question shall have the duty of notifying the Presidium of the People's Council of the fact without delay.

4. The Presidium of the People's Council shall be bound to notify the Council at its nearest session of their having granted their consent to the giving a Councillor notice of his labour relation, or else of such labour relation having been dissolved without notice being given. When the matter concerns a Councillor who is the member of a Council of a lower grade, the Presidium of the District People's Council shall also notice the People's Council, of the said member.

Art. 51. 1. An employer shall be bound to grant leave of absence to Councillors and members of Committees who are not Councillors, to enable them to carry out their duties. The principles and procedure of granting such leave of absence shall be determined by the Chairman of the Council of Ministers.

2. For the time of the duration of his leave of absence the employee shall receive from his employer a remuneration in such an amount as that to which he is entitled during his holidays with pay.

3. The Councillors and members of Committees are entitled to a reimbursement of their maintenance and travelling expenses, to the amount and on the principles established by the order of the Council of Ministers.

## Chapter 6

## The Presidium of the People's Council

Art. 52. 1. The People's Council shall elect its Presidium from among the Councilors or from outside their number. The Presidium shall consist of: the Chairman, his Deputy, the Secretary and members; the members of the Presidium shall hold office from the moment of their election.

2. In towns and in settlements the People's Council may elect a Presidium composed of: the Chairman, his Deputy and members.

3. In rural communities the Presidium of the People's Council shall be composed of: the Chairman of the Rural Community People's Council and members of the Presidium.

Art. 53. 1. The election of the Chairman of the Presidium of the Voivodship People's Council (as well as that of the Chairman of the Presidium of a City People's Council shall be subject to confirmation by the Council of Ministers.

2. The election of the Chairman of the Presidium of the District People's Council (as well as that of the Chairman of the Presidium of a Borough People's Council and of a City District People's Council) shall be subject to confirmation by the Chairman of the Council of Ministers.

3. The election of the Chairman of the Presidium of an Borough District People's Council, as well as that of the Chairman of a Town People's Council, shall be subject to confirmation by the Presidium of the Voivodship People's Council.

4. The election of the Chairman of the Présidia of the People's Councils of settlements and of the Chairmen of the Rural Community People's Councils shall be subject to confirmation by the Presidium of the District People's Council.

5. Should such confirmation be refused, the People's Council shall proceed to another election.

Art. 54. 1. The Council of Ministers shall establish, with the consent of the Council of State, the directions concerning the number of members of the Présidia of the People's Councils.

2. The People's Council may recall its Presidium, or any of the several persons forming part of it, and proceed to a new election. Resignation from membership of the Presidium shall take place after such resignation has been taken note of by the People's Council.

Art. 55. 1. The Presidium of the People's Council shall be its executive and administrative organ.

2. The Presidium of the People's Council shall represent the Council in its external relations, carry out the resolutions of the Council, of the Presidium of the People's Council of a superior grade and of the Council of Ministers, as well as organize the carrying out of the tasks incumbent upon the People's Council.

3. The Presidium of the People's Council shall act pursuant to the resolutions of its Council and in accordance with the directions of the Présidia of the People's Councils of a superior grade and with those of the Council of Ministers.

4. In particular, the Presidium of the People's Council shall:

- 1) prepare and convene the sessions of the Council;
- 2) vote the draft economic plan and draft budget and examine the periodical reports on the carrying out of the same;
- 3) direct the activities of its departments, of subordinated enterprises, works and institutions, as well as supervise and co-ordinate their activities;
- 4) issue orders based on the provisions in force and for the purpose of carrying them out.

5. The Presidium of the People's Council shall have the duty of submitting, at the sessions, reports on its activities, at dates fixed by the Council, as well as information on the course of the execution of the Council's resolutions.

Art. 56. 1. The Presidium of the People's Council shall act collectively.

2. The Presidium may pass resolutions when not less than one-half of its members are present.

3. Such resolutions shall be signed by the Chairman and the Secretary of the Presidium, and, in cases where the People's Council does not elect a Secretary of the Presidium, its resolutions shall be signed by the Chairman of the Presidium (or the Chairman of the Rural Community People's Council) and the Secretary (art. 61, §§ 5 and 6 below).

Art. 57. The Presidium may, as the supervisory organ, waive or alter the decision of a Department. If, however, such decision of the Department has caused the granting of rights to individually specified persons, then the Presidium may waive or alter such a decision as the supervisory authority only in such cases as provided for in the provisions on administrative procedure or else in separate statutes.

Art. 58. 1. The Presidium shall investigate the information submitted, at its demand, by State organs and by economic institutions and units not subordinated to the People's Council.

2. For the purpose of co-ordinating the activities of the units not subordinated to the People's Councils with the general trend of the activities of the Council the Presidium of the People's Council may convene a meeting of the managers of such units.

3. The managers of the units not subordinated to the People's Council shall have the duty of co-ordinating with the Presidium any of their decisions which are of vital importance for the interests of the local population or for the economic development of the area.

4. The Council of Ministers shall determine the principles and procedure of the carrying out of the provisions of the present article. .

Art. 59. The Chairman of the Presidium of a People's Council shall:

- 1) represent the Presidium in its external relations;
- 2) prepare and convene the meetings of the Presidium and take the Chair at them;
- 3) in urgent cases, issue orders which lie within the Presidium's competence; he shall, however, have the duty of submitting them for confirmation at the nearest meeting of the Presidium;

- 4) supervise the carrying out of the resolutions of both the Council and its Presidium, as well as of the directives of its superior authorities;

- 5) be the official superior of the Heads of the Departments and of their entire staff.

Art. 60. 1. The Chairman, the Deputy-Chairman and the Secretary of the Presidium shall be the members of the Presidium to hold office permanently. Other persons shall be appointed by the People's Council to sit on the Presidium as non-permanent members.

2. The Council of Ministers shall determine by an order:

- 1) the cases when the Deputy Chairmen of the Presidium shall not be its permanent members;

- 2) the rights and duties of the Chairmen, Deputy-Chairmen, Secretaries and members of the Présidia of the People's Councils, which accrue to the because of their work.

3. The permanent members of the Presidium shall be on leave without pay from their place of employment for the duration of the period when they hold office in the Presidium; for the purpose of any rights which depend on the number of years of work, or on the continuity of employment in a given profession, trade, or service, the period of such leave shall be counted as part of the period of employment.

#### Chapter 7

##### The Departments

Art. 61. 1. The Departments, as local organs of the State administration, shall direct the domains of activities which pertain to the competence of the People's Councils.

2. Departments shall be created by the Presidium of the People's Council, which shall also determine their internal organization and the detailed scope of their activities.

3. As the need arises, joint departments may be created:

- 1) for a voivodship and a city;
- 2) for a district and a borough municipal district;
- 3) for adjoining districts or boroughs;
- 4) for the city, borough districts of a city or borough divided into.

4. Instead of departments, the Presidium of the People's Council may create management committees, sections, collegiate committees or offices bearing other names, to which the provisions concerning the departments shall be appropriately applied.

5. In a Rural Community People's Council an office shall be created in lieu of departments, headed by the Rural Community Council Secretary. The principles and

procedure of appointing the Rural Community Council Secretary as well as his rights and duties shall be determined by an order of the Council of Ministers.

6. Should the People's Council so decide, the provisions of § 5 above shall be appropriately applied to the Présidia of the People's Councils of those towns which do not constitute districts, as well as to the settlement People's Councils.

7. The Council of Ministers shall determine by an order the principles of the creation of departments by the Présidia of the People's Councils of particular grades.

Art. 62. 1. The Présidia of the Voivodship People's Councils (or of the Municipal People's Councils in cities) may create unions of enterprises and entrust to some enterprises duties of a leader of other enterprises on the principles and according to the procedure determined in the provisions concerning State enterprises.

2. The Council of Ministers shall determine the detailed principles of the subordination of unions and leading enterprises, the principles of their co-operation with the departments of the Présidia of Voivodship or City People's Councils, and of the granting by them assistance to the Présidia of the People's Councils of inferior grades and to their departments, in their economic activities.

3. In matters which have not been otherwise regulated by the Council of Ministers pursuant to § 2 above, or by other provisions concerning State enterprises, the provisions of the People's Councils Act concerning departments shall appropriately apply to unions of enterprises.

Art. 63. The Departments shall act in accordance with the directives and orders of their Presidium and in accordance with the directives of the appropriate Departments of a superior grade and of the appropriate Minister.

Art. 64. 1. The Departments shall be headed by Heads, who shall be responsible for the work of the Departments and for its results. The Council of Ministers may, by an order, introduce different designations for the Heads of definite departments.

2. The Presidium of the People's Council shall examine the reports on the activities of its departments.

Art. 65. 1. The Heads of the Departments shall be appointed and recalled by the Presidium of the People's Council, after consulting the opinion of the appropriate Committee of the People's Council. The Presidium shall be bound to submit a resolution in that matter to the People's Council at its nearest meeting for confirmation.

2. The Council of Ministers shall determine by an order the principles of filling, and changes in, the posts of the Heads of Departments and of the managers of the enterprises, works and institutions subordinated to the People's Council. In such an order the Council of Ministers may determine which managerial posts are to be appointed and recalled by:

1) the Presidium of the People's Council, with the consent of the appropriate Minister (Head of a Central Office), or with the consent of the Presidium or the Head of a department of a superior grade;

2) the appropriate Minister (Head of a Central Office) or the Presidium of a superior grade, after consulting the Presidium of the People's Council.

3. The Council of Ministers shall determine by an order the principles of filling, and changes in, the posts of employees of Departments and of the enterprises, works and institutions subordinated to the People's Council. In such an order the Council of Ministers may also apply the provisions of § 2 above to such posts not described in the above §, which require particular qualifications.

#### Chapter 8

#### Supervision

Art. 63. 1. Supervision over the activities of the People's Councils shall be exercised by the Council of State and by the People's Councils of a superior grade.

2. Supervision over the activities of the Présidia of the People's Councils shall be exercised by the Council of Ministers and by the Présidia of the People's Councils of a superior grade.

3. Supervision over the activities of the departments shall be exercised by the appropriate Ministers and Heads of the Central Offices, as well as by the appropriate departments of a superior grade.

Art. 67. The purpose of the supervision over the People's Councils and their organs shall be the ensuring of a conformity of their activities with the law and with the basic line of the State's policy, as well as the extending of assistance to them in an efficacious carrying out of the tasks entrusted to them.

Art. 68. The Council of State shall exercise supreme supervision over the People's Councils, and, in particular, shall:

1) order elections to the People's Councils and carry out other functions, determined by statute, and connected with the elections to the People's Councils, and watch over their correct course;

2) examine the reports of the Voivodship People's Councils and of the City People's Councils, as well as those of the particular People's Councils of an inferior grade, on their activities, particularly in the field of mass-organization labours, and issue them with directives;

3) undertake activities aimed at the generalization of the achievements obtained by the People's Councils in their work;

4) watch over the correctness of the election of the Presidium and the Committees of the People's Councils, and be empowered to determine the principles of appointing the Committees and of the organization of their work;

5) waive the resolutions of the Voivodship People's Councils and of the City People's Councils, should such resolutions be contrary to the law or to the principal line of the State's policy, and be empowered to waive, for the same reasons, resolutions of the People's Councils of inferior grades;

6) dissolve a People's Council, should the activities of such Council systematically infringe the law or the basic line of the State's policy.

Art. 69. The People's Councils shall exercise supervision over the People's Councils of an inferior grade, and, within that scope, they shall enjoy the appropriate rights defined in art. 68, §§ 2 to 5 above.

Art. 70. The Council of Ministers shall co-ordinate the activities of the Présidia of the People's Councils, as well as direct them in their work, and, in particular:

1) examine reports of the Présidia of the Voivodship People's Councils (and of the City People's Councils as well as those of the Présidia of the particular People's Councils of an inferior grade;

2) provide the Présidia of the People's Councils with directions concerning their activities;

3) provide the Présidia of the People's Councils with assistance as far as the carrying out of their tasks is concerned and undertake action aimed at popularising the achievements obtained in the course of the activities of the particular Présidia of the People's Councils;

4) decide controversial matters between the Présidia of the Voivodship People's Councils, as well as those between Ministries and the Présidia of such Councils;

5) evaluate the activities of the Présidia of the People's Councils from the point of view of their conformity with the law and with the basic line of the State's policy;

6) suspend the carrying out of the resolutions of the Voivodship People's Councils (and of the City People's Councils), submitting the case to the Council of State for decision, and waive the resolutions of the Présidia of those People's Councils in the event of their being incompatible with the law or the basic line of the State's policy; it may also, for the same reasons, waive the resolutions of the Présidia of the People's Councils of an inferior grade;

7) may suspend in their activities the Chairman and other members of the Presidium of a Voivodship People's Council (and of the City People's Council), if by their activities they infringe the law or the basic line of the State's policy.

Art. 71. The Présidia of the People's Councils shall co-ordinate the activities of the Présidia of the People's Councils of an inferior grade and direct their work in this respect they shall appropriately have the rights specified in art. 70 above, provided that the rights specified in § 7 of the above-mentioned articles shall only be enjoyed by the Présidia of the Voivodship People's Councils (and of the City People's Councils).

Art. 72. In carrying out the tasks entrusted to them of directing definite sectors of the State administration, the Ministers and Heads of the Central Offices shall:

1) provide with directions those departments whose activities lie within their scope;

2) extend specialized assistance and instruction to the departments in so far as the carrying out of the tasks of the latter is concerned, and undertake the appropriate steps for the purpose of popularizing the achievements obtained by particular departments in their activities;

3) exercise specialized control over the activities of the departments and appreciate them from the point of view of their conformity with the law and with the basic line of the State's policy;

4) waive or amend the decisions of the departments pursuant to statutory provisions.

Art. 73. The Heads of the Departments shall enjoy the rights specified in art. 72 above, with regard to the departments of an inferior grade.

#### Chapter 9

#### The Block Committees, Village Meetings and Headmen

Art. 71. 1. In the cities boroughs and towns Block Committees shall be formed (or else Estate, Street or House Committees), as permanent representations of the inhabitants, called upon to strengthen the ties between the Municipal (or Municipal District) People's Councils and the city, borough or town inhabitants, and to ensure the inhabitants' co-operation with the People's Councils in the field of the administration of blocks, of looking after the buildings and their surroundings, of improving the housing and cultural conditions of life of the inhabitants and of making use of their social initiatives and activity.

2. The mode of carrying out elections to, and the principles of the organization and activities of, the Block Committees shall be determined by the Municipal (or Municipal District) People's Council. The Presidium of the Municipal (or Municipal District) People's Council shall extend its assistance to the Committees in their work.

Art. 75. 1. For the purpose of discussing matters of interest for the particular villages, meetings of the inhabitants of such villages (village meetings) shall be convened.

2. In order to ensure permanent contacts between the several villages on the one hand, and the Rural Community People's Council and its Presidium—on the other, the inhabitants of a village shall elect a headman.

Art. 76. 1. At a village meetings the following matters in particular shall be discussed:

1) the improvement of the inhabitants' economic, housing and cultural conditions ;

2) the development of agricultural production;

3) the popularization of agricultural knowledge;

4) the health conditions and tidiness of the village;

5) the postulates put forward by the village inhabitants.

2. Village meetings may be devoted to the elucidation of the aims and guiding principles of the policy of the People's authorities, to an improvement of the economic, housing and cultural conditions of life in the village by means of collective achievements and voluntary contributions, as well as to the question of the fulfilment of duties towards the State.

3. Village meetings shall also be convened for the purpose of hearing the reports on the activities of the Rural Community People's Council, of its Presidium and its several Councillors.

Art. 77. 1. The village meeting may be attended by all those inhabitants of the village in question who have the electoral franchise to the Rural Community People's Council.

2. The village meeting shall be convened by the Headman, either on his own initiative, or upon instructions from the Rural Community People's Council or of its Presidium, or else at the demand of the majority of the constituents domiciled in the village in question.

3. The time and place of the village meeting should be made publicly known in good time.

4. A village meeting shall be opened and presided over by the Headman. Minutes of its debates shall be taken and sent over to the Presidium of the Rural Community People's Council.

Art. 78. 1. The Headman shall be elected by the village meeting convened by a representative of the Rural Community People's Council; this representative shall take the Chair at the meeting.

2. The Headman shall be elected for a period of three years from among the persons entitled to participate in the village meeting. An election of the Headman

from outside the body of Councillors shall require confirmation by the Rural People's Council.

3. The village meeting may recall a Headman prior to the expiry of the term of office for which he had been elected; such recall shall require confirmation by the Rural Community People's Council.

4. The Rural Community People's Council or the Presidium of the District People's Council may recall a Headman who has failed to fulfil his duties, or who has committed a criminal offence.

Art. 79. 1. The Headman shall work in accordance with the instructions received by him from the Presidium of the Rural Community People's Council, and maintain permanent contacts between the inhabitants of his village and the Presidium, as well as closely collaborate with the village committee of the Front of National Unity and with the local links of other social organizations of the working people.

2. In particular, the Headman shall watch over the carrying out, by the inhabitants of the village, of their duties resulting from the provisions of the law and from the resolutions of the Rural Community People's Council and of its Presidium, and also uphold the postulates of the village inhabitants before the Presidium of the Rural Community People's Council.

3. The Presidium of the Rural Community People's Council shall periodically convene meetings of the Headmen.

4. Those Headmen who are not the People's Councillors shall participate in the sessions of the Rural Community People's Councils with deliberative voice.

5. The Council of Ministers shall establish by order the detailed principles of the election of the Headman, the detailed scope of his activities as well as his rights and duties.

Art. 80. In the rural areas incorporated into cities or towns the application of the provisions of art. 75 to 79 may be maintained, provided this obtains the consent of the Presidium of the Voivodship People's Council (or of the City People's Council); the tasks of the Rural People's Councils and of their Présidia, as foreseen in the above provisions, are then carried out by the Municipal (Municipal District) People's Councils and by their Présidia.

#### Chapter 10

#### Final Provisions

Art. 81. 1. The appropriate departments shall be competent in the matters made over by the provisions hitherto in force to the competence of the Présidia of the People's Councils.

2. The provisions of § 1 above shall not apply to matters reserved, by the provisions in force, to the collective competence of the Présidia of the People's Councils; if and when an appeal may be lodged from a decision of the Presidium of the People's Council, it shall be decided upon by the Presidium of the People's Council of a superior grade.

Art. 82. 1. The creation, amalgamation and liquidation of rural communities, the alteration of their boundaries and the fixing of the seats of the Rural Community People's Councils shall take place by resolution of the Voivodship People's Council, after consulting the opinion of their inhabitants. The resolution of the Voivodship People's Council concerning the creation, amalgamation and liquidation of rural communities shall be subject to confirmation by the Council of Ministers.

2. The resolutions mentioned with in § 1, above must be published in the Official Gazette of the Voivodship People's Council.

Art. 83. 1. The rights of property, usufruct or other rights, whether of property or on someone else's property, enjoyed by the inhabitants of a rural community shall remain intact.

2. The Council of Ministers shall settle by an order the matters of the administration of the property of a rural community, as well as the procedure necessary for its alienation.

Art. 84. The principles of the division of cities and boroughs into municipal districts shall be established by the Council of Ministers with the consent of the Council of State.

Art. 85. The Council of Ministers shall determine by an order the principles and procedure for making over State enterprises, works and institutions, as well as individual items of property, to the People's Councils, as well as between one People's Council and another.



Art. 86. 1. In the event of the dissolution of a People's Council (art. 68 § 6 above) elections shall take place earlier than on the statutory date; such elections shall be carried out at a date determined by the Council of State and with an appropriate application of the provisions concerning by-elections.

2. When dissolving a People's Council, the Council of State shall instruct the People's Council of a superior grade to appoint a new Presidium, to hold office until such time when a Presidium shall be elected by the, newly returned Council.

3. The term of office of the People's Councils returned in accordance with the provisions of § 1 above shall be terminated at the same time as that of the remaining People's Councils.

Art. 87. The following provisions shall be waived:

1) The Local Organs of Unified State Authority Act, of 20th March, 1950 (J. of L., No. 14, Chap. 130, with subsequent amendments);

2) The Administrative Division of the Countryside (Reform) and the Rural Community People's Councils Appointment Act, of 25th September, 1954 (J. of L., 1954, No. 43, Chap. 191, and 1957, No. 17, Chap. 87).

Art. 88. 1. Whenever this Act refers to the provisions of other Acts, the provisions in force at the time of the present Act becoming law shall be applied up to the time of the promulgation of such other Acts.

2. Down to the time of issuance of executive provisions to this Act, the provisions issued pursuant to the Acts enumerated in art. 87 above shall remain in force, unless they be incompatible with the present Act.

#### ORDER OF THE COUNCIL OF MINISTERS OF JULY 19th, 1963

concerning nominations to, and changes in posts with the Présidia of the People's Councils and some posts in the enterprises, works and institutions subordinated to the People's Councils

Persuant to art. 61, §§ 5 and 6, and art. 65, §§ 2 and 3 of the People's Councils Act of January 25th, 1958 (J. of L. of 1963, No. 29, Chap. 172), as well as to art. 14 and 28 § 2 of the Decree of October 26th, 1950, concerning State Enterprises (J. of L. of 1960, No. 18, Chap. III) it is enacted as follows:

§ 1. The present order shall determine the principles and mode of appointing to, and making changes in, posts with the Présidia of the People's Councils, as well as certain posts with the enterprises, works and institutions Subordinated to the People's Councils, including the promotion of employees and the dissolving of the service relation or of labour contract with them.

§ 2. 1. The Présidia of the Voivodship People's Councils shall appoint, promote and recall the following employees of the Présidia of Voivodship People's Councils:

- 1) The Heads of Departments,
- 2) The Deputy Heads of Departments,
- 3) The Voivodship Fire Brigade Commanders,
- 4) The Voivodship Commanders of the Local Anti-Aircraft Defence,
- 5) The Chief Bookkeepers of the Voivodship budget,
- 6) The Chief Bookkeepers of departments, ,
- 7) The Voivodship Nature Preserves, the Voivodship (Chief) Keepers of

Historical Monuments, the Voivodship veterinary surgeons.

2. The appointment, promotion and recalling of the employees enumerated in subparagraph 1, points 1, 5 and 7, and of the Deputy Heads of the Voivodship Commissions for Economic Planning, of the Financial Departments, of the Health and Social Welfare Departments for sanitary and epidemiological matters, Departments of Building, Town-Planning and Architecture, of Departments of Agriculture and Forestry for matters of forestry, the deputy heads of Home Affairs offices, and the deputy curators of School districts, shall take place in agreement with the appropriate minister or upon his initiative. Failure to enter any reservations by the appropriate minister within a period of thirty days shall be tantamount with reaching an agreement concerning the appointment, promotion or recall of an employee. In the event of a divergence of opinions the case shall be decided by the Chairman of the Council of Ministers.

3. The Voivodship Fire Brigade Commanders and the Voivodship Commanders of the Local Anti-Aircraft Defence are appointed, promoted and recalled by the Presidium of the Voivodship People's Council upon a motion of the Minister of Home Affairs.

4. The appointment, promotion and recalling of the Chief Bookkeepers of Departments (sub-paragraph 1, point 6) shall take place after consulting the Chief Bookkeeper of the Voivodship budget.

§ 3. 1. The Présidia of the District People's Councils shall appoint, promote and recall the following employees of the Présidia of the district People's Councils:

- 1) Heads of Departments,
- 2) Deputy Heads of Departments,
- 3) Sub-Inspectors of Schools,
- 4) The District Fire Brigade Commanders,
- 5) The District Commanders of the Local Anti-Aircraft Defence,
- 6) The Chief Bookkeepers of the District budget,
- 7) The Chief Bookkeepers of the Departments,
- 8) The District Veterinary Surgeons.

2. The appointing, promoting and recalling of the persons enumerated in sub-paragraph 1, points 1, 4, 5, 6 and 8, as well as that of the Deputy Heads of the Financial Departments, of the Deputy Heads of the Departments of Education and Culture, and of the Deputy Heads of the Departments of Health and Social Welfare for sanitary and epidemiological matters shall take place in agreement with the Head of the appropriate Department of the Presidium of the Voivodship People's Council; where the Chief Bookkeepers of the district budget are concerned, the Head of the Financial Department of the Presidium of the Voivodship People's Council shall express his opinion after having consulted the Chief Bookkeeper of the Voivodship budget. Failure, to enter any reservations by the Head of the appropriate Department of the Presidium of the Voivodship People's Council within a period of thirty days shall be tantamount to reaching an agreement concerning the appointing, promotion or recalling of an employee.

3. The appointing, promoting and recalling of the Chief Bookkeepers of Departments (sub-paragraph 1, point 7) shall take place after consulting the Chief Bookkeeper of the District budget.

§ 4. The resolutions of the Presidium of a People's Council concerning the appointing or recalling of the Heads of the Departments enumerated in § 2 sub-paragraph 1 point 1, and § 3 sub-paragraph 1 point 1 shall be undertaken after consulting the appropriate committees of the People's Council.

§ 5. The Heads of the joint department of the Présidia of the People's Councils shall be appointed by the Presidium of that People's Council, to which the department in question is subordinated in an organizational sense, while applying the mode provided for appointing and recalling the Heads of Departments, and in agreement with the Presidium of the People's Council concerned. The resolutions of both Présidia in this domain shall be undertaken after consulting the appropriate committees of the People's Councils.

§ 6. 1. The resolutions concerning the appointing and recalling of the Heads of the Departments of the Présidia of Voivodship and District People's Councils shall be submitted by the Présidia of such Councils to the People's Council at its next meeting for the purpose of confirmation.

2. In the event when, in accordance with the provisions in force, the dissolution of a labour contract (or the service relation) with the Heads of the Departments of the Présidia of Voivodship or District People's Councils had taken place without notice having been given, or else at the request of the employees themselves, the Présidia of the appropriate People's Councils shall inform the People's Council of the above at its nearest meeting.

§ 7. The Présidia of the People's Councils of towns, of boroughs, of District People's Councils in Borough, and of the People's Councils of settlements, shall appoint, promote and recall the Heads of Departments and Chief Bookkeepers after having previously obtained the consent of the Chairman of the Presidium of the District People's Council. The Chairman of the Presidium of the District People's Council shall express his consent, with regard to the Chief Bookkeepers, after having consulted the Chief Bookkeepers of the District budget. Failure to enter any reservations, within a period of thirty days, by the Chairman of the Presidium of the District People's Council, shall be tantamount with expressing such consent.

§ 8. 1. The rural community (town, settlement) secretaries shall be appointed, promoted and recalled by the Chairman of the Présidia of the District People's Councils, upon a motion from the Presidium of the rural community (town, settlement) People's Council.

2. The rural community (town, settlement) secretaires shall be employed on the basis of a labour contract.

3. To the rural community (town, settlement) secretaries, so far appointed pursuant to the provisions concerning appointed State employees, such provisions shall continue to apply.

§ 9. The Chairman of the Présidia of the People's Councils shall appoint employees of the Présidia to the posts not enumerated under §§ 2, 3, 5, 7 and 8, after consulting the Heads of the appropriate departments (Heads of sub-departments, rural community, town or settlement secretaries). The same mode shall also apply to the promoting and recalling of such employees.

§ 10. The Présidia of the Voivodship People's Councils and of the People's Councils of the boroughs with above one hundred thousand inhabitants may, in cases which justify such proceedings, and upon a motion of the Chairmen of the Présidia of their People's Councils, authorize the Heads of their departments to appoint employees of the Présidia, for posts not enumerated under §§ 2 and 3, as well as to promote and recall such employees, with the exception of the Heads of sections and of sub-sections (or equivalent units), senior controllers and controllers.

§ 11. 1. The transferring of the employees of the Ministries (central offices) to the departments of the Présidia of the People's Councils shall take place with the consent of the minister (head of the central office), according to the mode and principles provided for the appointing of the employees of the Présidia of the People's Councils.

2. The transferring of the employees of the Présidia of the People's Councils to the ministries (central offices) shall take place according to the mode and principles provided for the recalling of such employees of the Présidia of the People's Councils.

3. The transferring of the employees of the Présidia of the People's Councils to other Présidia of People's Councils shall take place according to the mode and principles provided for the recalling and appointing of the employees of the Présidia of the People's Councils.

4. The transferring of the employees of the Presidium of a People's Council from one department to another shall take place according to the mode and principles provided for the appointing and recalling of the employees of the Presidium of a People's Council.

5. The transferring of the employees of the Présidia of the People's Councils according to the mode and principles described in sub-paragraphs 1 to 4 shall be carried out by the organ of the new place of employment.

§ 12. 1. The appointing, promoting and recalling of the directors, deputy directors and chief bookkeepers of the Voivodship unions of enterprises (committees, associations) of the enterprises, departments and institutions sub-ordinated to the People's Councils shall take place according to the following principles:

1) The directors of the voivodship unions of enterprises (committees, associations, of voivodship managements of the construction of workers' housing estates, of the management of agricultural building) shall, be appointed, promoted and recalled by the Presidium of the Voivodship People's Council in agreement with, or upon a\* motion from, the appropriate minister;

2) The deputy directors and the chief bookkeepers of the voivodship unions of enterprises (committees, associations, voivodship managements of the construction of workers' housing estates, of the managements of agricultural building) shall be appointed, promoted and recalled by the Presidium of the Voivodship People's Council, upon motion from the director of the voivodship unit (committee, association, voivodship management of the construction of workers' housing estates, of the managements of agricultural building);

3) The directors (managers), deputy directors (managers) and the chief bookkeepers of the enterprises grouped in the voivodship unit (committee, association), as well as those of the managements of the construction of workers' housing estates, shall be appointed, promoted and recalled by the Presidium, of the appropriate People's Council, upon motion from the director, of the voivodship unit (committee, association) and the voivodship management of the construction of workers' housing estates; the motion with regard to the chief bookkeepers of the local enterprises shall be entered by the

director after having consulted the Chief bookkeepers of the unit (committee, association), and, with regard to the chief bookkeepers of the construction of workers' housing estates—after having consulted the chief bookkeeper of the voivodship management of the construction of workers' housing estates;

4) The directors (managers), the deputy directors (managers) and the chief bookkeepers of the enterprises not grouped in unions of enterprises (committees, associations) and of departments and institutions shall be appointed, promoted and recalled by the Presidium of the appropriate People's Council;

5) The Présidia of the Voivodship People's Councils may, in cases which justify such proceedings, authorize the heads of the departments of agriculture and forestry, and the heads of the departments of health and social welfare of the Présidia of the Voivodship People's Councils to appoint, promote and recall the directors (managers), deputy directors (managers) and the chief bookkeepers of the departments and institutions subordinated to such departments;

6) The directors (managers) of the State farms and of the State Machine Centres grouped in a unit shall be appointed, promoted and recalled by the Presidium of the appropriate People's Council upon a motion from the director of the unit;

7) The deputy directors (managers), the chief bookkeepers and the controllers of the State Farms and of the State Machine Centres grouped in a union shall be appointed, promoted and recalled by the director of that union;

8) The directors and artistic managers of artistic enterprises (theatres and musical institutions) shall be appointed, promoted and recalled by the Presidium of the appropriate People's Council, with the previous consent of the Minister of Culture and Art; failure by the Minister to enter any reservations within a period of thirty days shall be tantamount with an expression of consent.

2. The resolutions of the Présidia of the People's Councils concerning the appointment and recalling of the directors of voivodship unions of enterprises, committees, associations, of the voivodship managements of the construction of workers' housing estates, of the management of agricultural building and of the voivodship enterprises not grouped into unions (committees, associations) shall be taken after having consulted the appropriate committees of the People's Councils.

§ 13. The Présidia of the Voivodship People's Councils shall, on the basis of the directives of the appropriate minister, fix the principles and mode of appointing, promoting and recalling the employees not enumerated under § 12, and employed in the unions of enterprises (committees, associations), enterprises, departments and institutions subordinated to the People's Councils.

§ 14. The principles and mode of appointing and recalling teachers and other pedagogic workers of educational (training) institutions (schools) and posts subordinated to the People's Councils, and of the directors (managers) of museums subordinated to the People's Councils shall be regulated by separate provisions.

§ 15. Whenever there is a question, in the present Order:

1) of the Présidia of the Voivodship People's Councils, this shall be meant to include also the Présidia of the People's Councils of Cities;

2) of the Présidia of District People's Councils, this shall be meant to include also the présidia of the People's Councils of boroughs as well as the présidia of City District People's Councils of cities.

3) of departments—this shall be meant to include also the corresponding units, subordinated to the Presidium of a People's Council;

4) of ministers—this shall be meant to include also the Chairmen of commissions and committees which fulfil the functions of supreme authorities of the State administration, as well as the heads of central offices.

§ 16. Are waived the provisions so far in force concerning the matters regulated in the present Order, and, in particular:

1) the Order of the Council of Ministers of October 4th, 1958, on appointing Lu, and changes in, the posts of heads of departments of the Présidia of the People's Councils, as well as of managers of enterprises, departments and institutions subordinated to the People's Councils, and also in some other posts (J. of L., No. 62, Chap. 305, and No. 66, Chap. 331);

2) sub-paragraphs 2 and 3 of § 4 of the Order of the Council of Ministers of April 18th, 1958, concerning the Inspector-General's offices of school districts and of inspectors of education (J. of L. 1958, No. 25, Chap. 104, of 1960, No. 37, Chap. 212., and of 1961, No. 53, Chap. 300);

3) § 1 of the Order of the Council of Ministers of February 18th, 1958, concerning the principles and mode of appointing village secretaries and their duties and rights (J. of L. of 1958, No. 10, Chap. 34, and of 1959, No. 71, Chap. 448), while the title of the above Order shall henceforth read: "Concerning the duties and rights of the rural community secretary";

4) the resolution No. 121 of the Council of Ministers of March 5th, 1956, concerning the appointing to, and changes in, the posts in the Présidia of the People's Councils (Monitor Polski, No. 25, Chap. 357).

§ 17. The carrying out of the present Order is entrusted to the Chairman of the Council of Ministers.

§ 18. The present Order shall become law on the day of its publication.

#### ORDER OF THE COUNCIL OF MINISTERS OF OCTOBER 4th, 1958

concerning the co-ordination of the activities of State authorities and of the  
economic institutions and units not subordinated to the People's Councils, with  
the activities of the People's Councils

Persuant to art. 56 § 4 of the People's Councils Act of January 25th, 1958 (J. of L. No. 5, chap. 16) it is enacted as follows:

§ 1. The co-ordination of the activities of State authorities and of the economic institutions and units not subordinated to the People's Councils, hereafter referred to as "units", with the activities of the People's Councils, shall take place according to the principles and the mode determined in the present Order:

§ 2. 1. The Présidia of the People's Councils shall have the right of:

- 1) demanding information from the heads of units,
- 2) convening conferences of heads of units,

3) demanding the co-ordination with the Presidium of the People's Council of a decision of the head of a unit, if such decision is of capital importance for the interests of the local population, or for the economic development of the area.

2. In carrying out the rights described under sub-paragraph 1, the Présidia of the People's Councils shall observe the following principles:

1) the Présidia of the People's Councils shall demand information, oral or in writing, in matters connected with the tasks of the People's Council concerned;

2) the Présidia of the Voivodship People's Councils shall convene conferences attended by the heads of all, or at least of some, of the units active within their voivodship, even if the seat of such units should be in another voivodship;

3) the Présidia of the District People's Councils shall convene conferences attended by the heads of all, or at least of some, units active within their districts, even if the seat of such units should be in another district, with the provision, however, that invitation to take part in the debates extended to the representatives of units directly subordinated to central organs should take place after having previously obtained the consent of the Presidium of the Voivodship People's Council; the Présidia of the Rural Community People's Councils exercise their rights appropriately with regard to the units active within their village;

4) if the decision of a unit concerns the area subordinated to more than one Presidium of a People's Council, it shall be sufficient to co-ordinate such decision with the Presidium of a People's Council of the immediately superior grade; co-ordination of decisions at a voivodship level shall take place with all the Présidia of Voivodship People's Councils, whose areas are concerned in the decision in question.

§ 3. 1. Information, both oral and in writing, shall be handed in by the heads of units according to the mode, and at the time, prescribed by the Presidium of the People's Council.

2. In particularly urgent cases the Chairmen of the Présidia of the People's Councils may demand from the heads of units the immediate providing with information.

3. When the providing with information in the mode and time prescribed by the Presidium of the People's Council is impossible, the head of the unit shall have the duty to notify immediately the Presidium of the People's Council or its chairman of the fact, as well as the superior unit which exercises supervision over the unit bound to provide the information.

§ 4. As the need arises, the Presidium of the People's Council may demand documentation of the information, in particular by means of the appropriate documents and other pieces of evidence being made available for inspection by the Présidia of the People's Councils, or by representatives authorized by the latter.

§ 5. 1. The heads of units shall have the duty, at the invitation by the Présidia of the People's Councils, to take part in their meetings, at which matters connected with the activities of their units are discussed, and, in particular, when the need has arisen of co-ordinating the activities of the units in question with those of the Presidium, or else when the subject of the meeting is to be the information provided by the heads of units.

2. The Présidia of the People's Councils may address to the units whose information has been discussed, or to the units superior to them, their remarks and motivated motions.

3. In case of the impossibility of co-ordinating, with the head of a unit, the principles of proceeding or the trends of activity, the Presidium of the People's Council may approach the superior unit with the demand to issue to the unit in question binding direction in matters which require co-ordinated action.

§ 6. For the purpose of co-ordinating the activities of the units with the general trend of the activities of the People's Council, the Présidia of such Councils convene, as the need arises, conferences of the heads of either all or some of the units. All the heads of such units are bound to participate in such a conference, either in person or by deputy.

§ 7. The purpose of the conferences dealt with in § 6, ought to be, in particular:

1) the co-ordination of the trends of activity, of attitudes and of tasks which are of vital importance for the area in question,

2) the definition of the detailed tasks which demand uniform co-ordinated action,

3) the exchange of information on their activities and plans for the future, in matters» concerning the tasks dealt with in points 1 and 2,

4) the introduction of facilities and simplifications in the activities of the State administration and in mutual relations, as well as coming forward with motions in that field,

5) the examining of reports on the carrying out of common tasks,

6) the considering of other matters entered by the Chairman of the conference.

§ 8.1. The agenda of the conference shall be settled by the Presidium of the People's Council. The heads of units may notify the Presidium of the People's Council of motions, for the purpose of including them in the agenda.

2. The chairman of the Presidium of the People's Council shall notify the heads of the units of the place, time and agenda of the conference at least one week prior to the date of such conference. In cases of particular urgency the said term may be shortened.

3. The conferences shall be presided by the chairman of the Presidium of the People's Council or, by his authorization, by a permanent member of the Presidium of the People's Council.

§ 9. 1. No resolutions shall be passed at such conferences, while the results of the debates shall be recorded in minutes in the form of:

1) co-ordinated tasks, trends of activity, direction for action or accepted attitudes,

2) co-ordinated motions addressed to authorities of a superior grade or to central authorities,

3) in cases of a divergency of views—in the form of the attitudes of the several participants in the debates.

2. Copies of the minutes of the conference or extracts from such minutes shall be sent to the participants of the debates concerned and to their superior organs, not later than within one week from the termination of the conference\*

§ 10. The Présidia of the People's Councils shall be under obligation to invite to participate in the conferences the chairmen of the People's Council committees, concerned, and moreover, as the need may arise, representatives of the central authorities, of political, social, cultural and other organizations, interested in the matters which are debated.

§ 11. In cases which demand the co-ordination of the activities of units subordinated to the People's Councils with those of units not subordinated to the People's Councils, the Présidia of the Voivodship and District People's Councils may call into being teams for the co-ordination of the activities of such units; such teams shall be presided over by a member of the Presidium of the People's Council. The provisions, of §§ 7 to 10 shall apply appropriately to the co-ordinating teams.

§ 12. 1. The heads of units shall have the duty of co-ordinating with the Présidia of the People's Councils the drafts of any of their decisions which are of fundamental importance for the interests of the local population or for the economic development of the region, and, in particular, drafts of decisions concerning the living, social and cultural conditions of the population, the supplies to the region, as well as drafts of orders which impose duties upon the population, or which decide of relief and assistance to be extended to the population.

2. In matters dealt with in sub-paragraph 1, the Présidia of the People's Councils may move for the decision being issued by the heads of units. The head of a unit shall have the duty of notifying the Presidium of the People's Council of the attitude taken by him not later than within fourteen days.

3. The drafts of decisions subject to co-ordination should be notified to the Presidium of the People's Council in writing. In urgent cases the co-ordination of a decision shall take place by means of a direct agreement of the head of the unit with the chairman of the Presidium of the People's Council. When the co-ordination of a decision proves to be impossible, the decision cannot be issued down to the time when the divergency has been resolved by the competent superior organ in agreement with the Presidium of the People's Council.

4. Failure by the Presidium of the People's Council to enter, within a term of fourteen days, any reservations against the draft decision submitted to them in writing; shall be considered tantamount with absence of such reservations being raised.

§ 13. 1. With regard to the law courts and the organs of the Public Prosecutor's Office the subject of the information demanded and the subject of co-ordination with the Présidia of the People's Councils cannot be matters which fall within the scope of juridical proceedings and judicature or the activities of the Public Prosecutor's Office in cases of concrete persons, nor yet matters concerning judicial supervision or the supervision of the Public Prosecutor's Office over the inquest and prosecution.

2. The information provided by the law courts and the organs of the Public Prosecutor's Office may concern, in particular, the degree of intensity and the causes of crime, and, as far the information provided by the organs of the Public Prosecutor's Office is concerned, also the shortcomings and other irregularities in the activities of the local organs of the State administration and of economic institutions and units,, noticed by such organs within the framework of the general supervision exercised, by them.

3. The carrying out of their rights by the Présidia of the People's Council with regards to the law courts and the organs of the Public Prosecutor's Offices cannot infringe the independence of the judges or the independence of the organs of the Public Prosecutor's Office With regard to the local organs in their exercise of the Public Prosecutor's functions.

§ 14. In the event of divergences arising in concrete cases, concerning the carrying out of the provisions of the present Order, such divergences—reservation made of the provisions of § 12, sub-paragraph 3—shall be decided by the Presidium of the People's Council of the immediately superior grade, in agreement with the head of the unit which exercises supervision over the unit which is a party to the contention.

§ 15. 1. Whenever the present Order speaks of the Présidia of Voivodship People's Councils, this shall be meant to include also the Présidia of the People's Councils of the cities.

2. Whenever the present Order speaks of the Présidia of District People's Councils,, this shall be meant to include also the Présidia of the Borough People's Councils of

boroughs, as well as the Présidia of the City District People's Councils of cities, and whenever it speaks of the Présidia of Rural Community People's Councils—the Présidia of all the remaining People's Councils.

§ 16. The carrying out of the present Order is entrusted to the Chairman of the Council of Ministers and to the Ministers concerned.

§ 17. The Order shall become law on the day of its publication.