

250/2016 Coll. version effective from 1 February 2022 to 31 December 2022

changed	with effect from	Note
Act No. 417/2021 Coll.	1.2.2022	
Act No. 261/2021 Coll.	1.2.2022	
Ruling No. 325/2020 Coll.	22.7.2020	

[More...](#)

250

LAW

of 12 July 2016

on liability for offences and proceedings in respect thereof

Parliament has agreed on this law of the Czech Republic:

Part One

General provisions (§ 1-4)

§ 1

Subject of modification

This Act regulates the conditions of liability for an offence, the types of administrative penalties and protective measures and the principles for their imposition, the procedure before initiating proceedings for an offence and the procedure in proceedings for an offence.

§ 2

Temporal scope

- (1)** Liability for an offence shall be judged according to the law in force at the time the offence was committed; it shall be judged according to a later law only if it is more favourable to the offender (hereinafter referred to as "the offender").
- (2)** The offence is committed at a time when the offender was acting or, in the case of omission, was under a duty to act. It is not decisive when the consequence occurs or should have

occurred.

- (3) If the law changes during the commission of the offence, the law in force at the time of the completion of the act by which the offence is committed shall apply.
- (4) If the law changes during the commission
 - a) a continuing offence, the law in force at the time of the last partial attack shall apply,
 - b) mass trespass, the law in force at the time of the last attack shall apply, or
 - c) a continuing offence, the law in force at the time when the unlawful condition was remedied shall apply.
- (5) In subsequent amendments to the law in force at the completion of the act by which the offence is committed, the law of the mildest shall apply.
- (6) Only the type of administrative penalty that is permitted by the law in force at the time when the offence is being adjudicated may always be imposed on the offender.
- (7) A protective measure shall always be decided in accordance with the law in force at the time the protective measure is decided.

§ 3

Territorial scope

- (1) Under Czech law, liability for an offence committed in the Czech Republic is assessed.
- (2) An offence shall be deemed to have been committed in the territory of the Czech Republic if the offender acted
 - a) wholly or partly in the Czech Republic, even if the violation or threat to the interest protected by the law occurred or should have occurred wholly or partly abroad, or
 - b) abroad, if the violation or threat to the interest protected by the law occurred or should have occurred in whole or in part in the Czech Republic.
- (3) According to the legal system of the Czech Republic, liability for an offence committed abroad by a citizen of the Czech Republic or a stateless person who has permanent residence in the Czech Republic or by a legal entity or a natural person engaged in business who has its registered office in the Czech Republic or at least carries out its activities there or has its immovable property there is assessed if
 - a) the perpetrator has violated an obligation under the law of the Czech Republic even outside the territory of the Czech Republic,

- b)** the offender has committed an offence against property or against civil coexistence, unless such conduct has been tried abroad, or
- c)** so stipulated in an international treaty that is part of the legal system of the Czech Republic.

§ 4

Personal competence

- (1)** Conduct which has the characteristics of an offence committed by a person enjoying privileges and immunities under another law cannot be dealt with as an offence.
- (2)** Conduct which has the characteristics of an offence committed by a person enjoying privileges and immunities under international law cannot be dealt with as an offence.
- (3)** An administrative penalty imposed for an offence may not be executed or continued if the person on whom the administrative penalty was imposed has subsequently become a person referred to in paragraph 1 or 2, with the exception of a person who has become a deputy, senator or judge of the Constitutional Court.
- (4)** Offences committed by deputies and senators shall be dealt with under this Act unless they request the authority competent to deal with the offence to deal with the offence in disciplinary proceedings under other laws. In addition, offences committed by judges of the Constitutional Court shall be dealt with under this Act, unless they request the authority competent to deal with the offence to deal with the offence in disciplinary proceedings under another law.
- (5)** Under other laws, an act that has the characteristics of a misdemeanour shall be dealt with if it is committed
 - a)** a member of the security forces,
 - b)** a person subject to military disciplinary authority, or
 - c)** a person during detention, imprisonment or pre-trial detention.
- (6)** If the fact that the accused person is a person referred to in paragraph 5(a) or (b) is not known to the administrative authority until the decision on the offence in the first instance is issued, his or her conduct shall be dealt with as an offence under this Act. If the administrative authority, after the decision on the offence at first instance has been taken, becomes aware that the accused is a person referred to in paragraph 5(a) or (b), it shall immediately inform

the competent official or the competent service authority of that fact.

- (7) Conduct which has the characteristics of an offence shall be dealt with as an offence under this Act if the perpetrator ceases to be a person referred to in paragraph 5 before the decision in the case at first instance.

Part Two

Basics of liability for an offence (§ 5-59)

Title I

Common provisions for natural persons, legal persons and natural persons in business (§ 5-12)

§ 5

Offence

A misdemeanour is a socially harmful unlawful act which is expressly designated as a misdemeanour in the law and which has the characteristics set out in the law, unless it is a criminal offence.

§ 6

Attempted offence

- (1) An attempted offence is an act of a natural person which is immediately aimed at the commission of an offence and which the natural person committed with the intention of committing an offence, if the offence was not completed.
- (2) An attempt to commit an offence is also an act of a legal entity or a natural person engaged in business which is directly aimed at the completion of the offence, if the completion of the offence has not taken place.
- (3) An attempted offence is punishable, if the law so provides, in the same way as a completed offence.
- (4) Liability for an attempted offence shall cease if the offender has voluntarily refrained from committing the offence and has eliminated the danger to the interest protected by the law which his or her conduct created; this shall be without prejudice to the liability of the offender for another completed offence which he or she has already committed by the conduct

referred to in paragraph 1 or 2.

§ 7

Continuation of the offence

A continuation of an offence shall be understood as an act whose individual partial attacks, led by a single intention, fulfill the facts of the same offence, are connected by the same or similar manner of execution, a close temporal connection and a connection in the object of the attack.

§ 8

Continuing offence

A continuing offence is an offence which is characterised by the conduct of the offender in causing and then maintaining an unlawful condition or by the conduct of the offender in maintaining an unlawful condition which was not caused by the offender.

§ 9

Mass trespass

A mass trespass is an offence where the law requires multiple assaults linked by a common intent in order to incur liability for the offence.

§ 10

Omissions

For the purposes of this Act, conduct shall also mean the omission of such conduct which the offender was obliged to do by another legal provision or official decision, as a result of his voluntary assumption of the duty to act or if his special duty resulted from his previous threatening conduct, or which he was obliged to do for another reason according to his circumstances and his circumstances.

§ 11

Contributor

(1) Where the offence or attempted offence is committed by the intentional joint conduct of two or more natural persons, each of them shall be liable as if he or she had committed the

offence alone.

- (2) Where the offence is committed by the joint conduct of two or more persons, at least one of whom is a legal person or a natural person engaged in business, each of them shall be liable as if he or she had committed the offence alone.

§ 12

Special subject of the offence

If the law requires a special characteristic, capacity or status of the offender to commit the offence, the

- a) the offender is only one who has the required characteristic, capacity or status,
- b) an accomplice is one who has the required characteristic, capacity or status, and, if the law so provides, also one who does not have the required characteristic, capacity or status, if at least one of the accomplices has the required characteristic, capacity or status.

Title II

Liability of a natural person for an offence (§ 13-19)

§ 13

Natural person as perpetrator

- (1) A natural person shall be an offender if, by his or her culpable conduct, he or she has fulfilled the elements of an offence or an attempt to commit an offence, if it is punishable.
- (2) The perpetrator is also a natural person who has used another natural person to commit the offence, who is not responsible for the offence because of lack of age or insanity or because his or her conduct fulfilled the conditions of necessary defence or extreme emergency or other circumstances precluding unlawfulness.
- (3) The perpetrator is also a natural person who has used a legal person who is not responsible for the offence to commit the offence.
- (4) If the law so provides, the offender is also a natural person who intentionally
 - a) arranged or directed the commission of the offence (organiser),
 - b) aroused in another the decision to commit an offence (the instigator), or

- c) enabled or facilitated the commission of the offence by another (accessory), if the offence is a completed offence or an attempted offence if it is punishable.

§ 14

Responsibility of the legal representative or guardian of a natural person

If the law provides that only a natural person who has a special characteristic, capacity or status may be the offender and if his/her legal representative or guardian acted or should have acted for that person, the legal representative or guardian shall be liable for the offence even if he/she does not have that special characteristic, capacity or status.

§ 15

Culpability

- (1) The liability of a natural person for an offence requires fault. Negligent fault is sufficient unless the law expressly provides that intentional fault is required.
- (2) An offence is committed intentionally if the offender
- a) intended by his or her conduct to violate or endanger an interest protected by law, or
 - b) he knew that by his conduct he might violate or endanger an interest protected by law and, in the event that he violated or endangered it, he was aware of it.
- (3) An offence is committed negligently if the offender
- a) he knew that his conduct might violate or endanger an interest protected by law, but without reasonable grounds relied on the fact that he would not violate or endanger that interest; or
 - b) he did not know that by his conduct he might violate or endanger an interest protected by law, although he should and could have known this given the circumstances and his personal circumstances.

§ 16

Mistake of fact

- (1) Whoever does not know or foresee, at the time of the commission of the act, as a possible factual circumstance which constitutes an offence, does not act intentionally; this is without

prejudice to liability for an offence committed negligently.

- (2) Whoever, when committing an act, mistakenly assumes facts which would fulfil the characteristics of a lesser intentional offence, shall be punished only for that lesser offence, unless it is an offence committed negligently.
- (3) Whoever, in committing the act, mistakenly assumes facts which would fulfil the characteristics of a more serious intentional offence, shall be punished for attempting to commit that more serious offence, if it is punishable.
- (4) Whoever, when committing an act, mistakenly assumes a fact which excludes its unlawfulness, does not act intentionally; this is without prejudice to liability for an offence committed negligently.

§ 17

Legal error

- (1) Whoever, when committing an offence, does not know that his act is unlawful, does not act culpably if he could not have avoided the mistake.
- (2) The mistake could have been avoided if the obligation to be familiar with the relevant legislation arose for the perpetrator from a law or other legal regulation, official decision or contract, from his employment, profession, position or function, or if the perpetrator could have recognised the illegality of the act without obvious difficulty.

§ 18

Age

A person who has not attained the age of fifteen at the time of the offence is not liable for the offence.

§ 19

Insanity

A person shall not be liable for an offence who, due to a mental disorder, was unable to recognise the unlawfulness of his/her conduct or to control his/her conduct at the time of its commission; however, a person who has been rendered insane, even negligently, by the use of an addictive substance shall not be exempt from liability; an addictive substance shall be understood to mean

alcohol, narcotic drugs, psychotropic substances and other substances capable of adversely affecting a person's psyche or his/her powers of control or recognition or social behaviour.

Title III

Liability of a legal person for an offence (§ 20-21)

§ 20

Legal person as perpetrator

- (1)** A legal person is an offender if the elements of an offence have been fulfilled by the conduct of a natural person who, for the purpose of assessing the liability of a legal person for an offence, is considered to be a person whose conduct is attributable to the legal person and who has breached a legal obligation imposed on the legal person in the course of the activities of the legal person, in direct connection with the activities of the legal person or for the benefit of the legal person or in its interest; a breach of a legal obligation imposed on the legal person is also considered to be a breach of a legal obligation imposed on an organisational unit or other unit which is part of the legal person.
- (2)** For the purpose of assessing the liability of a legal person for an offence, a person whose conduct is attributable to a legal person shall be deemed to be

 - a)** a statutory body or a member of a statutory body,
 - b)** another body of the legal person or a member thereof,
 - c)** an employee or a person in a similar position in the performance of the tasks arising from that position,
 - d)** a natural person who performs the tasks of a legal person,
 - e)** a natural person used by a legal person in the course of its business, or
 - f)** the natural person who acted on behalf of the legal person, if the legal person benefited from the result of such action.
- (3)** If a special characteristic, capacity or status of the offender who is a legal person is required by law for the commission of the offence, the special characteristic, capacity or status need not be present in the case of a natural person who, for the purpose of assessing the liability of a legal person for an offence, is deemed to be a person whose conduct is attributable to the legal person.

- (4) The provisions of paragraphs 1 to 3 shall also apply where,
- a) if the conduct of a natural person who, for the purpose of assessing the liability of a legal person for an offence, is considered to be a person whose conduct is attributable to the legal person, occurred before the legal person was established,
 - b) if the legal entity has been created but the court has ruled that the legal entity is invalid, or
 - c) if the legal act which was intended to create the authority to act on behalf of the legal person is invalid or ineffective.
- (5) The perpetrator is also a legal person who has used another legal person or a natural person different from the natural person to commit the offence, who, for the purpose of assessing the liability of the legal person for the offence, is considered to be a person whose conduct is attributable to the legal person, if these persons are not liable for the offence.
- (6) The liability of a legal person for an offence is not conditional on the identification of a specific natural person who is deemed to be a person whose conduct is attributable to the legal person. The administrative authority shall not be obliged to identify a specific natural person who, for the purpose of assessing the liability of a legal person for an offence, is considered to be a person whose conduct is attributable to the legal person, in particular where it is clear from the facts established that the conduct giving rise to the liability of the legal person for the offence occurred in the course of the activities of the legal person.
- (7) The liability of a legal person for an offence shall not affect the liability for an offence of the natural persons referred to in paragraphs 1 and 2, and the liability for an offence of those natural persons shall not affect the liability of a legal person for an offence.

§ 21

Exoneration of a legal person from liability for an offence

- (1) A legal person shall not be liable for an offence if it proves that it made all the efforts that could have been required to prevent the offence.
- (2) A legal person may not be exempted from liability for an offence if it has not exercised the obligatory or necessary control over a natural person who, for the purpose of assessing the liability of the legal person for the offence, is deemed to be a person whose conduct is attributable to the legal person, or if the necessary measures have not been taken to prevent or avert the offence.

Title IV**Liability of a natural person in business for an offence (§ 22-23)****§ 22****An entrepreneurial natural person as perpetrator**

- (1) An entrepreneurial natural person is an offender if the elements of the offence have been fulfilled in the course of or in direct connection with his or her business and the entrepreneurial natural person has violated a legal obligation imposed on the entrepreneurial natural person or natural person.
- (2) An entrepreneurial natural person is also an offender if the elements of an offence are fulfilled by the conduct of a natural person who, for the purpose of assessing the liability of an entrepreneurial natural person for an offence, is deemed to be a person whose conduct is attributable to the entrepreneurial natural person and who, in the course of the business of a person in relation to whom he or she is deemed to be a person whose conduct is attributable to the entrepreneurial natural person, or in direct connection therewith, or for the benefit of the entrepreneurial natural person or in his or her interest, has breached a legal obligation imposed on the entrepreneurial natural person or natural person.
- (3) For the purpose of assessing the liability of a natural person for an offence, a person whose conduct is attributable to an entrepreneurial natural person shall be deemed to be
 - a) an employee or a person in a similar position in the performance of the tasks arising from that position,
 - b) a natural person who performs the tasks of an entrepreneurial natural person,
 - c) a natural person used by a natural person in the course of his or her business, or
 - d) the natural person who acted on behalf of the natural person engaged in business, if the natural person engaged in business took advantage of the result of such action.

§ 23**Assessing the liability of an entrepreneurial natural person for an offence**

- (1) The provisions of Sections 20 and 21, with the exception of Sections 20(1) and (2) and (4)(a) and (b), shall apply mutatis mutandis to the liability of a natural person in business for an

offence.

- (2) If the natural person who is the offender ceases to be an entrepreneur, his liability for the offence shall not cease.

Title V

Circumstances precluding illegality (§ 24-28)

§ 24

Extreme emergency

- (1) An act otherwise punishable as a misdemeanour is not a misdemeanour if by it someone averts a danger directly threatening an interest protected by law.
- (2) It is not an extreme emergency if the danger could have been otherwise averted under the circumstances or if the consequence caused by such averting is obviously as serious or more serious than the one threatened or if the one threatened was obliged to bear it.

§ 25

Necessary defence

- (1) An act otherwise punishable as a misdemeanor is not a misdemeanor if by it someone averts a directly threatened or ongoing attack on an interest protected by law.
- (2) It is not a necessary defence if the defence was manifestly disproportionate to the manner of the attack.

§ 26

Consent of the injured party

- (1) An act otherwise punishable as a misdemeanour is not a misdemeanour if someone acts with the consent of a person whose interests, over which that person may lawfully make decisions without restriction, are affected by the act.
- (2) The consent referred to in paragraph 1 must be given voluntarily, definitely, seriously and intelligibly before or simultaneously with the act of the person committing the act otherwise punishable as an offence; if such consent is given after the act has been committed, it is not an

offence if the person acting could reasonably have foreseen that the person whose interests are affected would otherwise have given such consent in view of the circumstances of the case and his or her circumstances.

- (3) Except in cases of consent to medical interventions that are in accordance with the law and the knowledge of medical science and practice at the time of the offence, consent to bodily harm cannot be considered consent.

§ 27

Acceptable risk

- (1) An act otherwise punishable as a misdemeanour is not a misdemeanour if someone, in accordance with the state of knowledge and information available to him at the time of his decision to proceed, carries out a socially beneficial activity within the scope of his employment, profession, position or function or within the scope of his object of activity, by which he endangers or violates an interest protected by law, if the socially beneficial result cannot be achieved otherwise.
- (2) There is no tolerable risk if
- a) the activity referred to in paragraph 1 endangers the life or health of a person without his or her consent in accordance with other legislation,
 - b) the outcome to which the activity referred to in paragraph 1 is directed is clearly not commensurate with the level of risk, or
 - c) the carrying out of the activity referred to in paragraph 1 is manifestly contrary to the requirements of another legal provision, the public interest or the principles of humanity or is contrary to good morals.

§ 28

Authorised use of a weapon

No offence shall be committed by a person who uses a weapon within the limits laid down by another legal provision.

Title VI

Extinction of liability for the offence and liability of the successor in title (§ 29-34)

Episode 1**Extinction of liability for an offence (§ 29-32)****§ 29****Grounds for extinction of liability for an offence**

Liability for the offence is extinguished

- a) the expiry of the limitation period,
- b) death of a natural person,
- c) the dissolution of the legal person if it has no legal successor, or
- d) by declaring an amnesty.

§ 30**Length of the limitation period**

The limitation period is

- a) 1 year, or
- b) 3 years if the offence is an offence for which the law sets a fine of at least CZK 100,000.

§ 31**Running of the limitation period**

- (1) The limitation period shall begin to run on the day following the day on which the offence was committed; the day on which the offence was committed shall be understood to mean the day on which the act by which the offence was committed was completed. Where the offence is characterised by an effect, the limitation period shall begin to run on the day following the day on which such effect occurred.
- (2) The statute of limitations begins to run
 - a) in the case of a continuing offence, on the day following the day on which the last partial attack occurred,
 - b) in the case of a collective offence, on the day following the day on which the last attack occurred, and

- c)** in the case of a continuing offence, on the day following the day on which the unlawful condition was remedied.
- (3)** If the offender has committed more than one offence, the limitation period shall run separately for each of them.

§ 32

Suspension and interruption of the limitation period

- (1)** The period of limitation shall not include,
 - a)** ...during which time criminal proceedings were pending for the same offence,
 - b)** for which the misdemeanour proceedings were suspended because it could be expected that a penalty would be imposed on the accused for another offence in criminal proceedings, the administrative penalty that could be imposed in misdemeanour proceedings being irrelevant in addition to the penalty that could be imposed in criminal proceedings,
 - c)** during which the matter was the subject of administrative proceedings,
 - d)** during which the suspension of the administrative penalty lasted.
- (2)** The limitation period is interrupted
 - a)** the notice of initiation of the offence,
 - b)** by the issuance of the decision by which the accused is found guilty; if the first act in the proceedings is the issuance of an order, the limitation period shall be interrupted by its service,
 - c)** by issuing a decision approving the settlement agreement;the interruption of the limitation period starts a new limitation period.
- (3)** Liability for the offence shall expire no later than 3 years after its commission; if the offence is an offence for which the law provides for a fine with an upper limit of at least CZK 100,000, liability for the offence shall expire no later than 5 years after its commission. This period shall not include the period during which any of the facts referred to in paragraph 1 have persisted.

Episode 2

Liability of the successor in title for the offence (§ 33-34)

§ 33**Transfer of liability of a legal person for an offence**

- (1) The liability of a legal person for an offence is transferred to its legal successor.
- (2) If a legal person has several legal successors, each of them shall be liable for the offence as if he had committed the offence himself.

§ 34**Transfer of liability of an entrepreneurial natural person for an offence**

- (1) The liability of a natural person in business for an offence passes on his death to the person who continues his business activity.
- (2) If more than one person continues to carry on the business, each of them shall be liable for the offence as if he or she had committed the offence.

Title VII**Administrative penalties and their imposition (§ 35-50)****Episode 1****Types of administrative penalties and general principles for their imposition (§ 35-44)****§ 35****Types of administrative penalties**

The offence is punishable by an administrative penalty

- a) admonition,
- b) Fine,
- c) prohibition of activities,
- d) forfeiture of the item or replacement value,
- e) publication of the decision on the offence.

§ 36**Imposition of administrative penalties**

Source : <http://www.beck-online.cz>

An administrative penalty may be imposed alone or together with other administrative penalties; a warning may not be imposed together with a fine.

§ 37

Determination of the type and amount of the administrative penalty

In determining the type of administrative penalty and its level, account shall be taken in particular of

- a) the nature and gravity of the offence,
- b) the fact that any of several offences committed by one or more acts has not been decided in joint proceedings,
- c) aggravating and mitigating circumstances,
- d) in the case of an attempted offence, the extent to which the offender's conduct approached the completion of the offence, as well as the circumstances and reasons why the offence was not completed,
- e) the extent to which the conduct of each of the accomplices contributed to the commission of the offence,
- f) the personal circumstances of the natural person and whether and in what manner he or she has been punished for the same offence in proceedings before an administrative authority other than the proceedings for the offence,
- g) in the case of a legal person or natural person engaged in business, the nature of its activities,
- h) in the case of a legal successor, the extent to which the proceeds, benefits and other advantages of the offence have passed to him or her and, in the case of more than one legal successor, whether any of them continues the activity in which the offence was committed,
- i) in the case of a continuing, continuing and collective offence, whether the part of the act by which the offence was committed took place while a law was in force which provided for an administrative penalty for the offence which was lighter than the law in force at the completion of the act.

§ 38

Nature and gravity of the offence

The nature and gravity of the offence is determined in particular by

- a) the importance of the legally protected interest that has been violated or threatened by the

- offence,
- b)** the significance and extent of the consequence of the offence,
 - c)** the manner in which the offence was committed,
 - d)** the circumstances of the offence,
 - e)** in the case of a natural person, the type and degree of his or her culpability or motive,
 - f)** the length of time for which the unlawful act of the offender has lasted or for which the unlawful condition maintained by the unlawful act of the offender has lasted,
 - g)** the number of individual partial attacks that constitute a continuation of the offence.

§ 39

Mitigating circumstances

As a mitigating circumstance, account shall be taken in particular of the fact that the offender

- a)** committed the offence at an age close to that of a minor,
- b)** committed the offence in order to ward off an attack or other danger without fully meeting the conditions of necessary defence or extreme emergency, or exceeded the limits of another circumstance precluding unlawfulness,
- c)** assisted in eliminating the harmful consequences of the offence or voluntarily compensated for the damage caused,
- d)** reported the offence to the administrative authority and effectively assisted in its clarification, or
- e)** committed the offence under the influence of threat or coercion or under the pressure of subordination or dependence on another.

§ 40

Aggravating circumstances

As an aggravating circumstance, account shall be taken in particular of the fact that the offender

- a)** committed the offence by taking advantage of someone's vulnerability, subordination or dependence on another person,
- b)** committed multiple offenses,
- c)** has committed the offence repeatedly,

- d) has abused his or her employment, position or office to commit the offence,
- e) committed the offence as a member of an organised group, or
- f) committed an offence against a child, a person who is pregnant, sick, disabled, elderly or infirm.

§ 41

Imposing administrative penalties for multiple offences

- (1) For two or more offences committed by the same offender in a joint proceeding, the administrative penalty shall be imposed in accordance with the provision applicable to the most severely punishable offence. If the upper limits of the fines are the same, the administrative penalty shall be imposed in accordance with the provision applicable to the most serious offence.
- (2) Where two or more offences are dealt with jointly, the administrative authority may impose a fine at a higher rate by increasing the upper limit of the fine rate for the most serious offence by up to half, but not more than the sum of the upper limits of the fine rates for the individual offences dealt with jointly.
- (3) Another type of administrative penalty may be imposed together with an administrative penalty imposed pursuant to paragraph 1 or 2 if it could be imposed for one of the offences dealt with together.

§ 42

Conditional waiver of the imposition of an administrative penalty

- (1) The imposition of an administrative penalty may be conditionally waived if, in view of the nature and gravity of the offence committed, which has caused material damage (hereinafter referred to as "damage"), or the perpetrator has been unjustly enriched by its commission, and the personality of the perpetrator, it can reasonably be expected that the mere hearing of the matter before the administrative authority will be sufficient to remedy the offence.
- (2) In the case of a conditional waiver of the imposition of an administrative penalty, the offender shall be ordered to compensate for the damage caused by the offence or to hand over the unjustified enrichment obtained by the offence within a time limit set by the administrative authority, and the manner in which the offender is to do so shall also be determined; if the

offender fails to compensate for the damage caused by the offence or to hand over the unjustified enrichment obtained by the offence within the time limit set or fails to do so in the manner specified, the administrative penalty shall be imposed.

§ 43

Waiver of the imposition of an administrative penalty

- (1) The imposition of an administrative penalty may be waived if two or more offences committed by the same offender have not been the subject of joint proceedings and the administrative penalty imposed for any of these offences in separate proceedings may be considered equivalent to the administrative penalty that would otherwise have been imposed in the joint proceedings.
- (2) The imposition of an administrative penalty may also be waived if, in view of the gravity of the offence, the circumstances of its commission and the personality of the offender, it can reasonably be expected that the hearing before the administrative authority will be sufficient to remedy the offence.

§ 44

Exceptional reduction of the fine

- (1) A fine may be imposed in an amount lower than the statutory lower limit of the fine rate if
 - a) given the circumstances of the case and the personality of the offender, it is reasonable to expect that his rehabilitation can be achieved anyway,
 - b) the fine is imposed for an attempted offence,
 - c) a fine imposed within the lower limit of the statutory rate would be disproportionately severe in relation to the offender's circumstances; or
 - d) the offender committed the offence in order to repel an attack or other danger, without the conditions of necessary defence or extreme emergency being fully met, or exceeded the limits of another circumstance precluding unlawfulness.
- (2) If the amount of the fine is exceptionally reduced, a fine of at least one-fifth of the lower limit of the statutory fine rate must be imposed.

Episode 2

Individual administrative penalties and their enforcement (§ 45-50)**§ 45****Admonition**

When imposing a reprimand, the administrative authority shall warn the offender of the consequences of the offence which he/she faces under the law if he/she commits similar acts in the future.

§ 46**Fine**

- (1) A fine may be imposed in the amount provided for by law. If the amount of the fine is not fixed by law, the fine may be imposed in an amount not exceeding CZK 1 000.
- (2) The fine shall be payable within 30 days from the date on which the decision on the offence becomes final, unless the administrative authority sets a different deadline.

§ 47**Prohibition of activities**

- (1) An activity for which public authorisation is required or which the offender performs in an employment or other similar relationship may be prohibited if the offence was committed in the course of or in direct connection with the performance of that activity.
- (2) A prohibition of an activity may be imposed only if provided for by law and for a maximum period of time specified therein. If the duration of the prohibition of activities is not specified, the prohibition of activities may be imposed for a maximum of 3 years.
- (3) The period during which the offender is no longer allowed to carry out the activity on the basis of an official measure taken in connection with the offence under consideration shall be included in the period of prohibition.
- (4) After half of the period for which the prohibition of activity has been imposed has elapsed, the administrative authority which imposed the prohibition of activity may waive the execution of the remainder of the administrative penalty if the offender proves, by the manner of his/her life or by the implementation of effective measures, that its further execution is not necessary.

- (5) If a fine has been imposed together with the prohibition of activity and has not yet been paid, or has been paid only in part, the enforcement of the remainder of the prohibition of activity may not be suspended until the offender proves that he has paid the fine or the remainder thereof or until a decision has been taken to spread the payment of the fine over instalments or to postpone the payment of the fine.
- (6) An activity that is required by law to be carried out cannot be prohibited.

§ 48

The forfeiture of the thing

- (1) Forfeiture can only be imposed if it is an object,
 - a) that was used or intended to be used to commit the offence,
 - b) which the offender has obtained by or as a reward for the offence, or
 - c) which the offender has acquired, even if only in part, in exchange for the item referred to in point (b), unless the value of the item referred to in point (b) is negligible in relation to the value of the item acquired.
- (2) Forfeiture may be imposed only if the item belongs to the offender.
- (3) Forfeiture cannot be imposed if the value of the item is grossly disproportionate to the nature of the offence. Where the safety of persons or property or other similar general interest so requires, the value of the thing shall not be taken into account.
- (4) The state becomes the owner of the forfeited item.

§ 49

Forfeiture of replacement value

- (1) If the offender destroys, damages, alienates, conceals, renders useless or utilises the thing which could be declared forfeited before the forfeiture is imposed, or if he otherwise frustrates the forfeiture of such thing, he may be ordered to forfeit a substitute value up to an amount corresponding to the value of such thing.
- (2) The state becomes the owner of the forfeited replacement value.

§ 50

Publication of the decision on the offence

- (1) Publication of the decision on the offence may be imposed on a legal entity or an entrepreneurial natural person if the law so provides. When imposing this administrative penalty, the administrative authority shall ensure that the interference with the privacy of the offender is proportionate to the nature and gravity of the offence.
- (2) The decision on the offence can only be published after it has become final. The operative part of the offence decision shall be published. The operative part of the decision imposing the administrative penalty shall contain a time limit within which the decision shall be published. That period shall be not less than 2 months and not more than 6 months and shall begin on the date on which the decision becomes final.
- (3) Publication of the decision on the offence shall be made by publication in the public media and by posting on the official board of the administrative authority.
- (4) The publication of the decision on the offence by posting it on the official board of the administrative authority shall be carried out at its own expense by the administrative authority which issued the decision in the first instance, for at least 15 days and no longer than 2 months.
- (5) The publication of the decision on the offence in the public media designated by the administrative authority shall be ensured by the administrative authority at the expense of the offender.
- (6) If a final decision imposing an administrative penalty of publication of a decision on an offence (hereinafter referred to as the "original decision") is revoked in review or new proceedings on the offence or in administrative court proceedings, the administrative authority or court which revoked the original decision shall, within 30 days of the date of entry into force of the decision reversing the original decision, inform the administrative authority which issued the original decision of such decision; the administrative authority which issued the original decision shall publish any final decision annulling the original decision, at its own expense and in a manner similar to that in which the original decision was published.
- (7) The content of the published decision on the offence may not contain data enabling the identification of a person other than the offender.

Title VIII

Protective measures (§ 51-54)

§ 51**Types of protective measures**

The protective measures are

- a) restrictive measures and
- b) seize the item or replacement value.

§ 52**Restrictive measures**

- (1) The restrictive measure consists of a prohibition to visit designated public places or places where sports, cultural and other social events are held, or an obligation to refrain from contact with a specific person or a defined group of persons, or an obligation to undergo an appropriate programme for the management of aggression or violent behaviour.
- (2) A restrictive measure may be imposed on a natural person if the law so provides, provided that there is a direct link between the offence committed and the restrictive measure to be imposed.
- (3) Restrictive measures must be proportionate to the nature and gravity of the offence committed and the personal circumstances of the offender; they may be imposed only together with an administrative penalty for a maximum period of 1 year. Restrictive measures may also be imposed with effects outside the administrative district of the administrative authority imposing them.
- (4) Compliance with the restrictive measure imposed shall be monitored by the administrative authority which imposed it, if the restrictive measure has effects only in its administrative district. Where the restrictive measure has effects outside the administrative district of the administrative authority which imposed it, compliance with the restrictive measure shall be monitored within its administrative district by the administrative authority which imposed it and by the administrative authority of the same type as the one which imposed the restrictive measure and within whose administrative district the restrictive measure has effects.
- (5) The administrative authority which has imposed a restrictive measure with effects outside its administrative district shall inform the administrative authority of the same type in whose administrative district the restrictive measure has effects of this fact within 5 working days from the date of entry into force of the decision imposing the restrictive measure.

- (6) Where the nature of the restrictive measure makes it possible, compliance with it shall also be monitored by the Police of the Czech Republic, in whose territorial area the restrictive measure has effect, and by the municipal police, which exercises its jurisdiction in the administrative area of the municipality in which the restrictive measure has effect. The administrative authority which imposed the restrictive measure and the administrative authority of the same type in whose administrative district the restrictive measure has effect shall inform the Police of the Czech Republic and the municipal police of the restrictive measure imposed.
- (7) A restrictive measure consisting of an obligation to undergo an appropriate programme for the management of aggression or violent behaviour may be imposed on a natural person who has committed an offence which has in particular the characteristics of the use of violence in a family or partner relationship. When imposing a restrictive measure pursuant to the first sentence, the administrative authority shall, after consulting the offender, determine the specific type of appropriate programme, including its content, scope and method of implementation, in such a way that it takes into account the educational and preventive effects on the offender and at the same time corresponds to his individual needs. For the purpose of monitoring compliance with the restrictive measure, the administrative authority shall request a written report from the provider of the appropriate programme for the management of aggression or violent behaviour containing information on the offender's compliance with the conditions of the restrictive measure imposed. The offender shall pay the costs associated with the offender's participation in the aggression or violent behaviour management programme to the provider of the programme, unless the programme is provided free of charge.

§ 53

Preventing things

- (1) Where the forfeiture of an item referred to in section 48(1) has not been ordered, it may be ordered that such item be seized if
- a) within 60 days of the date on which the offence came to light, the facts justifying the initiation of offence proceedings against a person are not established,
 - b) belongs to an offender against whom proceedings for an offence cannot be brought or against whom an administrative penalty cannot be imposed for an offence,

- c) shall belong to the offender whose administrative penalty for the offence has been waived or suspended,
 - d) does not belong to the offender or does not belong to him in full, or
 - e) the owner of the item is unknown,
- and where the safety of persons or property or other similar general interest so requires.
- (2) Without fulfilling the conditions under paragraph 1, a decision may be taken to seize an item only if it is the proceeds of an offence, albeit not the immediate proceeds.
 - (3) The state becomes the owner of the thing seized.
 - (4) The seizure of an item cannot be decided upon if 5 years have passed since the offence was committed.

§ 54

Prevents replacement values

- (1) If the person to whom the thing which could be seized belongs destroys, damages, alienates, conceals, renders useless or makes use of it before seizure, or if he otherwise frustrates the seizure of such thing, he may be ordered to forfeit the replacement value up to an amount corresponding to the value of such thing.
- (2) The state becomes the owner of the seized replacement value.

Title IX

Special provisions on minors (§ 55-59)

§ 55

Youthful

A juvenile is a person who, at the time of the offence, has reached the age of fifteen and has not exceeded the age of eighteen.

§ 56

Imposition of an administrative penalty on a juvenile

When imposing an administrative penalty on a juvenile, account shall be taken of his or her personality, including his or her age and intellectual and moral maturity, as well as his or her personal circumstances, so as to ensure that his or her further development is as little endangered as possible.

§ 57

Fine

The upper limit of the fine rate for a juvenile is reduced by half, but may not exceed CZK 5 000; this does not apply if the juvenile is a natural person engaged in business.

§ 58

Prohibition of activities

- (1)** A prohibition of activity may not be imposed on a juvenile if the enforcement of this administrative penalty would hinder his preparation for his profession.
- (2)** A ban may be imposed on a juvenile for a maximum period of 1 year.

§ 59

Waiver of the imposition of an administrative penalty

The imposition of an administrative penalty on a juvenile may also be dispensed with if, in view of the nature of the offence committed and the juvenile's previous way of life, it can reasonably be expected that the imposition of a restrictive measure will ensure his or her rehabilitation better than an administrative penalty.

Part Three

Proceedings on offences (§ 60-102)

Title I

Jurisdiction of administrative authorities and changes in jurisdiction (§ 60-64)

§ 60

Subject matter jurisdiction

- (1) Unless otherwise provided by law, the municipal authority of the municipality with extended jurisdiction is the administrative authority competent to administer the proceedings.
- (2) The municipal authority is competent to deal with offences
 - a) against the order of public administration committed by violation of a duty set forth in a municipal or regional ordinance,
 - b) against order in local government,
 - c) against public order,
 - d) against civil coexistence and
 - e) against the property.

§ 61**Commission for the hearing of offences**

- (1) The mayor may establish commissions for the hearing of misdemeanors (hereinafter referred to as "commissions") as special bodies of the municipality. The Commission may hear offences against public order committed in violation of a duty laid down in an ordinance of the municipality or the county, offences against public order, offences against civil coexistence, offences against property and offences provided for by any other law. When establishing the commission, the mayor shall determine which offences the commission shall hear instead of the municipal authority.
- (2) The mayor appoints and removes the chairman of the commission and its other members. The chairperson of the commission shall meet the requirements of Section 111.
- (3) The Commission shall have an odd number of members.

§ 62**Local jurisdiction**

- (1) The administrative authority in whose administrative district the offence was committed has local jurisdiction.
- (2) If the local jurisdiction of the administrative authority cannot be determined pursuant to paragraph 1 or if the offence was committed abroad and the suspected offender is a citizen of

the Czech Republic or a stateless person who has been granted permanent residence in the territory of the Czech Republic, the administrative authority in whose administrative district the suspected offender has or last had permanent residence shall have local jurisdiction.

- (3) If the local jurisdiction of the administrative authority cannot be determined pursuant to paragraph 1 or if the offence was committed abroad and the suspected offender is a legal entity or a natural person doing business in the Czech Republic who has its registered office or carries out its business there or has its immovable property there, the administrative authority in whose administrative district the suspected offender has or last had its registered office, carries out or has carried out its business or has or had its immovable property, shall have local jurisdiction.
- (4) If the local jurisdiction of the administrative authority cannot be determined in accordance with the preceding paragraphs or if there are several administrative authorities with local jurisdiction, the proceedings shall be carried out by the administrative authority in whose administrative district the offence first came to light.

§ 63

Exclusion from hearing and deciding the case

- (1) If the suspected offence is committed by a territorial self-government unit whose authority is the competent administrative authority for the proceedings on this offence, the superior administrative authority shall, by resolution, delegate the proceedings on this offence to another subordinate administrative authority in its administrative district. A similar procedure shall be followed if the suspected offender is a member of the council of the local self-government unit whose authority is the competent administrative authority for the proceedings on this offence.
- (2) If the suspected offence is committed by a territorial self-government unit whose authority is the administrative authority of appeal against the administrative authority competent to proceed with this offence, the superior administrative authority of the administrative authority of appeal shall, by resolution, delegate the proceeding of this offence to another administrative authority competent in substance in the administrative district of the other administrative authority of appeal. A similar procedure shall be followed if the suspected offender is a member of the local government council of the local government unit whose body is the administrative authority of appeal against the administrative authority responsible

for the offence.

§ 64

Handing over the item

- (1) The administrative authority shall forward the case without delay and during the proceedings
 - a) to a law enforcement authority if the facts established indicate that a criminal offence has been committed, or
 - b) to the authority competent under another law to deal with an act which has the characteristics of an offence of a person referred to in section 4(4) or 4(5)(c), or of a person referred to in section 4(5)(a) and (b), if the act was not decided in the first instance.
- (2) The administrative authority shall immediately hand over the matter to the administrative authority having subject matter and local jurisdiction, if it does not have subject matter or local jurisdiction. The competent administrative authority may make use of the documents transmitted, provided that this does not prejudice the rights of the parties to the proceedings.
- (3) The administrative authority shall issue a resolution on the transfer of the case, which shall only be noted in the case file.

Title II

Legal relations with foreign countries (§ 65)

§ 65

Conducting legal relations with foreign countries

- (1) When requesting a foreign administrative authority to provide legal assistance, when providing legal assistance to a foreign administrative authority, when serving a document in relations with a foreign country and when recognising and enforcing a foreign administrative authority's decision imposing an administrative penalty, the procedure in matters relating to offences shall be in accordance with an international treaty which forms part of the legal system of the Czech Republic or with the law.
- (2) Unless an international treaty provides for national jurisdiction to

- a) dealing with a request for legal aid from a foreign administrative authority,
 - b) providing legal assistance to a foreign administrative authority,
 - c) the service of documents in dealings with foreign countries, or
 - d) recognition and enforcement of a foreign decision imposing an administrative penalty,
- the competent authority shall be the administrative authority competent in terms of subject matter and location, which shall communicate with the foreign administrative authority through its central administrative authority, within whose competence the matter to be decided falls.

Title III

Service of process (§ 66-67)

§ 66

Service by public notice

Where service is effected by public notice, the administrative authority shall proceed by posting on the official notice board only a notice of the possibility to receive the document to be served.

§ 67

Service by proxy

If it is not possible to serve the party's representative, the administrative authority shall serve the party only.

Title IV

Parties to the proceedings, other persons appearing in the proceedings and the child welfare authority (§ 68-72b)

§ 68

Parties to the proceedings

The party to the proceedings is

- a) the accused,

- b) the injured party in the part of the proceedings relating to his claim for damages or unjust enrichment; and
- c) the owner of the thing which may be or has been seized, in the part of the proceedings relating to the seizure of the thing or its replacement value.

§ 69

Accused

- (1) The suspected offender becomes the accused as soon as the administrative authority takes the first action in the proceedings against him.
- (2) Until the guilt of the accused has been established by a final decision on the offence, he or she is considered innocent. In case of doubt, the administrative authority shall decide in favour of the accused.

§ 70

Damaged

- (1) The administrative authority shall immediately inform the person to whom the damage was caused by the commission of the offence or at whose expense the accused was enriched by the commission of the offence, if known, of the possibility of claiming compensation for damage or of claiming the release of unjust enrichment and of the oral hearing ordered. At the same time, he or she shall inform that person that he or she may claim compensation for damage or unjust enrichment no later than at the first oral hearing or within such other period as he or she may specify. If the notification of the person referred to in the first sentence would involve disproportionate difficulty or expense, the administrative authority shall serve it by public notice; the provisions of Section 66 shall not apply.
- (2) A person who has been harmed by the commission of an offence or at whose expense the accused has been unjustly enriched by the commission of an offence becomes the victim by asserting a claim for compensation for damage or a claim for the recovery of unjust enrichment. The claim for compensation for damage or the claim for unjust enrichment may be lodged with the administrative authority at the latest at the first oral hearing or within the time limit set by the administrative authority if no oral hearing is held, if the claim has not already been decided in civil or other proceedings, or if such proceedings are not pending. If a

person who has suffered damage or has been unjustly enriched by the commission of an offence has made a claim for compensation for such damage or for the recovery of such unjust enrichment in a previous criminal proceeding concerning the same act, he or she shall become an aggrieved party when the proceedings are instituted.

- (3) If a person claims compensation for damage caused by the commission of an offence or for the recovery of unjust enrichment by which the accused has been enriched at his or her expense by the commission of an offence, and such claim has already been decided in civil or other proceedings or is pending, the administrative authority shall inform him or her of the impossibility of deciding on compensation for such damage or on the recovery of such unjust enrichment; if civil or other proceedings for compensation for damage caused by the offence or for the recovery of unjust enrichment are pending, it shall also inform the person of the outcome of the proceedings for the offence.

§ 71

Person directly affected by the offence

A person directly affected by the commission of an offence shall have the right to be informed of the initiation or continuation of proceedings to which he or she has consented, as well as of proceedings which may be initiated or continued without such consent, and shall have the right to propose evidence and make other proposals throughout the proceedings, the right to be informed of the proceedings, the right to be heard in the proceedings, the right to inspect the file, the right to participate in oral hearings and to be present at all proceedings, the right to be heard on the substance of the decision before the decision is given and the right to be notified of the decision.

§ 72

The legal representative and guardian of the accused juvenile and the child welfare authority

- (1) The legal representative and guardian of the juvenile defendant and the social and legal protection authority for children have the right to be notified of the commencement of the proceedings, the right to propose evidence and make other proposals throughout the proceedings, the right to be provided with information about the proceedings necessary to defend the rights and legitimate interests of the juvenile defendant, the right to express his or her opinion in the proceedings, and the right to inspect the case file, the right to participate in oral hearings and to be present at all proceedings, the right to be heard on the basis of the

decision before the decision is issued, the right to be notified of the decision, the right to appeal in favour of the juvenile defendant against the decision on the offence or against the decision to approve a settlement agreement, and the right to apply for a retrial or for a new decision. The legal representative and guardian of the juvenile defendant shall have the right to choose a proxy for the juvenile defendant.

- (2) If the legal guardian or custodian of the accused juvenile is also charged with the same offence and if the accused juvenile has no other legal guardian or custodian, only the child welfare authority shall exercise the rights referred to in paragraph 1. The administrative authority shall decide on this by a resolution which shall be notified only to the juvenile accused, his legal representative, guardian and the child welfare authority.
- (3) Where there is a reasonable apprehension that the legal representative or guardian of the juvenile defendant will not properly protect the interests of the juvenile defendant, only the child welfare authority shall exercise the rights referred to in paragraph 1. The administrative authority shall decide on this by a resolution which shall be notified only to the juvenile defendant, his legal representative, guardian and the child welfare authority.

§ 72a

Protection of persons appearing in misdemeanour proceedings

- (1) The administrative authority shall exclude from inspection of the file information on the place of permanent residence or domicile, delivery address, place of employment, profession or business of persons appearing in the proceedings on an offence at their request, if the protection of their privacy or security so requires. The administrative authority shall decide on the request pursuant to the first sentence by way of a resolution.
- (2) The data referred to in paragraph 1 shall be excluded from inspection of the file if access to such data has been restricted in a previous criminal proceeding concerning the same act, if this fact is known to the administrative authority. A record shall be made in the file of the exclusion from consultation of the file.

§ 72b

Inadmissible representation

The administrative authority shall decide by resolution not to accept representation by proxy if the agent acts repeatedly in misdemeanour proceedings in different cases, unless the agent is a lawyer or other person providing legal services on a regular basis and for remuneration under another law.

Title V

Pre-initiation procedure (§ 73-76)

§ 73

Notification of an offence

If an authority of the Police of the Czech Republic or the Military Police (hereinafter referred to as "police authority") or another administrative authority has a reasonable suspicion that an offence has been committed and is not itself competent to deal with it, it shall notify the competent administrative authority of this fact without undue delay. In the notification, he shall indicate in particular who is suspected of the offence, if known to him, a description of the act in which the offence is suspected, the place and time at which the offence is suspected to have been committed, the statutory provision containing the facts of the offence in question and the evidence known to him.

§ 74

Notification of an offence by a police authority in special cases

- (1)** The police authority shall make the necessary enquiries to identify the person suspected of committing the offence and to secure the evidence necessary for later evidence before the administrative authority if the circumstances suggest that an offence has been committed
- a)** against public order,
 - b)** against civil coexistence resulting in bodily harm ,
 - c)** against the property,
 - d)** against the order of public administration committed by violation of a duty set forth in a municipal or regional ordinance,
 - e)** against order in local government,
 - f)** under the **Road Traffic Act**, unless it is an offence by the vehicle operator under Section 125f,

- g)** in the field of fire protection, or
 - h)** provided for by another law.
- (2)** The police authority shall draw up an official record of the facts found and attach it to the notification. The police authority shall notify the competent administrative authority within 30 days of becoming aware of the offence.
- (3)** Police authority
 - a)** refer the matter to the competent authority if the conduct is an offence or if the facts established indicate that it is a criminal offence; or
 - b)** postpone the matter if the offence is not suspected or cannot be dealt with, or if it does not discover within 30 days of the date on which it became aware of the offence facts justifying the suspicion that a person has committed it; if the reasons for postponement no longer apply, it shall report the matter unless it is otherwise appropriate to deal with the matter.
- (4)** Upon request, the police authority shall inform the person reporting the offence within 30 days of the measures taken.

§ 75

Interaction

- (1)** The public authority shall, without undue delay, at the request of the competent administrative authority, carry out the actions necessary to investigate the notification of the offence, to hear the offence and to enforce the decision. If the public authority is not competent to carry out the requested acts, it shall not carry them out and shall inform the competent administrative authority thereof.
- (2)** At the request of the competent administrative authority, the public authority shall provide it without undue delay with the information necessary for the investigation of the notification of the offence, for the hearing of the offence and for the enforcement of the decision.
- (3)** If an offence exhibiting signs of the use of violence in a family or partner relationship has been committed against a person under the age of 18, or if a person under the age of 18 has witnessed an offence exhibiting signs of the use of violence in a family or partner relationship, the competent administrative authority shall inform the child welfare authority thereof without undue delay and shall also inform the child welfare authority of all relevant facts

which it has discovered.

§ 76

Postponement of the case

- (1)** The administrative authority shall, without initiating proceedings, adjourn the case by order if
- a)** the notification received does not justify the initiation of offence proceedings or the transfer of the case,
 - b)** the suspected offender enjoys privileges and immunities under international law,
 - c)** the suspected offender enjoys privileges and immunities under another law ,
 - d)** the suspected offender was under 15 years of age at the time of the offence,
 - e)** the suspected offender was not responsible for the offence at the time of the offence due to insanity,
 - f)** liability for the offence has ceased,
 - g)** another administrative authority has previously initiated proceedings under this Act against the same person for the same offence,
 - h)** the natural person or the natural person suspected of committing the offence has died, unless the liability of the natural person in business for the offence has passed to the person who continues his or her business activity,
 - i)** the legal person has ceased to exist, unless liability for the offence has been transferred to its legal successor,
 - j)** the act has already been finally decided upon by an administrative or law enforcement authority in the manner referred to in Section 77(2),
 - k)** the act has already been adjudicated as a disciplinary offence and the measure imposed can be considered sufficient, or
 - l)** fails to establish, within 60 days of the receipt of the notification or the date on which he became aware of the offence, facts justifying the initiation of proceedings against a person.
- (2)** The administrative authority shall, without initiating proceedings, adjourn the case by order if criminal proceedings are pending in respect of the same act.
- (3)** The order to adjourn the case pursuant to paragraphs 1 and 2 shall merely be noted in the case-file. The administrative authority shall inform the person concerned by the conduct of the

suspected offender, if known to him, of the adjournment. If the notification of the person referred to in the second sentence would involve disproportionate difficulty or expense, the administrative authority shall serve it by public notice; the provisions of Section 66 shall not apply.

- (4) The administrative authority shall, without initiating proceedings, adjourn the case by order if the person directly affected by the offence has not consented to the initiation of proceedings or has withdrawn such consent, unless the offence is one which can be dealt with without such consent; the order shall merely be noted in the file and the person directly affected by the offence shall be informed of it in an appropriate manner.
- (5) The administrative authority, without initiating the proceedings, may further postpone the matter by order if
- a) the suspected offender has committed several offences in one act which have not been dealt with in joint proceedings and the administrative penalty imposed for any one of them can be considered sufficient, or
 - b) the administrative penalty that may be imposed for the offence is irrelevant in addition to the penalty imposed on the suspected offender in criminal proceedings for another offence;

the resolution shall be notified to the suspected offender; the administrative authority shall inform the person affected by the conduct of the suspected offender, if known. If the notification of the person concerned by the conduct of the suspected offender would involve disproportionate difficulty or expense, the administrative authority shall serve it by public notice; the provisions of Section 66 shall not apply.

- (6) If the administrative authority postpones the case pursuant to paragraph 1(d), it shall notify the social-legal protection authority for children and the legal representative or guardian of the child. In doing so, it shall inform them of all relevant circumstances which it has ascertained in connection with the act.

Title VI

Procedure (§ 77-92)

Episode 1

Initiation of proceedings (§ 77-79)

§ 77**Obstacles to driving**

- (1) No person shall be charged with the same offence for an act in respect of which proceedings have already been instituted against the same person under this Act or in criminal proceedings.
- (2) No one may be charged with an offence for an act which has already been finally decided in another proceeding against the same person. A decision pursuant to the first sentence means a decision that the act did not occur, was not committed by the accused, the commission of the act could not be proved by the accused, or that the act constitutes a criminal offence or an identical offence or is not an offence, that the criminal prosecution has been suspended, that the criminal prosecution has been discontinued on the basis of an approved settlement, that the filing of a petition for punishment has been suspended or that the criminal prosecution of a juvenile has been abandoned.

§ 78**Initiation of proceedings ex officio**

- (1) The administrative authority shall initiate proceedings for any offence it finds and proceed ex officio.
- (2) Proceedings shall be initiated by serving a notice of initiation of proceedings on the suspected offender or by the oral announcement of such notice. On request, the administrative authority shall issue a certificate of the oral announcement of the notice of initiation of proceedings to the parties to the proceedings. The joint proceedings shall be initiated by service of the notice of initiation on all suspected offenders.
- (3) The notice of initiation of the offence procedure shall contain a description of the offence to be adjudicated and its preliminary legal qualification.
- (4) If the proceedings are also to be decided on an act other than that for which the initiation of the proceedings was notified, the administrative authority shall proceed in accordance with paragraphs 2 and 3 mutatis mutandis. If, in the course of the proceedings, the administrative authority changes the legal classification of the act, it shall inform the accused thereof.

§ 79

Initiation of proceedings with the consent of the person directly affected by the offence

- (1) Proceedings for an offence for which another law so provides may be commenced and proceedings already commenced continued only with the consent of the person directly affected by the commission of the offence. If there are several persons directly affected by the commission of the offence, the consent of only one of them shall be sufficient.
- (2) The administrative authority shall inform the person directly affected by the offence, if known to it, of the right under paragraph 1 and shall set a time limit for him to give his consent. The time limit shall not be less than 30 days.
- (3) The person directly affected by the commission of the offence may withdraw the consent referred to in paragraph 1 at any time until a decision on the appeal has been taken.
- (4) A person directly affected by the commission of an offence may not give consent under paragraph 1 if he has not given it within the time limit referred to in paragraph 2 or has already withdrawn it.
- (5) If a person under the age of 18 has been affected by the commission of an offence or if the offence has been the reason for the expulsion from the common dwelling, the administrative authority shall initiate proceedings or continue proceedings already initiated without the consent of the person directly affected by the offence.

Episode 2**Course of proceedings (§ 80-87)****§ 80****Oral hearing**

- (1) The administrative authority may order an oral hearing.
- (2) The administrative authority shall order an oral hearing at the request of the accused if this is necessary for the exercise of his rights; otherwise, it shall reject the application by a decision which shall be notified only to the accused. The accused shall be informed of his right to request an oral hearing. The administrative authority shall order an oral hearing even without the accused's request if this is necessary to establish the state of the case. The administrative authority of first instance shall also order an oral hearing without the accused's request if the accused is a juvenile.

- (3) The administrative authority may order an oral hearing at the request of the aggrieved party if this is necessary to decide on a claim for compensation for damages or a claim for unjust enrichment. The injured party shall be informed of his right to request an oral hearing. The rejection of the injured party's request for an oral hearing shall be decided by order, which shall be notified only to the injured party.
- (4) The administrative authority shall summon the parties to the proceedings to an oral hearing. An oral hearing may be held without the presence of the accused only if he has been duly summoned and consents to the holding of the oral hearing without his presence or if he fails to appear at the summons without due excuse or without sufficient reason.

§ 81

Follow-up management

In the proceedings following an inspection, the facts established during the inspection may be the sole basis for the decision on the offence.

§ 82

Proving

- (1) The administrative authority may question the accused; if it is necessary for the exercise of the rights of the accused, the administrative authority shall conduct the questioning. The interrogation of the accused may not be carried out under the same conditions under which a witness may not be interrogated.
- (2) The accused has the right to remain silent. The administrative authority may not compel the accused to give evidence or confess. The administrative authority shall inform the accused of his right to remain silent and of the prohibition against interrogation before the interrogation.
- (3) The parties have the right to ask questions of each other, witnesses and experts. The legal representative and guardian of a juvenile defendant, the person directly affected by the commission of the offence, who has rights in the proceedings pursuant to Section 71, and the child welfare authority shall have the right to ask questions of the parties, witnesses and experts. The person questioned has the right to refuse to answer and may not be questioned under the same conditions as a witness. The administrative authority shall inform the person concerned of his or her right to remain silent and of the prohibition on questioning.

- (4) The administrative authority shall question a witness who is under 15 years of age only in necessary cases; the administrative authority shall proceed with particular care in the questioning and at the same time so that the questioning does not have to be repeated. The legal representative or guardian of the person being questioned may be present during the questioning, provided that their presence is not prejudicial to the rights of the person being questioned. The administrative authority shall invite a social and legal protection authority for children or another person experienced in the education of young people to the interrogation if, in view of the subject matter of the interrogation and the degree of mental development of the person being interrogated, he or she would contribute to the proper conduct of the interrogation. A witness who is a person under 15 years of age may be questioned only by an authorised official.

§ 83

Performance bond

- (1) In order to ensure the purpose of the proceedings, the administrative authority may impose on the accused a guarantee for the fulfilment of an obligation that could be imposed in the misdemeanour proceedings, if it has reasonable grounds to suspect that the accused will avoid punishment for the misdemeanour or the execution of an administrative penalty or will obstruct or hinder the misdemeanour proceedings, the execution of an administrative penalty or the compensation of damages or the delivery of unjustified enrichment to the victim. A guarantee for the fulfilment of the obligation referred to in the first sentence may be imposed on a person suspected of having committed an offence even before the commencement of the offence proceedings.
- (2) If the grounds for the imposition of the guarantee cease to exist, the administrative authority shall revoke the decision on the imposition of the guarantee and return it to the accused.
- (3) A performance bond may also be lodged by means of an order or, where applicable, by means of an order block if it is a monetary performance bond.

§ 84

Dissolution, dissolution and transformation of a legal person

- (1) The administrative authority shall prohibit the dissolution, termination or transformation of the accused legal person if it has reasonable grounds to suspect that the legal person could, by

its dissolution, avoid punishment for an offence or the enforcement of an administrative penalty or that it could frustrate the satisfaction of a claim for compensation for damages or a claim for the release of unjust enrichment, unless such a procedure is manifestly disproportionate in view of the nature and gravity of the offence with which it is charged. Where a legal person has been established for a definite period of time or for a definite purpose and, after the commencement of the proceedings for the offence, the period for which it was established has expired or the purpose for which it was established has been fulfilled, it shall, from that moment until the final conclusion of the proceedings, be regarded as if it had been established for an indefinite period of time.

- (2) A decision prohibiting dissolution, winding-up or conversion shall be notified only to the accused legal person; an appeal against such a decision shall have no suspensive effect. The administrative authority shall lift the prohibition if the reasons for its issuance no longer exist.
- (3) The decision on the prohibition of the dissolution, termination or conversion of a legal person shall be revoked by the administrative authority if all obligations imposed on the legal person as the perpetrator of the offence by a final decision on the offence have been fulfilled or if a decision on the discontinuance of the proceedings on the offence has entered into force. A decision under the first sentence may be the first act in the proceedings.
- (4) The administrative authority shall notify the public authority or the person who maintains the public register or other register, register or register of legal entities designated by law of the prohibition under paragraph 1 and of its lifting. The public authority or the person keeping the public register or other statutory register, register or register of legal persons shall not, after notification of the prohibition referred to in paragraph 1, enter the dissolution or transformation of the legal person in such register, register or register, or effect its deletion, unless the administrative authority has notified them of the lifting of the prohibition.
- (5) If the administrative authority issues a prohibition pursuant to paragraph 1, the accused legal person shall not be dissolved, terminated or converted.
- (6) For the purposes of this Act, a transformation shall be understood as a merger, amalgamation or division of a legal entity, transfer of assets to a shareholder, change of the legal form of a legal entity or relocation of the registered office of a legal entity abroad.

§ 85

Suspension of proceedings

- (1) The administrative authority shall also suspend the proceedings by order if a cassation complaint has been lodged in the same case under the Administrative Procedure Code.
- (2) The administrative authority may, by order, stay the proceedings if the accused is unable to understand the meaning of the proceedings because of a temporary mental disorder which occurred after the commission of the act which is the subject of the proceedings.
- (3) The administrative authority may suspend the proceedings by order if a penalty can be expected to be imposed on the accused for a different act in criminal proceedings, while the administrative penalty that can be imposed in the misdemeanour proceedings is irrelevant in addition to the penalty that can be expected to be imposed in criminal proceedings.

§ 86

Suspension of proceedings

- (1) The administrative authority shall, by order, discontinue the proceedings if
 - a) the act in question has not become or is not an offence,
 - b) the act was not committed by the accused,
 - c) the commission of the offence at issue has not been proved,
 - d) the accused enjoys privileges and immunities under international law,
 - e) the accused enjoys privileges and immunities under another law ,
 - f) the accused was under 15 years of age at the time of the offence,
 - g) the accused was not responsible for the offence at the time of the offence due to insanity,
 - h) liability for the offence has ceased,
 - i) another administrative authority has previously initiated proceedings under this Act against the same person for the same offence,
 - j) the act has already been finally decided upon by an administrative or law enforcement authority in the manner referred to in Section 77(2),
 - k) the accused has died or ceased to exist,
 - l) the act has already been decided as a disciplinary offence and the measure imposed can be considered sufficient,
 - m) the administrative authority finds in the course of the proceedings that the offence is an offence which can be dealt with only with the consent of the person directly affected by

the offence and that consent has not been given, or

- n)** the person directly affected by the commission of the offence has withdrawn his consent to the initiation or continuation of the proceedings, unless the offence is one which can be dealt with without such consent.
- (2)** The order staying the proceedings under paragraph 1(d), (e), (f), (i), (j), (k), (m) and (n) shall merely be recorded in the file.
- (3)** If the proceedings have been discontinued pursuant to paragraph 1(d) or (e), the accused has ceased to be a person enjoying privileges and immunities under another law or international law, and if there are no other grounds for discontinuing the proceedings pursuant to paragraph 1, 4 or 5, the administrative authority shall commence the proceedings.
- (4)** The administrative authority shall discontinue the offence proceedings by a resolution if criminal proceedings are being conducted in respect of the same act. Proceedings may be reopened after the conclusion of the criminal proceedings in respect of that act, unless it has been decided that the act did not occur, was not committed by the accused, the accused failed to prove that the act was committed, or that the act constitutes a criminal offence, the criminal prosecution has been suspended, the criminal prosecution has been discontinued on the basis of an approved settlement, the filing of a petition for punishment has been suspended or the prosecution of a juvenile has been abandoned.
- (5)** The administrative authority may, by resolution, discontinue the proceedings if the administrative penalty that may be imposed for the offence is insignificant in addition to the penalty imposed on the accused for another act in the criminal proceedings.
- (6)** If the administrative authority discontinues the proceedings pursuant to paragraph 1(f), it shall notify the social-legal protection authority for children and the legal representative or guardian of the child. In doing so, it shall inform them of all relevant circumstances which it has established in connection with the act.

§ 87

Straightening

- (1)** The administrative authority shall, by decision, approve a settlement agreement between the accused and the victim if

 - a)** such method of dealing with the case is not contrary to the public interest and is sufficient in view of the nature and gravity of the offence, the extent to which the public

interest has been affected by the offence and the person of the accused and his personal circumstances,

- b)** the accused declares that he has committed the act for which he is being prosecuted if there is no reasonable doubt that his declaration was made freely, seriously and definitely,
 - c)** the accused has compensated the victim for the damage or has given him unjust enrichment; and
 - d)** the accused deposited a sum of money in the account of the administrative authority for public benefit.
- (2)** The recipient, the amount of the fine referred to in paragraph 1(d) and the time limit for payment shall be determined by the administrative authority at the request of the accused. The amount shall not be manifestly disproportionate to the nature and gravity of the offence and the amount of the fine that may be imposed for that offence.
- (3)** Before issuing a decision under paragraph 1, the administrative authority shall hear the accused and the victim about the manner and circumstances of the conclusion of the settlement agreement, whether the settlement agreement between them was concluded voluntarily and whether they agree to its approval. At the same time, he shall inform the accused of the legal consequences of the approval of the settlement agreement.
- (4)** Only the State, a region, a municipality, a State fund, a State contributory organisation, a contributory organisation of a local self-government unit, a registered church or religious society or a legal person, association, public benefit legal person, foundation, public university or voluntary association of municipalities may be a beneficiary of the amount referred to in paragraph 1(d).
- (5)** The legal force of the decision under paragraph 1 shall terminate the proceedings.

Episode 3

Special types of proceedings (§ 88-92)

§ 88

Joint management

- (1)** If the suspect has committed more than one offence, the facts of which relate to breaches of

legal obligations occurring in the same area of public administration, and the same administrative authority is competent to deal with them, they shall be dealt with in joint proceedings.

- (2) In a joint proceeding, multiple suspected offences shall also be dealt with if they are related, the facts of which concern breaches of legal obligations occurring in the same area of public administration and the same administrative authority is competent to deal with them.
- (3) An offence committed after the commencement of proceedings for another offence shall not be dealt with in the joint proceedings.
- (4) Where several suspected juveniles have committed several related offences, the facts of which concern breaches of legal obligations occurring in the same area of public administration, and the same administrative authority is competent to decide on these offences, they shall be dealt with in joint proceedings if this is appropriate in terms of establishing the state of the case, the economy and speed of the proceedings and taking into account the persons of the suspected juveniles. Where a suspected juvenile and another suspected juvenile have committed several related offences, the facts of which concern breaches of legal obligations occurring in the same area of public administration, and the same administrative authority is competent to decide on these offences, they shall be dealt with in joint proceedings if this is necessary in order to establish the facts of the case and is not detrimental to the suspected juvenile.
- (5) In order to expedite the proceedings or for any other important reason, an individual act may be excluded from the joint proceedings by order and a separate proceeding may be conducted.

§ 89

Proceedings for damages and unjust enrichment

- (1) The administrative authority shall press the accused to voluntarily compensate for the damage caused by the commission of the offence or to hand over the unjust enrichment obtained at the expense of the victim by the commission of the offence, if the victim made such a claim in the proceedings for the offence or in the previous criminal proceedings.
- (2) The administrative authority shall impose on the accused the obligation to compensate the victim for the damage if the damage was caused by the commission of the offence, has not been voluntarily compensated by the accused and its amount has been reliably established;

otherwise, it shall not grant the victim a claim for compensation and shall refer the victim to a court or other public authority. It shall also proceed in a similar manner where the determination of the damage would lead to considerable delays in the proceedings.

- (3) Compensation for damages may also be awarded only in part of the claim; for the rest, the administrative authority shall not award the claim for compensation to the victim and shall refer the victim to a court or other public authority.
- (4) If the damage has been compensated, the administrative authority shall inform the injured party of the impossibility of deciding on the claim.
- (5) If the victim claims compensation for damages late, the administrative authority shall refer the victim to a court or other public authority by order and inform him or her of the outcome of the offence proceedings.
- (6) Paragraphs 2 to 5 shall apply mutatis mutandis when deciding on a claim for the recovery of unjust enrichment obtained by committing an offence at the expense of the victim.

§ 90

Command

- (1) The administrative authority may decide on the offence by order. The order may impose an administrative penalty of a warning, a fine, a prohibition of activity, or forfeiture of property or substitute value.
- (2) The order cannot be used to decide
 - a) in proceedings initiated with the consent of the person directly affected by the offence,
 - b) a claim for damages or for unjust enrichment, or
 - c) where an administrative penalty is to be imposed on a minor, except for an administrative penalty of a fine imposed by an on-the-spot order, or on a person with reduced legal capacity.
- (3) If the order has been resisted, no other type of administrative penalty may be imposed on the accused in the proceedings, except for a warning or a higher administrative penalty than that imposed by the order; this does not apply if the administrative authority changes the legal classification of the act in the proceedings.

§ 91

Imposition of a fine by on-the-spot order

- (1)** The administrative authority may only impose a fine by means of an on-the-spot order if the agreement is not sufficient and the accused or the person acting for the accused, who is a legal or natural person, agrees with the established state of the case, the legal qualification of the act, the imposition of the fine and its amount and the issuance of the order block. The on-the-spot order may impose a fine of no more than CZK 10 000. A fine of not more than CZK 2 500 may be imposed on a juvenile defendant by means of an on-the-spot order; this shall not apply if the juvenile is a natural person engaged in business.
- (2)** In addition to the competent administrative authority, a fine by way of an on-the-spot order may be imposed by
- a)** authority of the Police of the Czech Republic for an offence against order in the state administration committed by violation of an obligation stipulated in a municipal or regional ordinance, for an offence against order in the territorial self-government, for an offence against public order, an offence against civil coexistence and an offence against property,
 - b)** the Military Police authority for an offence against order in the state administration or for an offence in the field of general internal administration, if it occurred in the field of state administration within the competence of the Military Police, for an offence against public order, against civil coexistence and an offence against property, if it is an offence of a person pursuant to Section 3 (b) or (c) of the Military Police Act,
 - c)** the state mining administration authority for an offence against the order in the state administration, if it has violated the obligations arising from the provisions of the mining regulations within the competence of the state mining administration authorities,
 - d)** the labour inspection authority for an offence against public order in the public administration, if the offence was committed by an employee in his workplace or by an entrepreneur on his premises, and
 - e)** a municipal police officer for an offence, the hearing of which is within the competence of the municipality, for an offence against civil coexistence, unless committed in violation of **the Road Traffic Act**, and for an offence against public order committed by unauthorised parking of a vehicle on a local road or a section thereof, which may be used for parking according to the municipal ordinance only for a price agreed in accordance with the pricing regulations and in compliance with the conditions laid down in this ordinance.

§ 92**On-site command and command block**

- (1)** If the on-the-spot order imposes a fine or a financial guarantee for the fulfilment of an obligation, the accused shall receive an order block. On signature of the order form by the accused, the on-the-spot order shall become a final and enforceable decision. If the accused is unable to fulfil the financial obligation on the spot, a warrant block shall be issued for the unpaid financial obligation on the spot, with instructions on the method of payment, the time limit for payment and the consequences of non-payment.
- (2)** The command block will state
- a)** the name, if any, and surname of the accused or of the person acting for the accused who is a legal person or a natural person engaged in business, and the name of the legal person,
 - b)** the date of birth of the accused or the personal identification number, if the accused is a legal person or a natural person engaged in business, if assigned,
 - c)** the address of the place of permanent residence of the accused or of the person acting for the accused who is a legal person or a natural person engaged in business, or, where applicable, the address of the place of registered residence of the foreigner if he/she has registered residence in the territory of the Czech Republic, or the address of the registered office of the accused if he/she is a legal person or a natural person engaged in business, or the address of the place where his/her immovable property is located, or the address of the place where he/she carries out his/her business if he/she does not have a registered office in the territory of the Czech Republic or cannot be identified and has immovable property in the territory of the Czech Republic or carries out his/her business there,
 - d)** the signature of the accused or of the person acting for the accused who is a legal person or a natural person engaged in business,
 - e)** a description of the act, indicating the place, time and manner of its commission or, in the case of a performance bond, a description of the findings of fact,
 - f)** the legal qualification of the act, including the form of fault and the provisions of the legal regulation on the basis of which the obligation is imposed,
 - g)** the amount of the fine or performance guarantee imposed,
 - h)** designation of the administrative authority,

- i) the name, surname and function of the authorised official, or the service number or identification number of the authorised official,
 - j) signature of an authorised official,
 - k) the date and place of issue of the command block; and
 - l) an instruction that the signature of the accused or of a person acting on behalf of the accused who is a legal or natural person, shall make the order block a final and enforceable decision.
- (3) The administrative authorities shall take the order blocks from the competent customs office if the proceeds accrue to the state budget or other public budget, except the budget of the region or the budget of a municipality, and from the regional authority if the proceeds accrue to the budget of the region or the budget of a municipality. Warrant blocks shall be issued by the Ministry of Finance.

Title VII

Decision on the offence (§ 93-94)

§ 93

The operative part of the decision on the offence

- (1) The operative part of the decision on the offence of which the accused is found guilty shall, in addition to the particulars under the **Administrative Code**, state
- a) a description of the act, specifying the place, time and manner of its commission,
 - b) the legal qualification of the act,
 - c) a plea bargain,
 - d) the form of fault of the accused, who is a natural person,
 - e) the type and amount of the administrative penalty, or, where appropriate, a statement on the conditional waiver of the imposition of the administrative penalty, on the waiver of the imposition of the administrative penalty or on the exceptional reduction of the fine,
 - f) the judgment on the counting of the period during which the accused was no longer allowed to carry out his activity on the basis of an official measure taken in connection with the offence in question towards the period of prohibition of activity,

- g)** a judgment imposing a protective measure,
 - h)** a judgment on a claim for damages or for unjust enrichment; and
 - i)** the order for costs.
- (2)** The operative part of the decision on the offence of which the accused is found guilty as a successor in title shall, in addition to the particulars referred to in paragraph 1, state
 - a)** the identification details of the person who committed the act, and
 - b)** an indication that the person on whom the administrative penalty is imposed by the decision is the legal successor of the legal person who committed the offence, or the person who continues the business activity of the deceased natural person who committed the offence.
- (3)** The operative part of the decision approving the settlement agreement shall, in addition to the requirements under the **Administrative Procedure Code**, state
 - a)** a description of the act, specifying the place, time and manner of its commission,
 - b)** the legal qualification of the act,
 - c)** the form of fault of the accused, who is a natural person,
 - d)** a judgment approving the settlement agreement,
 - e)** the content of the settlement agreement, including the amount of the compensated damage or the amount of the unjustified enrichment delivered, or the manner of other compensation for the damage or unjustified enrichment caused by the offence,
 - f)** the amount of the amount earmarked for public benefit, with an indication of the recipient,
 - g)** the order for dismissal,
 - h)** the order for costs; and
 - i)** an indication that the person who concluded the settlement agreement is the legal successor of the legal person who committed the offence, or the person who continues the business activity of the deceased natural person who committed the offence.

§ 94

Time limit for issuing a decision

If the decision cannot be issued immediately, the administrative authority shall issue it within 60 days of the date of initiation of the proceedings.

Title VIII**Costs of proceedings (§ 95)****§ 95****Reimbursement of costs**

- (1)** The administrative authority shall order the accused who has been found guilty to pay the costs of the proceedings in a lump sum. If the decision on the offence has been annulled by another public authority and this fact results in the conditions for the imposition of costs not being met, the administrative authority shall reimburse the costs reimbursed.
- (2)** The obligation to reimburse the costs of the proceedings in a lump sum shall not be imposed by the administrative authority if the offence has been decided on the spot.
- (3)** The administrative authority shall, on the victim's motion, award the victim compensation for the costs reasonably incurred in the proceedings in connection with the claim for compensation for damage or for the claim for the recovery of unjust enrichment against the accused, if the victim was successful in the claim for compensation for damage or for the recovery of unjust enrichment and proved the costs and the amount thereof; if the victim was successful in at least part of his claim, the administrative authority shall award him compensation for a proportionate part of such costs against the accused.

Title IX**Appeal proceedings (§ 96-98)****§ 96****Persons entitled to appeal**

- (1)** An appeal may be lodged against a decision on a guilty offence
 - a)** the accused in full,
 - b)** the injured party appeals only against the judgment on the claim for damages or the claim for unjust enrichment and the judgment on the costs of the claim for damages or the claim for unjust enrichment; or

- c) the legal representative and guardian of the juvenile defendant and the child welfare authority in favour of the juvenile defendant only against the guilty verdict, the administrative penalty, the protective measure, the claim for compensation for damages or the claim for unjust enrichment and the costs of the proceedings.
- (2) The owner of the item may appeal only against the order to seize the item or its replacement value.
 - (3) The decision to approve a settlement agreement may be appealed by the person who concluded the approved settlement agreement, the legal representative and guardian of the juvenile defendant and the child welfare authority.

§ 97

Appeal and procedure of the administrative authority of first instance

- (1) The accused may introduce new facts or evidence in the appeal or during the appeal proceedings. The other parties, the child welfare authority and the legal representative and guardian of the juvenile accused and the person directly affected by the offence who has rights in the proceedings pursuant to section 71 may introduce new facts or evidence in their statements relating to the new facts or evidence which the accused introduces on appeal or during the appeal proceedings.
- (2) A timely and admissible appeal against a decision on an offence always has suspensive effect, which cannot be excluded.
- (3) If any of the grounds for discontinuance of the proceedings pursuant to Section 86(1)(f), (h), (i), (j), (k), (m) or (n) has occurred before the file is forwarded to the appellate administrative authority, the administrative authority which issued the contested decision shall discontinue the proceedings and annul the contested decision, unless the decision on the appeal may be relevant to the compensation of damages or the award of unjust enrichment.

§ 98

Proceedings before the administrative appeal body

- (1) The appellate administrative authority reviews the contested decision in its entirety.
- (2) The appellate administrative authority may not change the sentence of the contested decision on the administrative penalty or the sentence on compensation for damages or the sentence

on the award of unjust enrichment to the detriment of the accused.

- (3) If the reason for which the appellate administrative authority has decided in favour of one of the parties to the proceedings also benefits another party to the proceedings, the appellate administrative authority shall also decide in his favour.

Title X

Special procedures after the legal validity of the decision on the offence (§ 99-102)

§ 99

New decision

- (1) The administrative authority may decide by a new decision to waive the execution of the remainder of the administrative penalty of prohibition of activity at the request of the offender, his/her legal representative, guardian or the social-legal protection body for children.
- (2) The administrative authority shall revoke the suspended sentence and impose an administrative penalty on the offender if the offender fails to pay the damage caused by the offence or to hand over the unjustified enrichment obtained by the offence within the time limit set by the administrative authority.
- (3) The administrative authority shall decide by a new decision on the participation of the offender in the amnesty by cancelling the administrative penalty imposed or the part of it not yet served or by imposing an administrative penalty of a different level or by ordering the removal of the offence from the offence register kept by the Criminal Register (hereinafter referred to as the "offence register").

§ 100

Review proceedings

- (1) If facts come to light which justify the assessment of an act which has already been finally decided as an offence as a criminal offence, the competent administrative authority shall annul the decision on the offence in the review procedure. The administrative authority shall also annul the decision on an offence in review proceedings if it was issued despite the fact that the same act has already been finally decided by a criminal law enforcement authority as

not having occurred or not having been committed by the accused, the commission of the act has not been proved by the accused, or that the act constitutes a criminal offence, the prosecution has been suspended, the prosecution has been discontinued following the approval of a settlement, the filing of a motion for punishment has been suspended or the prosecution of a juvenile has been abandoned.

- (2)** The review procedure referred to in paragraph 1 shall be initiated
 - a)** within 3 months of the date on which the administrative authority became aware of the reason for initiating the review procedure, and
 - b)** no later than 3 years from the commencement of the criminal prosecution or from the date of the entry into force of a decision of a law enforcement authority that the act did not occur, that the act was not committed by the accused, that the commission of the act could not be proved by the accused or that the act constitutes a criminal offence, that the criminal prosecution has been conditionally discontinued, that the criminal prosecution has been discontinued on the basis of the approval of a settlement, that the filing of a petition for punishment has been conditionally postponed or that the criminal prosecution of the juvenile has been abandoned.
- (3)** The review proceedings referred to in paragraph 1 may not be initiated after the expiry of 3 years from the legal validity of the decision on the offence.

§ 101

On-site review of the order

- (1)** The review proceedings in which the on-site review order will be reviewed may be initiated within 6 months of the legal force of the order.
- (2)** An application for a review procedure lodged after the expiry of the time limit referred to in paragraph 1 shall be dealt with by the administrative authority which issued the on-site order. The fact that the review procedure cannot be initiated shall be communicated by the administrative authority to the party concerned only if the latter has requested such communication within 30 days of the date on which the complaint was received.

§ 102

Transfer of the payment of the fine to the legal successor

If, after the entry into force of a decision on an offence by which a fine has been imposed on an offender who is a legal person, the offender has ceased to exist before the expiry of the time limit for ordering enforcement without payment of the fine, and the offender has a legal successor, the obligation to pay the fine shall pass to that legal successor. If the offender has more than one successor in title, the successors in title shall be jointly and severally liable for payment of the fine.

Part Four

Common, transitional and final provisions (§§ 103-114)

§ 103

Exercise of competence

- (1)** The competence established for municipal and regional authorities under this Act is the exercise of delegated competence.
- (2)** A committee of the municipal council cannot be entrusted to deal with offences.
- (3)** The central administrative authority in the matter of offences is the central administrative authority which has jurisdiction over the section of the state administration in which the breach of the legal obligation giving rise to liability for the offence occurred.
- (4)** The Ministry of the Interior shall be the central administrative authority for offences in cases where the central administrative authority cannot be determined pursuant to paragraph 3 and the municipal or regional authorities are competent to deal with the offence.

§ 104

Amnesty

- (1)** Amnesty in cases of misdemeanours is granted by the President of the Republic.
- (2)** The President of the Republic may
 - a)** order that proceedings for the offence not be instituted or, if instituted, that they not be continued,
 - b)** remit or reduce the administrative penalty imposed or the remainder thereof; or
 - c)** order the removal of the offence from the offence register.
- (3)** The amnesty takes effect on the date of its publication in the Collection of Laws.

§ 105**Transfer of jurisdiction under a public law contract**

A municipality may conclude a public law agreement on the transfer of jurisdiction to hear offences only with a municipality with extended competence or with a municipality with a designated municipal authority in whose administrative district the municipality is located. A municipality may only transfer all competence to deal with misdemeanours by means of a public law contract.

§ 106**Records of offences**

- (1) If the law so provides, final decisions on the offence and final decisions on participation in the amnesty shall be entered in the offence register.
- (2) The administrative authority competent to deal with an offence entered in the offence register shall, after the commencement of proceedings in respect of such an offence or before issuing an order if it is the first act in the proceedings, obtain a copy of the offence register relating to the accused or suspected offender.

§ 107**Procedure for registration of offences**

- (1) The data shall be entered into the register of offences by the administrative authority which decided on the offence at the last instance, by means of an electronic form published by the Criminal Register in a form allowing remote access, or by means of an electronic application accessible by remote access and managed by the Criminal Register.
- (2) In the case where the imposition of a fine by order on the spot was decided by the municipal police, the municipal authority shall make the entry; in the capital city of Prague and in statutory cities, the municipal police shall make the entry. The municipal police shall communicate to the municipal authority the information necessary for the recording within five working days of the date of the imposition of the on-the-spot fine.
- (3) The entry of data in the register of offences shall be made within five working days of the date on which the decision becomes final or the date on which the competent administrative authority received the basis for the entry. The entry shall be made on the date of the entry

into force of the decision or the imposition of the fine by means of an on-the-spot order.

§ 108

Objection procedure

- (1) If a person considers that the data recorded in the register of offences is not in accordance with the proceedings carried out on the offence, the decision on participation in the amnesty or the decision of the court which decided on the action against the decision on the offence, he/she may lodge an objection with the administrative authority which made the record.
- (2) If the administrative authority which has made the entry in the register of offences finds that the objection is justified, it shall immediately correct the data in the register of offences and inform the person who submitted the objection thereof; otherwise it shall decide that the objection is not justified.

§ 109

Cancelled

§ 110

Cancelled

§ 111

Requirements for the authorised official

- (1) An official person authorised on the basis of an internal regulation of an administrative body or an authorisation by the head of an administrative body to perform administrative acts in proceedings on an offence (hereinafter referred to as "authorised official person") must prove his/her professional competence by an examination passed at the Ministry of the Interior, unless he/she has a higher education degree in a master's degree programme in law and legal science, law or security law studies at a university in the Czech Republic; the Ministry of the Interior may entrust a state contributory organisation established by it with the provision of the examination.
- (2) The authorised official shall comply with the requirements referred to in paragraph 1 no later than 18 months from the date on which he or she began to carry out the administrative

authority's acts in the infringement proceedings.

- (3) The requirements referred to in paragraph 1 shall be met by the chairman of the appeal board. The requirements of paragraph 1 need not be met by the person hearing the offence by order on the spot, the Minister or the head of another central administrative authority.
- (4) The professional competence referred to in paragraph 1 shall be demonstrated by a certificate of examination issued by the Ministry of the Interior. The examination shall test knowledge of the organisation and operation of the public administration and of the legislation on liability for offences.
- (5) If the candidate fails the examination, he/she may repeat the examination twice. The re-examination may be taken not earlier than 60 days and not later than 120 days from the date of the examination in which the candidate failed.
- (6) The Ministry of the Interior shall determine by decree the details of the content and conduct of the examination and the requirements of the certificate of passing the examination.

§ 112

Transitional provisions

- (1) Misdemeanours and other administrative offences, with the exception of disciplinary offences, shall be treated as offences under this Act from the date of entry into force of this Act. Liability for misdemeanours and previous other administrative offences, with the exception of disciplinary offences, shall be assessed under the previous laws if the conduct giving rise to liability occurred before the date of entry into force of this Act; it shall be assessed under this Act only if this is more favourable to the offender.
- (2) *Cancelled*
- (3) The provisions on the determination of the type and amount of administrative penalties for existing offences and other administrative offences shall apply from the date of entry into force of this Act, if this is more favourable to the offender.
- (4) Proceedings initiated in respect of an offence and any other administrative offence, with the exception of proceedings in respect of a disciplinary offence, which have not been finally concluded before the date of entry into force of this Act, shall be completed in accordance with the existing laws.
- (5) If the proceedings for an offence and the proceedings for a previous other administrative offence, with the exception of the proceedings for a disciplinary offence, were finally

concluded before the date of entry into force of this Act, the review proceedings or new proceedings shall be conducted in accordance with this Act.

- (6) The block procedure provided for in the previous laws shall be regarded as an injunction procedure in which the order is issued on the spot from the date of entry into force of this Act.
- (7) The commissions for the hearing of offences established under the existing legislation shall be regarded as commissions established under this Act from the date of entry into force of this Act.
- (8) The entry into force of this Act shall not affect the validity of public contracts concluded before the date of entry into force of this Act.
- (9) Until 31 December 2023, a person who does not meet the conditions under Section 111 may also act as an authorised official; the chairperson of the Commission must have a university degree in a master's degree programme in law and legal science, law or security law studies or special professional competence. After this period, an official who has been hearing and deciding on offences for at least 5 years may also act as an authorised official.

§ 113

Cancellation provisions

It is cancelled:

1. Act of the Czech National Council No. 200/1990 Coll. , on offences.
2. Act No. 165/1990 Coll. , on granting amnesty in cases of offences the consideration of which falls within the competence of the authorities of the Czech and Slovak Federative Republic.
3. Article I of Act No. 67/1993 Coll., amending and supplementing Act No. 200/1990 Coll., on misdemeanours, Act No. 283/1991 Coll., on the Police of the Czech Republic, and Act No. 553/1991 Coll., on municipal police.
4. Article II of Act No. 290/1993 Coll. amending and supplementing the Criminal Act and Act No. 200/1990 Coll. of the Czech National Council on misdemeanours.
5. Article I of Act No. 82/1995 Coll. , amending and supplementing Act No. 200/1990 Coll. , on offences, as amended, and amending Act No. 283/1991 Coll. , on the Police of the Czech Republic, as amended, Act No. 553/1991 Coll. , on the Municipal Police, as amended, and Act No. 528/1990 Coll. , the Foreign Exchange Act, as amended.
6. Part Five of Act No. 237/1995 Coll. , on the collective administration of copyright and rights

related to copyright and on amending and supplementing certain acts.

7. Act No. 279/1995 Coll. , amending Act No. 367/1990 Coll. , on Municipalities (**Municipal Establishment**), as amended, and Act No. 200/1990 Coll. , on Misdemeanours, as amended.
8. Part Five of Act No. 289/1995 Coll. , on forests and on amendments and supplements to certain acts (**Forest Act**).
9. Act No. 112/1998 Coll. , amending and supplementing Act No. 140/1961 Coll. , the Criminal Act, as amended, and Act No. 200/1990 Coll. , the Act of the Czech National Council on Misdemeanours, as amended.
10. Part Four of Act No. 168/1999 Coll. , on insurance against liability for damage caused by the operation of a vehicle and on amendments to certain related acts (the **Vehicle Liability Insurance Act**).
11. Part Six of Act No. 360/1999 Coll. amending certain acts in connection with the adoption of the **Act on Social and Legal Protection of Children**.
12. Part Two of Act No 29/2000 Coll. , on postal services and on amendments to certain acts (the **Postal Services Act**).
13. Part Four of Act No 121/2000 Coll. , on copyright, on rights related to copyright and on amendments to certain acts (**Copyright Act**).
14. Part 17 of Act No. 132/2000 Coll. , amending and repealing certain acts related to the Act on Regions, the Act on Municipalities, the Act on District Authorities and the Act on the Capital City of Prague.
15. Part Five of Act No. 258/2000 Coll. , on the protection of public health and on the amendment of certain related acts.
16. Part Five of Act No 361/2000 Coll. , on Road Traffic and on Amendments to Certain Acts (**Road Traffic Act**).
17. Part Four of Act No. 370/2000 Coll. , amending Act No. 513/1991 Coll. , the **Commercial Code**, as amended, Act No. 358/1992 Coll. , on Notaries and their Activities (**Notarial Code**), as amended, Act No. 15/1998 Coll. No. 99/1963 Coll., the **Code of Civil Procedure**, as amended, and Act No. 328/1991 Coll., the **Bankruptcy and Settlement Act**, as amended.
18. Part Three of Act No. 164/2001 Coll. , on natural medicinal resources, sources of natural mineral waters, natural therapeutic spas and spa places and on amendments to certain related acts (**Spa Act**).
19. Part Three of Act No. 254/2001 Coll. , on Water and on Amendments to Certain Acts (**Water**

Act).

20. Part Seven of Act No. 265/2001 Coll. , amending Act No. 141/1961 Coll. , on Criminal Procedure (**Criminal Procedure Code**), as amended, Act No. 140/1961 Coll. , the Criminal Act, as amended, and certain other acts.
21. Part Two of Act No. 273/2001 Coll. , on the Rights of Members of National Minorities and on Amendments to Certain Acts.
22. Part Three of Act No. 274/2001 Coll. , on water supply and sewerage for public use and on amendments to certain acts (**Water Supply and Sewerage Act**).
23. Part Two of Act No 312/2001 Coll. , on State Borders and on Amendments to Act No 200/1990 Coll. , on Misdemeanours, as amended, (the **State Borders Act**).
24. Part Five of Act No 6/2002 Coll. , on Courts, Judges, Judges and the State Administration of Courts and on Amendments to Certain Other Acts (the **Courts and Judges Act**).
25. Part One of Act No. 62/2002 Coll. , amending Act No. 200/1990 Coll. , on offences, as amended.
26. Part One of Act No. 78/2002 Coll. amending Act No. 200/1990 Coll. , on offences, as amended, Act No. 90/1995 Coll. , on the Rules of Procedure of the Chamber of Deputies, as amended, and Act No. 107/1999 Coll. , on the Rules of Procedure of the Senate.
27. Part Three of Act No. 216/2002 Coll. , on the protection of the state borders of the Czech Republic and on the amendment of certain acts (**Act on the protection of the state borders**).
28. Part Four of Act No. 259/2002 Coll. , amending Act No. 84/1990 Coll. , on the right of assembly, as amended by Act No. 175/1990 Coll. , and certain other acts.
29. Part Three of Act No. 311/2002 Coll. , amending Act No. 553/1991 Coll. , on municipal police, as amended, and amending certain other acts.
30. Part forty-eight of Act No 320/2002 Coll. , amending and repealing certain Acts in connection with the closure of district offices.
31. Part Four of Act No. 218/2003 Coll. , on the liability of young persons for unlawful acts and on youth justice and on the amendment of certain acts (**Youth Justice Act**).
32. Part 12 of Act No 274/2003 Coll. amending certain acts in the field of public health protection.
33. Part 5 of Act No 362/2003 Coll. , on amendments to acts related to the adoption of the **Act on the service relationship of members of the security forces**.
34. Part Three of Act No. 47/2004 Coll. , amending Act No. 168/1999 Coll. , on Motor Vehicle Liability Insurance and on Amendments to Certain Related Acts (the Motor Vehicle **Liability**

- Insurance Act), as amended, Act No. 586/1992 Coll. , on Income Taxes, as amended, Act No. 200/1990 Coll. , on Misdemeanours, as amended, and Act No. 40/1964 Coll. , Civil Code, as amended.
35. Part Nine of Act No. 436/2004 Coll. amending certain acts in connection with the adoption of the Employment Act.
 36. Part fifteen of Act No. 501/2004 Coll. , amending certain acts in connection with the adoption of the Administrative Code.
 37. Part Three of Act No. 559/2004 Coll. , amending Act No. 328/1999 Coll. , on identity cards, as amended, Act No. 329/1999 Coll. , on travel documents and amending Act No. 283/1991 Coll. on the Police of the Czech Republic, as amended, (Act on Travel Documents), as amended, Act No 200/1990 Coll., on offences, as amended, and Act No 326/1999 Coll., on the residence of foreigners in the territory of the Czech Republic and on amendments to certain acts, as amended.
 38. Part One of Act No. 586/2004 Coll. amending certain acts in connection with the adoption of the Act on Conscription and its Provision (the Conscription Act).
 39. Part Six of Act No. 95/2005 Coll. , amending Act No. 29/2000 Coll. , on postal services and on amendments to certain acts (Act on postal services), as amended, and certain other acts.
 40. Part Four of Act No. 379/2005 Coll. , on measures to protect against damage caused by tobacco products, alcohol and other addictive substances and amending related acts.
 41. Part Three of Act No. 392/2005 Coll. , amending Act No. 258/2000 Coll. , on the protection of public health and amending certain related acts, as amended, and certain other acts.
 42. Part Two of Act No. 411/2005 Coll. , amending Act No. 361/2000 Coll. , on road traffic and on amendments to certain acts, as amended, Act No. 200/1990 Coll. , on offences, as amended, Act No. 247/2000 Coll. , on acquiring and improving professional competence to drive motor vehicles and on amendments to certain acts, as amended, and certain other acts.
 43. Part Thirteenth of Act No 57/2006 Coll. , on amending acts in connection with the unification of financial market supervision.
 44. Part Three of Act No. 76/2006 Coll. , amending Act No. 274/2001 Coll. , on water supply and sewerage for public use and on amending certain acts (Act on water supply and sewerage), as amended, and other related acts.
 45. Part Three of Act No. 80/2006 Coll. , amending Act No. 13/1997 Coll. , on Roads, as amended, and other related acts.

46. Part Nine of Act No. 115/2006 Coll. , on registered partnerships and on amendments to certain related acts.
47. Part Five of Act No. 134/2006 Coll., amending Act No. 359/1999 Coll., on Social and Legal Protection of Children, as amended, Act No. 94/1963 Coll., on the Family, as amended, Act No. 99/1963 Coll., on the Code of Civil Procedure, as amended, Act No. 117/1995 Coll., on State Social Support, as amended, and Act No. 200/1990 Coll., on Misdemeanours, as amended.
48. Part Two of Act No. 181/2006 Coll. , amending Act No. 266/1994 Coll. , on railways, as amended, and Act No. 200/1990 Coll. , on offences, as amended.
49. Part Two of Act No. 213/2006 Coll. , amending Act No. 352/2001 Coll. , on the use of the state symbols of the Czech Republic and on amending certain acts, and Act No. 200/1990 Coll. , on misdemeanours, as amended.
50. Part Two of Act No. 216/2006 Coll. , amending Act No. 121/2000 Coll. , on copyright, on rights related to copyright and on amendments to certain acts (Copyright Act), as amended, and certain other acts.
51. Part Five of Act No. 225/2006 Coll. , amending Act No. 49/1997 Coll. , on Civil Aviation and amending and supplementing Act No. 455/1991 Coll. , on Trade Enterprise (Trade Licensing Act), as amended, and certain other acts.
52. Part Five of Act No. 226/2006 Coll. , amending Act No. 111/1994 Coll. , on Road Transport, as amended, Act No. 56/2001 Coll. , on Conditions of Vehicle Operation on Roads and amending Act No. 168/1999 Coll. , on Insurance of Liability for Damage Caused by the Operation of Vehicles and on Amendments to Certain Related Acts (Act on Insurance of Liability for Vehicle Operation), as amended by Act No. 307/1999 Coll. , as amended, Act No. 361/2000 Coll. , on Road Traffic and on Amendments to Certain Acts (Road Traffic Act), as amended, Act No. 634/2004 Coll. , on Administrative Fees, as amended, and Act No. 200/1990 Coll. , on Misdemeanours, as amended.
53. Part Two of Act No. 215/2007 Coll. , amending Act No. 361/2000 Coll. , on road traffic and on amendments to certain acts (Road Traffic Act), as amended, and Act No. 200/1990 Coll. , on offences, as amended.
54. Act No. 344/2007 Coll. , amending Act No. 513/1991 Coll. , the Commercial Code, as amended, and Act No. 200/1990 Coll. , on offences, as amended.
55. Part Two of Act No 376/2007 Coll. , amending Act No 61/1988 Coll. , on mining, explosives and the State Mining Administration, as amended, and Act No 200/1990 Coll. , on offences, as

amended.

56. Part eighteen of Act No. 129/2008 Coll. , on the execution of pre-trial detention and on amendments to certain related acts.
57. Part Two of Act No. 274/2008 Coll. amending certain acts in connection with the adoption of the Act on the Police of the Czech Republic.
58. Part Two of Act No. 309/2008 Coll. , amending Act No. 114/1995 Coll. , on Inland Navigation, as amended, and certain other acts.
59. Part Six of Act No. 314/2008 Coll. amending Act No. 6/2002 Coll. , on Courts, Judges, Judges and the State Administration of Courts and on Amendments to Certain Other Acts (Act on Courts and Judges), as amended, Act No. 150/2002 Coll. , Administrative Procedure Code, as amended, Act No. 7/2002 Coll. No. 349/1999 Coll., on the Public Defender of Rights, as amended, Act No. 283/1993 Coll., on the Public Prosecutor's Office, as amended, Act No. 200/1990 Coll., on misdemeanours, as amended, and Act No. 85/1996 Coll., on advocacy, as amended.
60. Part Two of Act No. 484/2008 Coll., amending Act No. 119/2002 Coll., on firearms and ammunition and amending Act No. 156/2000 Coll., on the verification of firearms, ammunition and pyrotechnic articles and amending Act No. 288/1995 Coll., on firearms and ammunition (Firearms Act), as amended by Act No. 13/1998 Coll. , and Act No 368/1992 Coll. , on administrative fees, as amended, and Act No 455/1991 Coll. , on trade business (Trade Licensing Act), as amended, (Weapons Act), as amended, and Act No 200/1990 Coll. , on offences, as amended.
61. Part Five of Act No. 41/2009 Coll. , on amendments to certain acts in connection with the adoption of the Criminal Code.
62. Part Two of Act No. 52/2009 Coll. , amending Act No. 141/1961 Coll. , on Criminal Procedure (Criminal Procedure Code), as amended, and certain other acts.
63. Part Five of Act No. 306/2009 Coll. , amending Act No. 40/2009 Coll. , the Criminal Code, and certain other acts.
64. Part Three of Act No. 346/2009 Coll. , amending Act No. 100/2004 Coll. , on the Protection of Species of Wild Fauna and Flora by Regulating Trade Therein and Other Measures for the Protection of Such Species and on Amendments to Certain Acts (Act on Trade in Endangered Species), as amended, Act No. 634/2004 Coll. , on administrative fees, as amended, Act No. 200/1990 Coll. , on offences, as amended, and Act No. 388/1991 Coll. , on the State

Environmental Fund of the Czech Republic, as amended.

65. Part Two of Act No. 150/2010 Coll. , amending Act No. 254/2001 Coll. , on water and on amending certain acts (**Water Act**), as amended, and Act No. 200/1990 Coll. , on offences, as amended.
66. Part Six of Act No. 199/2010 Coll. , amending Act No. 586/1992 Coll. , on Income Taxes, as amended, and Act No. 218/2000 Coll. , on Budget Rules and on Amendments to Certain Related Acts (**Budget Rules**), as amended, and certain other acts.
67. Part Two of Act No 133/2011 Coll. , amending Act No 361/2000 Coll. , on road traffic and on amendments to certain acts (**Road Traffic Act**), as amended, and certain other acts.
68. Part Ten of Act No. 366/2011 Coll. , amending Act No. 111/2006 Coll. , on aid in material distress, as amended, Act No. 108/2006 Coll. , on social services, as amended, Act No. 117/1995 Coll. , on state social support, as amended, and other related acts.
69. Part Three of Act No. 142/2012 Coll. , amending certain acts in connection with the introduction of basic registers.
70. Part Two of Act No. 237/2012 Coll. amending Act No. 99/2004 Coll. on Fisheries, the Exercise of Fishing Rights, the Fishing Guard, the Protection of Marine Fishing Resources and the Amendment of Certain Acts (the **Fisheries Act**), as amended, and Act No. 200/1990 Coll. on Offences, as amended.
71. Part Four of Act No. 390/2012 Coll. amending Act No. 40/2009 Coll. , the **Criminal Code**, as amended, and certain other acts.
72. Part One of Act No. 494/2012 Coll. , amending Act No. 200/1990 Coll. , on misdemeanours, as amended, Act No. 40/2009 Coll. , the **Criminal Code**, as amended by Act No. 306/2009 Coll. , and certain other acts.
73. Part Two of Act No. 102/2013 Coll. , amending Act No. 111/1994 Coll. , on Road Transport, as amended, and other related acts.
74. Part Two of Act No 300/2013 Coll. , on the Military Police and on Amendments to Certain Acts (**Military Police Act**).
75. Part Eight of Act No. 306/2013 Coll. , on the abolition of the Social Systems Card.
76. Part Two of Act No 308/2013 Coll. amending certain acts in connection with the adoption of the Act on compulsory labelling of alcohol.
77. Part One of Act No. 204/2015 Coll. , amending Act No. 200/1990 Coll. , on misdemeanours, as amended, Act No. 269/1994 Coll. , on the Criminal Register, as amended, and certain other

acts.

- 78.** Decree No. **231/1996 Coll.** , which sets the lump sum amount of the costs of proceedings for misdemeanours.
- 79.** Decree No. **340/2003 Coll.** amending Decree No. **231/1996 Coll.** setting a lump sum for the costs of proceedings for misdemeanours.

§ 114

Efficiency

This Act shall enter into force on 1 July 2017.

Hamáček v. r.

Zeman v. r.

Sobotka v. r.

Transitional provisions of the amendments:

effective

from

Article II of Act No 417/2021 Coll.

1.2.2022