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State of Emergency Act

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Amended by the following acts

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12.06.2002	RT I 2002, 57, 354	15.08.2002
19.06.2002	RT I 2002, 62, 376	01.08.2002
19.06.2002	RT I 2002, 63, 387	01.09.2002
06.05.2009	RT I 2009, 27, 165	01.01.2010
15.06.2009	RT I 2009, 39, 260	24.07.2009
08.12.2011	RT I, 29.12.2011, 1	01.01.2012, partially 01.01.2014 and 01.11.2014

Chapter 1 GENERAL PROVISIONS

§ 1. Purpose of Act

This Act provides the following for the elimination of a threat to the constitutional order of Estonia:

- 1) the basis, conditions and procedure for declaration of a state of emergency, and the competence of authorities managing a state of emergency;
- 2) the measures to be implemented during a state of emergency, and the rights, duties and liability of persons during a state of emergency.

§ 2. Basis and conditions for declaration of state of emergency

(1) A state of emergency is declared on the basis of section 129 of the Constitution of the Republic of Estonia in case of a threat to the constitutional order of Estonia.

(2) A state of emergency is declared in case it is not possible to eliminate a threat to the constitutional order of Estonia without the implementation of the measures provided for in this Act.

(3) The Riigikogu may, acting on a proposal of the President of the Republic or the Government of the Republic and by a majority of its members, declare a state of emergency throughout the state, but for no longer than three months.

§ 3. Threat to constitutional order of Estonia

A threat to the constitutional order of Estonia may arise from:

- 1) an attempt to overthrow the constitutional order of Estonia by violence;
- 2) terrorist activity;
- 3) collective coercion involving violence;
- 4) extensive conflict between groups of persons involving violence;
- 5) forceful isolation of an area of the Republic of Estonia;
- 6) prolonged mass disorder involving violence.

[RT I 2009, 39, 260 - entry into force 24.07.2009]

§ 4. Restrictions on rights and freedoms of persons during state of emergency

(1) During a state of emergency, pursuant to section 130 of the Constitution of the Republic of Estonia and in instances and pursuant to the procedure stipulated in Chapter 3 of this Act, it is possible to restrict in the interest of national security and public order the following rights and liberties of persons:

- 1) the right to free self-realisation;
- 2) the right to liberty and security of person;
- 3) the right to freely choose domain of activity, profession and employment;
- 4) the right to freely participate in political parties and some types of non-profit associations;
- 5) the right to freely possess, use and dispose of property;
- 6) the right to inviolability of home;
- 7) the right to freedom of movement and to choice of residence;
- 8) the right to leave Estonia and to settle in Estonia;
- 9) the right to confidentiality of messages sent or received by post, telegraph, telephone or other commonly used means;
- 10) the right to freely access information disseminated for public use;
- 11) the right to access, pursuant to the procedure provided by law, information held by state authorities and local government bodies and in state and local government archives;
- 12) the right to freely disseminate ideas, opinions, beliefs and other information by word, print, picture or other means;
- 13) the right to assemble peacefully and to conduct meetings without prior permission.

(2) Restrictions on rights and freedoms of persons shall not involve:

- 1) torture, cruel or degrading treatment, or a punishment not arising from law;
- 2) deprivation of the right to freedom of thought, conscience and religion;
- 3) arbitrary deprivation of life.

(3) No one shall be deemed guilty of a criminal offence before a conviction by a court against him or her enters into force.

(4) Everyone whose rights and freedoms have been violated has the right of appeal to the courts.

§ 5. Compensation for material loss caused upon elimination of threat to constitutional order of Estonia

Material loss caused upon the elimination of a threat to the constitutional order of Estonia shall be compensated on the bases of and pursuant to the procedure provided by law.

§ 6. Validity of legislation during state of emergency

During a state of emergency, Acts and other legislation are valid in so far as this Act does not provide otherwise.

§ 6¹. Application of Administrative Procedure Act

The provisions of the Administrative Procedure Act apply to administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

[RT I 2002, 62, 376 - entry into force 01.08.2002]

Chapter 2 DECLARATION OF STATE OF EMERGENCY

§ 7. Notification of threat to constitutional order of Estonia

State authorities and rural municipality or city governments shall promptly notify the President of the Republic, the Government of the Republic and the Commander of the Defence Forces of a threat to the constitutional order of Estonia pursuant to the procedure established by the Government of the Republic.

§ 8. Duties of crisis committee of Government of Republic

The duties of the crisis committee, established by the Government of the Republic, in the implementation of measures regarding a threat to the constitutional order of Estonia are:

- 1) to develop state policy and action plans to forecast, prevent and eliminate threat;
- 2) to analyse information and to present the results of such analysis to the Prime Minister concerning the forecast of the threat, and the prevention and the planning of elimination thereof;
- 3) to give an opinion to the Government of the Republic as to the situation prior to the threat, the characteristics, extent and elimination of the threat, and the need for declaration of a state of emergency;
- 4) to give an opinion to the Government of the Republic and to the head of state of emergency as to the implementation of measures during a state of emergency.

§ 9. Convening of session of Government of Republic in case of threat to constitutional order of Estonia

In order to decide on making a motion to the Riigikogu to declare a state of emergency in case of a threat to the constitutional order of Estonia, the Prime Minister or, in the event of his or her absence, the minister acting in the powers of Prime Minister shall promptly convene a session of the Government of the Republic, during which the opinion of the crisis committee of the Government of the Republic on the need for the declaration of a state of emergency is heard.

§ 10. Convening of session of National Defence Council in case of threat to constitutional order of Estonia

(1) In case of a threat to the constitutional order of Estonia, the President of the Republic shall convene the National Defence Council pursuant to clause 3 (1) 6) of the Peacetime National Defence Act to discuss issues related to national defence.

[RT I 2009, 39, 260 - entry into force 24.07.2009]

(2) A session of the National Defence Council specified in subsection (1) of this section shall be convened by the President of the Riigikogu when on the basis of section 83 of the Constitution of the Republic of Estonia he or she is acting in the duties of the President of the Republic.

§ 11. Competence of National Defence Council upon declaration of state of emergency and during state of emergency

The National Defence Council shall express opinions and make proposals to the President of the Republic in connection with declaration of a state of emergency and during the state of emergency:

- 1) in issues listed in sections 12–15 of this Act;
- 2) concerning vital national defence issues in connection with the state of emergency requiring immediate resolution.

§ 12. Address for termination of unlawful activity

(1) The President of the Republic or the Government of the Republic may, before making a proposal to the Riigikogu to declare a state of emergency, address the persons or groups of persons whose activity is causing a threat to the constitutional order of Estonia, demanding immediate termination of unlawful activity.

(2) The address referred to in subsection (1) of this section shall be published in mass media. Broadcasters with nation-wide range shall publish the address in unaltered form and promptly.

(3) If the persons or groups of persons specified in subsection (1) of this section do not immediately terminate unlawful activity after the publication of the address in mass media, the President of the Republic or the Government of the Republic shall make a proposal to the Riigikogu to declare a state of emergency.

§ 13. Proposal to declare state of emergency

(1) The President of the Republic or the Government of the Republic shall submit a written proposal to the Riigikogu to declare a state of emergency throughout the state pursuant to section 129 of the Constitution of the Republic of Estonia, but for no longer than three months, indicating the source of the threat to the constitutional order of Estonia.

(2) If the President of the Republic or the Government of the Republic makes a proposal to declare a state of emergency during parliamentary recess, the President of the Republic or the Government of the Republic shall submit a written proposal to the President of the Riigikogu to convene an extraordinary session of the Riigikogu within at least eight hours after making of the proposal.

(3) If the President of the Republic or the Government of the Republic makes a proposal to declare a state of emergency during a regular session of the Riigikogu, the President of the Republic or the Government of the Republic shall submit a written proposal to the President of the Riigikogu to convene an additional sitting of the Riigikogu immediately.

§ 14. Declaration of state of emergency on proposal of President of Republic or Government of Republic

(1) Upon written proposal of the President of the Republic or the Government of the Republic, the Riigikogu shall declare a state of emergency by a resolution which provides for:

- 1) declaration of a state of emergency throughout the state pursuant to section 129 of the Constitution of the Republic of Estonia;
- 2) the reason for the declaration of a state of emergency;
- 3) the duration of the state of emergency.

(2) A resolution on the declaration of a state of emergency enters into force upon its publication in national mass media. Broadcasters shall publish the resolution in unaltered form and promptly.

(3) The resolution shall be published in the Riigi Teataja on the first working day following the day on which the resolution was made.

§ 15. Use of Defence Forces or Defence League during state of emergency

(1) With the consent of the President of the Republic, the Government of the Republic may decide to use the Defence Forces or the Defence League during a state of emergency in addition to the performance of duties specified in subsection 31 (1) of the Emergency Act as follows:

- 1) prevention and obstruction of an attack against the President of the Republic, the legislative and executive power, other state and local government authorities, and objects of vital importance to the state;
- 2) obstruction of unlawful activity arising from collective coercion involving violence or from an extensive conflict between groups of persons involving violence;
- 3) obstruction of unlawful activity involving forceful isolation of an area of the Republic of Estonia;
- 4) obstruction of a mass disorder involving violence.

(2) A proposal to the Government of the Republic to use the Defence Forces or the Defence League is made by the chief of internal defence. The proposal shall be coordinated with the Minister of Defence beforehand.

(3) In order to perform the duties specified in subsection (1) of this section, the Government of the Republic may, with the consent of the President of the Republic, decide to use the Defence Forces or the Defence League until the termination of the state of emergency. When deciding to use the Defence Forces or the Defence League during a state of emergency on the basis of the Emergency Act, subsection 31 (6) of the Emergency Act shall not be applied; use of the Defence Forces or the Defence League may be decided until the termination of the state of emergency.

(4) Upon the armed obstruction of unlawful activity specified in subsection (3) of this section, the defence forces are permitted to use specialised equipment and firearms under the conditions established in the Police and Border Guard Act.

[RT I 2009, 27, 165 - entry into force 01.01.2010]

(5) A decision specified in subsection (1) of this section shall be formalised as an order of the Government of the Republic which shall set out:

- 1) the assignment for the performance of which the Defence Forces or the Defence League is to be used;
- 2) the number or the maximum number of military servicemen or members of the Defence League in active service to be used;
- 3) the period of time during which the Defence Forces or the Defence League is to be used;
- 4) the territory where the Defence Forces or the Defence League is to perform their duties;
- 5) the official or officials to whom the military servicemen or members of the Defence League in active service are to be subjected;
- 6) other conditions, if necessary.

(6) An order specified in subsection (5) of this section shall be promptly submitted to the Commander of the Defence Forces or to the Commander of the Defence League who shall, in matters concerning the performance of the assignment specified in subsection (1), subject the unit of the Defence Forces or the unit of the Defence League through the commander of the unit to the official appointed by the Government of the Republic.

(7) The Board of the Riigikogu and the Chairman of the National Defence Committee of the Riigikogu shall be immediately notified of an order specified in subsection (5) of this section.

(8) In the course of performance of an assignment specified in subsection (1) of this section, subsection 33 (3) of the Emergency Act shall be applied to military servicemen, members of the Defence League and vehicles of the Defence Forces or the Defence League.

(9) In the course of performance of an assignment specified in subsection (1) of this section, military servicemen and members of the Defence League in active service may use force on the bases of and pursuant to the procedure prescribed for police officers in Chapter 4 of the Police and Border Guard Act for applying coercion.

[RT I, 29.12.2011, 1 - entry into force 01.01.2012]

§ 16. Deeming state of emergency as ceased upon declaration of state of war

A state of emergency is deemed as ceased upon declaration of a state of war.

Chapter 3 COMPETENCE OF AUTHORITIES MANAGING STATE OF EMERGENCY, AND MEASURES

TO BE IMPLEMENTED AND DUTIES OF PERSONS DURING STATE OF EMERGENCY

§ 17. Competence of Government of Republic during state of emergency

(1) During a state of emergency, the Government of the Republic may, for the purpose of eliminating a threat to the constitutional order of Estonia:

- 1) suspend the execution of legislation issued by a state authority or legislation of general application issued by a local government body, promptly notifying the Chancellor of Justice thereof;
- 2) establish restrictions on entry into Estonia and departure from Estonia;
- 3) establish a curfew – prohibition to be in streets and other public places during a specified period of time without an access card specifically issued for this purpose and an identity document;
- 4) establish the types of documents which are required for being in streets and other public places at a time when being in the specified places is prohibited without the corresponding documents, and the format of such documents, if necessary;
- 5) prohibit the organisation of strikes and lock-outs;
- 6) prohibit the organisation of meetings, demonstrations and pickets, and other gatherings of people in public places;
- 7) prohibit the forwarding of certain types of information in the mass media;
- 8) suspend the transmission of radio and television programmes and the issuing of periodicals;
- 9) oblige broadcasters to preserve recordings of transmitted radio and television programmes until the end of the state of emergency;
- 10) submit a draft supplementary budget of a state of emergency to the Riigikogu;
- 11) restrict or prohibit the sale of weapons, toxic substances and alcoholic beverages;
- 12) establish a special procedure for sale of foodstuffs;
- 13) establish a special procedure for sale of motor fuel;
- 14) establish restrictions on the use of modes of communication;
- 15) establish restrictions on the movement of modes of transport;
- 16) prohibit governmental authorities and local government bodies to provide certain types of information;
- 17) provide broadcasters with information relating to the state of emergency for mandatory publication in mass media.

(2) The Government of the Republic may revoke orders of the head of state of emergency and the chief of internal defence.

[RT I 2002, 62, 376 - entry into force 01.08.2002]

(3) The following shall participate, with the right to speak, in discussing at a session of the Government of the Republic issues relating to the use of the Defence Forces and other issues relating to the state of emergency:

- 1) the President of the Riigikogu or, in his or her absence, the Vice-President;
- 2) an authorised representative of the President of the Republic;
- 3) the Commander of the Defence Forces or his or her authorised representative.

(4) A legislation issued by the Government of the Republic regulating a state of emergency enters into force upon its publication in national mass media. Broadcasters shall publish the specified legislation in unaltered form and promptly, unless a different date or procedure is provided for in the legislation.

(5) A legislation issued by the Government of the Republic regulating a state of emergency shall be published in the Riigi Teataja on the first working day following the day on which the legislation was passed, unless a different date or procedure is provided for in the legislation.

§ 18. Head of state of emergency

(1) The Prime Minister or, in the event of his or her absence, the minister acting in the powers of Prime Minister shall be the head of state of emergency.

(2) During a state of emergency, the head of state of emergency may, for the purpose of eliminating a threat to the constitutional order of Estonia:

- 1) give to the chief of internal defence and to heads of governmental authorities and local government bodies orders concerning the activity arising from the state of emergency;
- 2) suspend, until the end of the state of emergency, the service relationship of an official of a state executive power if there is reason to believe that he or she is endangering the constitutional order of Estonia by his or her activity, notifying the Government of the Republic thereof;
- 3) suspend, until the end of the state of emergency, the service relationship of an official of a rural municipality or city government if there is reason to believe that he or she is endangering the constitutional order of Estonia by his or her activity, notifying the corresponding rural municipality or city council thereof;

- 4) transfer an official of a state executive power or of a rural municipality or city government to another position or to another locality until the end of the state of emergency, and assign to the official without his or her consent duties other than those related to the office;
- 5) restrict the freedom of movement in the entire territory of Estonia or in a part thereof;
- 6) provide broadcasters with information relating to the state of emergency for mandatory publication in mass media;
- 7) issue other orders by authorisation of the Government of the Republic.

(3) The head of state of emergency may revoke orders of the chief of internal defence.
[RT I 2002, 62, 376 - entry into force 01.08.2002]

(4) The head of state of emergency coordinates the use of the defence forces under the leadership of the Commander of the Defence Forces in eliminating a threat to the constitutional order of Estonia and in ensuring the internal national security in accordance with subsection 15 (5) of this Act.

(5) The head of state of emergency shall report on his or her activity to the Riigikogu and the Government of the Republic.

(6) The President of the Republic and the Commander of the Defence Forces or their authorised representatives shall participate in the sitting of the Riigikogu during which the report of the head of state of emergency is heard.

(7) If a state of emergency is declared during an emergency situation, the head of emergency situation is subordinate to the head of state of emergency.

(8) The head of state of emergency issues orders.

§ 19. Suspension of activity of non-profit associations and their alliances, including political parties and associations of employees and of employers, during state of emergency

(1) The head of state of emergency may submit an application to the Supreme Court to suspend the activity of non-profit associations and their alliances, including political parties and associations of employees and of employers, until the end of the state of emergency for the reason that the activity of the association or the alliance thereof or the political party endangers the constitutional order of Estonia.

(2) The Supreme Court shall review an application specified in subsection (1) of this section within three days after receipt of the application.

(3) The Supreme Court shall decide to suspend the activity of an association or an alliance thereof or a political party specified in subsection (1) of this section until the end of the state of emergency or shall deny the application of the head of state of emergency.

§ 20. Chief of internal defence

(1) The Minister of the Interior or, in the event of his or her absence, the minister acting in the powers of Minister of the Interior shall be the chief of internal defence.

(2) The chief of internal defence subordinates to the head of state of emergency and shall lead directly the elimination of a threat to the constitutional order of Estonia.

(3) During a state of emergency, the chief of internal defence may, for the purpose of eliminating a threat to the constitutional order of Estonia:

- 1) apply restrictions on the movement of modes of transport;
- 2) apply examination of documents in respect of persons who are in streets and other public places during curfew;
- 3) apply examination of persons and possessions in respect of persons who are in streets and other public places during curfew without an access card and an identity document, if this is required;
- 4) apply relocation of persons to their place of residence in respect of persons who violate public order and who are not inhabitants of the respective locality;
- 5) apply examination of persons concerning whom there is information that they possess weapons or explosive substances without a corresponding licence, as well as examination of the possessions, workplaces, dwellings and vehicles of such persons;
- 6) apply restrictions on the right to confidentiality of messages forwarded by post, telegraph or other commonly used means of such persons in respect of whom there is reason to believe that they endanger the constitutional order of Estonia by their activity;
- 7) apply deprivation of persons of weapons and toxic and explosive substances for the duration of the state of emergency;
- 8) apply the restrictions listed in clauses 17 (1) 7)–9) of this Act in respect of broadcasters;
- 9) establish protection for objects of vital importance to the state;
- 10) provide broadcasters with information relating to the state of emergency for mandatory publication.

(4) The chief of internal defence shall ensure:

- 1) implementation of the resolutions of the Riigikogu specified in subsection 19 (3) of this Act;
- 2) compliance with the legislation of the Government of the Republic regulating state of emergency;

(5) The chief of internal defence shall cooperate with heads of governmental authorities and local government bodies in the course of elimination of a threat to the constitutional order of Estonia.

(6) The chief of internal defence shall cooperate with the Commander of the Defence Forces in connection with the use of the defence forces for elimination of a threat to the constitutional order of Estonia in accordance with subsection 15 (5) and subsection 18 (4) of this Act.

(7) The chief of internal defence shall report on his or her activity to the Government of the Republic and the head of state of emergency.

(8) The chief of internal defence issues orders.

§ 21. Entry into force of orders of head of state of emergency and chief of internal defence

(1) Orders of the head of state of emergency and the chief of internal defence enter into force, unless a different date or procedure is provided for in the order:

- 1) upon publication of the order in the Riigi Teataja;
- 2) upon publication of the order in national mass media if the order is published in mass media before publication in the Riigi Teataja;
- 3) upon communication of the order to the person who is to execute it directly.

(2) Broadcasters shall publish the orders of the head of state of emergency and the chief of internal defence in mass media in unaltered form and promptly, unless a different date and procedure are provided for in the order.

§ 22. Contestation of suspension of service relationship of official in court

An official whose service relationship has been suspended on the basis of clauses 18 (2) 2) and 3) of this Act has the right to contest the suspension of the service relationship in court.

§ 23. Retention of salary for official for time of suspension of service relationship or transfer to another position

The officials referred to in clauses 18 (2) 2), 3) and 4) of this Act shall continue to receive their prior salary during the suspension of service relationship or transfer to another position.

§ 24. Conditions for transfer of official to another position

(1) The conditions provided for in subsections 67 (3) and (4) of the Republic of Estonia Employment Contracts Act apply to the transfer of an official to another position pursuant to clause 18 (2) 4) of this Act.

(2) Subsection (1) of this section also applies to categories of employees to whom the Republic of Estonia Employment Contracts Act does not extend.

§ 25. Obligations of city or rural municipality mayors during state of emergency

City or rural municipality mayors are required to comply with the orders of the head of state of emergency and the chief of internal defence during a state of emergency.

§ 26. Duties of broadcasters during state of emergency

Broadcasters are required to publish the legislation regulating the state of emergency presented by the Riigikogu, the President of the Republic, the Government of the Republic, the head of state of emergency and the chief of internal defence in unaltered form and promptly, unless a different date and procedure are provided for in the specified legislation.

Chapter 4 SPECIFICATIONS OF PROCEEDINGS IN CRIMINAL AND MISDEMEANOUR MATTERS DURING STATE OF EMERGENCY

§ 27. Proceedings in criminal and misdemeanour matters

During a state of emergency, proceedings in criminal and misdemeanour matters shall be conducted pursuant to the procedure in force at the time of declaration of the state of emergency, taking into account the specifications provided for in this Act.

[RT I 2009, 39, 260 - entry into force 24.07.2009]

§ 28. Restriction of participation of counsel

Participation of a counsel in proceedings in matters of a criminal offence committed during a state of emergency is permitted in settlement proceedings or in other cases after the preparation of a statement of charges.

[RT I 2009, 39, 260 - entry into force 24.07.2009]

§ 29. Detention of person suspected of criminal offence

(1) During a state of emergency, a person suspected of a criminal offence may be detained without the permission of a court until the preparation of a statement of charges or until the start of settlement negotiations, but for no longer than seven twenty-four hour periods.

(2) An investigative body shall prepare a ruling concerning the detention of a suspect during a state of emergency, and notify the prosecutor within 48 hours. The contents of the ruling shall be communicated to the suspect against signature.

(3) During a state of emergency, a suspect shall be interrogated within three twenty-four hour periods as of the moment of detention.

[RT I 2009, 39, 260 - entry into force 24.07.2009]

§ 30. Changing of territorial jurisdiction of hearing of criminal and misdemeanour matters

During a state of emergency, the Chief Justice of the Supreme Court has the right to change the territorial jurisdiction of the hearing of criminal and misdemeanour matters.

[RT I 2009, 39, 260 - entry into force 24.07.2009]

§ 31. Deadline for hearing criminal matters

(1) During a state of emergency, criminal matters shall be scheduled for hearing within 10 days as of the date of receipt thereof by the court, and a judgment shall be pronounced no later than on the day following the making of the decision.

(2) During a state of emergency, the prohibition to hear several criminal matters simultaneously provided by section 268¹ of the Code of Criminal Procedure does not apply to court hearings.

[RT I 2009, 39, 260 - entry into force 24.07.2009]

Chapter 5 LIABILITY

[RT I 2002, 63, 387 - entry into force 01.09.2002]

§ 32. [Repealed – RT I 2002, 63, 387 – entry into force 01.09.2002]

§ 33. Disregard for legislation regulating state of emergency

Disregard for legislation regulating state of emergency during a state of emergency by a person for whom such legislation was mandatory, except for a misdemeanour provided for in section 34 of this Act, – is punishable by a fine of up to 300 fine units or by detention.

[RT I 2002, 63, 387 - entry into force 01.09.2002]

§ 34. Obstruction of activity of official during state of emergency

Obstruction of the activity of an official during a state of emergency if the activity of the official was related to application of measures for elimination of a threat which caused the state of emergency – is punishable by a fine of up to 300 fine units or by detention.

[RT I 2002, 63, 387 - entry into force 01.09.2002]

§ 35. Being in street or other public place without required documents during curfew

A person who is in a street or another public place without the required documents during a curfew – is punished by a fine of up to 100 fine units or by detention.
[RT I 2002, 63, 387 - entry into force 01.09.2002]

§ 35¹. Procedure

(1) The provisions of the General Part of the Penal Code and the Code of Misdemeanour Procedure apply to the misdemeanours provided for in sections 33–35 of this Act.
[RT I 2002, 63, 387 - entry into force 01.09.2002]

(2) The body conducting extra-judicial proceedings pertaining to the misdemeanours provided for in sections 33–35 of this Act is a police authority.
[RT I 2009, 27, 165 - entry into force 01.01.2010]

~~§ 36.–§ 39.~~[Repealed – RT I 2002, 63, 387 – entry into force 01.09.2002]

Chapter 6 FINAL PROVISIONS

§ 40. Supervision over legality of legislation of general application regulating state of emergency

(1) Supervision over the conformity of legislation of general application regulating state of emergency passed during a state of emergency with the Constitution and the law is exercised by the Chancellor of Justice.

(2) If the Chancellor of Justice finds that legislation of general application regulating state of emergency passed during a state of emergency or a provision thereof endangers the life or health of natural persons or violates an international agreement which has entered into force by international practice or has been ratified by the Riigikogu, the Chancellor of Justice shall propose to the body which passed the legislation that its force be suspended until the legislation is brought into conformity with the Constitution or the law.

(3) The body which passed legislation of general application shall suspend the legislation or a provision thereof promptly after receiving a proposal referred to in subsection (2) of this section.

(4) If the Chancellor of Justice finds that legislation of general application regulating state of emergency passed during a state of emergency is in conflict with the Constitution or the law, he or she shall propose to the body which passed the legislation to bring the legislation into conformity with the Constitution or the law immediately.

(5) If the legislation is not brought into conformity with the Constitution or the law within the specified period of time, the Chancellor of Justice shall immediately propose to the Supreme Court to declare the legislation null and void.

(6) The Supreme Court shall deliberate the conformity of the contested legislation of general application with the Constitution and the law immediately.

§ 41. Expiry of validity of legislation

Legislation which is established during a state of emergency pursuant to sections 17, 18 and 20 of this Act becomes invalid upon the end of the state of emergency without separate notification.

§ 42. Duration of administrative penalty

(1) After the end of a state of emergency, an administrative detention not served pursuant to sections 33, 34 and 35 of this Act shall be reduced to the maximum limit of administrative detention provided for in the Code of Administrative Offences.

(2) Fines based on sections 33, 34 and 35 of this Act and not paid by the time of the end of a state of emergency are collected in an amount which does not exceed the maximum limit for fines provided for in the Code of Administrative Offences.