



REPUBLIKA SLOVENIJA
USTAVNO SODIŠČE

U-I-93/91
13/2-1992

R E S O L U T I O N

At the meeting on Feb. 13, 1992, the Constitutional Court discussed the initiative filed by Rajko Premrl, Tržič

and passed the following resolution:

The Constitutional Court refuses to accept the initiative and will not institute the proceedings of evaluation of legality of Art. 34 of the Ordinance passed by the Municipal Assembly of Tržič on Land Use in the Municipality of Tržič (Official Gazette of Gorenjsko, No. 12/86).

R e a s o n s

On Oct. 28, 1991, the citizen filed the initiative for evaluation of the legality of the provision of the municipal Ordinance mentioned above. On Dec. 23, 1991, the Assembly of the Republic of Slovenia proclaimed the Constitution of the Republic of Slovenia which, in its Art. 162, Para 2, provides that anybody may initiate proceedings if he shows a proper legal interest.

On Jan. 20, 1992 the initiator stated in writing that his legal interest was substantiated by the use of the impugned Art. 34 of the Ordinance which eliminates citizens from the procedure of adoption of implementary regulations in regional planning.

The Constitutional Court declares that the initiator did not succeed in showing a proper legal interest later on, thus failing to fulfill the procedural condition for instituting the proceedings as determined by the Constitution. Therefore, based on Art. 25, Para 2 of the Law on the Procedure of the Constitutional Court of Slovenia (Official Gazette of SRS, No. 39/74 and 28/76) in combination with Art. 7 of the Enabling Statute for the Implementation of the Constitution of the Republic of Slovenia (Official Gazette of RS, No. 33/91-I), the Constitutional Court resolved as above.

P r e s i d e n t :
Peter Jambrek, PhD.