



Georgian Legal News

Refer to the Law

Important amendments to the Constitution of Georgia

On 13 October 2017, the parliament of Georgia adopted important constitutional amendments which serve two key objectives:

- Ensuring full compliance of the Constitution with the fundamental principles of constitutional law; and
- Establishing a relevant constitutional system for the long-term democratic development of the country.

Under these important amendments:

- The official language is protected by an organic law;
- Rules for the adoption of legislative and other normative acts and their hierarchy are determined by an organic law;
- The norm on gender equality was added to the Constitution which sets forth the obligation of the state to ensure essential equality and eliminate gender inequality;
- The state is under an obligation to create special conditions for the realisation of the rights and interests of disabled persons;



- A norm was added to the Constitution which stipulates that agricultural land – as a resource of significant importance – may only be under the ownership of the state, a self-governing unit, a citizen or union of citizens of Georgia. Exemptions from the rule may be regulated by an organic law adopted by at least two-thirds of the full parliament;
- The age limit for judges of the constitutional court has been increased to 35 years with 10 years of experience and exemplary professional qualifications;
- According to the new redaction, the Prosecutor’s Office shall be removed from the executive branch and shall be transformed into an independent constitutional body which will be accountable to the parliament.

The foregoing amendments will enter into force after the president of Georgia elected in the subsequent elections takes an oath.



Possible amendments to the Civil Code

A bill has been tabled in the parliament of Georgia on amendments to the Civil Code which aim to fill the gaps in the current code.

Pursuant to the proposed amendments:

- Paragraph 2 will be added to Article 183 of the Civil Code which provides for the registration of a spouse as a co-owner of the property acquired by spouses during marriage;
- Article 287(2) provides the obligation to stipulate the bank account in the agreement between a creditor and debtor where a loan will be transferred and returned;
- Paragraph 3 may be added to Article 172 which provides for the state obligation by virtue of which in cases where the property reclaimed from illegal possession is the final accommodation of such possessor, the judgement may be enforced only after the state has provided the possessor with a minimum living space;
- Pursuant to the bill, Article 300(3) and 302(31) will be removed from the code which entails the restriction of issuance of a writ of execution by a notary;
- The bill envisages amendments to Article 625(5), which determines the maximum limit for interest; in addition, Paragraph 51 will be added thereto under which the obligation shall be considered performed in cases where the maximum interest limit is achieved.

Case Law

On 17 October 2017, the Constitutional Court of Georgia rendered an important decision (Case №3/4/550) on the constitutionality of Article 185 and Article 312(2) of the Civil Code of Georgia.

The provisions in question provide safeguards for a buyer acting in good faith in cases where a property is alienated by a person erroneously registered as an owner in the Public Registry ("Registry").

The Court held that Article 185 of the Civil Code protects a buyer acting in good faith even in cases where a complaint has been submitted against the record in the Registry and the buyer is aware thereof. Accordingly, the Court held that the provision in question was unconstitutional; in particular, it provided that "The alienator is considered to be the owner if he/she is registered in the Registry, in cases where a complaint has been submitted against the record in the Registry and the buyer is aware thereof."

If you have any questions regarding the information provided in this newsletter, please contact one of the Tax & Legal professionals at our Deloitte office in Georgia:

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