

**Decree  
of 13 June 1946  
on particularly dangerous offences during the restoration of the State  
Journal of Laws of 1946, no. 30, item 192**

Pursuant to the Law of 3 January 1945 on the procedure for issuing decree-laws (Journal of Laws of the Republic of Poland, No. 1, item 1), the Council of Ministers resolves, and the Praesidium of the State National Council approves, as follows:

**Chapter I.  
Offences against public security**

**Article 1.**

§ 1. Whosoever commits a violent assault on a unit of the Polish or allied armed forces shall be liable to a penalty of imprisonment for a period of not less than 5 years or for life.

§ 2. The same penalty shall apply to anyone who commits a violent assault on a deputy to the State National Council, a member of another national council, a state or local government official, a person belonging to the Polish or allied armed forces, or a member of a trade union, a political organisation or a social organisation of national importance during or because of the performance of their duties or because of their position in or membership in such organisation or the armed forces.

§ 3. If the act offence referred to in §1 or §2 results in death or grievous bodily harm, or if the perpetrator has committed a violent assault with the use of a weapon or in other particularly dangerous circumstances, they shall be liable to a penalty imprisonment for a period of not less than 10 years or for life, or to the penalty of death.

[keywords: violent assault, official, deputy]  
[judgements]

**Article 2.**

Whosoever publicly incites or commends the commission of the crime referred to in Article 1 shall be liable to a penalty of imprisonment for a period of not less than 3 years.

[keywords: incitement, commendation, violent assault]

[judgements]

### **Article 3.**

Whosoever commits acts of sabotage by:

- 1) destroying or rendering unfit for use any public utilities or facilities, or public transport establishments or facilities, or facilities that serve the purpose of defending the Polish or allied State;
- 2) preventing or obstructing the proper operation of the establishments or facilities listed in Point 1);
- 3) manufacturing, in contravention of the terms of an agreed delivery to the army, objects which are either completely or substantially unfit for use, shall be liable to a penalty of imprisonment for a period of not less than 3 years or for life, or to the penalty of death.

[keywords: sabotage]

[judgements]

### **Article 4.**

§ 1. Whosoever, without a permit, makes, gathers or stores firearms, ammunition, explosives or explosive devices or other objects that can cause a public danger, shall be liable to a penalty of imprisonment for a period of not less than 5 years or for life, or to the penalty of death.

§ 2. In minor cases, the court may apply an extraordinary mitigation of the penalty or even a release from the penalty.

[keywords: manufacturing of weapons without a permit, extraordinary mitigation of penalty]

[judgements]

### **Article 5.**

A Polish citizen who enters into an arrangement with a person who is acting in the interest of a foreign government or a foreign organisation in order to cause detriment to the Polish State shall be liable to a penalty of imprisonment for a period of not less than 5 years.

[keywords: causing detriment to the State]

[judgements]

### **Article 6.**

A Polish citizen who, in connection with activities to the detriment of the Polish State, accepts a material or personal benefit or a promise thereof, or demands such a benefit for themselves or for another person from a person who is acting in the interest of a foreign government or a foreign organisation, shall be liable to a penalty of imprisonment for a period of not less than 5 years or for life, or to the penalty of death.

[keywords: espionage, bribery]  
[judgements]

### **Article 7.**

Whosoever, acting to the detriment of the Polish State, gathers or provides information, documents or other objects which constitute a state or military secret, shall be liable to a penalty of imprisonment for a period of not less than 5 years or for life, or to the penalty of death.

[keywords: espionage]  
[judgements]

### **Article 8.**

§ 1. Whosoever misleads a Polish authority by providing it with false information or by delivering counterfeit or forged documents or other objects of significance to the security of the Polish State shall be liable to a penalty of imprisonment for a period of not less than 5 years or for life, or to the penalty of death.

§ 2. The same penalty shall apply to anyone who, while rendering services to a Polish authority, misleads it by withholding a circumstance of relevance to their activities in relation to the government of a foreign state.

[keywords: misleading, forgery]  
[judgements]

### **Article 9.**

Whosoever publicly disseminates information, documents or other data relating to the defence of the State or its armed forces, the dissemination of which may endanger the interests of the defence of the State, or the dissemination of which has been prohibited, shall be liable to a penalty of imprisonment for up to 5 years.

[keywords: dissemination of information]  
[judgements]

### **Article 10.**

Whosoever manufactures or possesses a radio transmission apparatus without a permit shall be liable to a penalty of imprisonment.

[keywords: possession of a radio apparatus without a permit]

[judgements]

### **Article 11.**

Whosoever publicly incites acts directed against the allied unity of the Polish State with an allied state shall be liable to a penalty of imprisonment for a period of not less than 3 years.

[keywords: incitement, allied unity]

[judgements]

### **Article 12.**

§ 1. Whosoever counterfeits or forges Polish or foreign currency or removes the sign of its redemption, or puts such currency into circulation, shall be liable to a penalty of imprisonment or imprisonment for life, or to the penalty of death.

§ 2. Whosoever, with a view to committing the act referred to in § 1:

- 1) produces, acquires or stores technical means;
- 2) accepts, stores, carries or transports forged currency, shall be liable to a penalty of imprisonment.

§ 3. The provisions of this Article shall not apply to a person who holds or circulates forged currency received as genuine currency.

[keywords: currency, putting into circulation, forgery]

[judgements]

### **Article 13.**

§ 1. Whosoever makes preparations to commit an offence referred to in Articles 1, 3 or 7 shall be liable to a penalty of imprisonment for a period of not less than 3 years.

§ 2. Whosoever enters into an arrangement with other persons for the purpose of committing an offence referred to in Articles 1, 3 or 7 shall be liable to a penalty of imprisonment for a period of not less than 3 years or for life, or to the penalty of death.

[keywords: preparation, collaboration, homicide, violent assault, sabotage, state secret]

[judgements]

#### **Article 14.**

§ 1. Whosoever participates in or assists an association aimed at committing a crime, in particular by supplying it with means to facilitate the achievement of the intended purpose, shall be liable to a penalty of imprisonment for a period of not less than 5 years or for life.

§ 2. Whosoever establishes such an association or performs any leadership activities therein shall be liable to a penalty of imprisonment for a period of not less than 10 years or life imprisonment, or to the penalty of death.

[keywords: armed association, leadership of an armed association]

[judgements]

#### **Article 15.**

§ 1. If an act referred to in Article 13 is committed by a deputy to the State National Council, a member of another national council, a state or local government official, a person belonging to the armed forces, or a representative of a trade union, a political organisation or a social organisation of national importance, the perpetrator shall be liable to a penalty of imprisonment for a period of not less than 5 years or for life, or to the penalty of death.

§ 2. If an act referred to in Articles 1, 3, 7 or 14 is committed by a person mentioned in § 1, that person shall be liable to a penalty of imprisonment for a period of not less than 10 years or for life, or to the penalty of death.

[keywords: aggravation of criminal liability, official, deputy]

[judgements]

#### **Article 16.**

§ 1. Whosoever, knowing that an association gathers means of armed fight, participates in that association or provides assistance to that association or repeated assistance to its members, shall be liable to a penalty of imprisonment for a period of not less than 10 years or for life, or to the penalty of death.

§ 2. The court may apply an extraordinary mitigation of the penalty or even a release from the penalty if the member to whom the assistance has been provided is a spouse, a relative in the direct line, a brother or a sister, provided that the nature of the assistance has not been that of complicity.

[keywords: assistance, armed association]

[judgements]

### **Article 17.**

§ 1. Whosoever, having taken part in an arrangement (Article 13 § 2) or in an association (Article 14), reports it to the authority established to prosecute offences before the authority becomes aware of the existence of that arrangement or association, shall not be liable to any penalty. Such impunity shall not be enjoyed by anyone who effected the establishment of such arrangement or association with the intention of disclosing it to the authorities.

§ 2. The court may apply an extraordinary mitigation of the penalty or even a release from the penalty if a participant in an arrangement (Article 13 § 2) or an association (Article 14) which is already known to the authorities has voluntarily ceased the criminal activity and disclosed, to the authority established to prosecute offences, the persons belonging to the arrangement or association known to them, as well as their criminal acts and the means used to commit them.

[keywords: voluntary disclosure, provocation, denunciation, extraordinary mitigation of penalty]  
[judgements]

### **Article 18.**

§ 1. Whosoever, having received reliable information about an offence referred to in Articles 1, 3, 4, 7, 13 or 14 of this Decree or in Articles 85 to 88 of the Penal Code of the Polish Army, does not immediately report it to the authority established to prosecute offences, shall be liable to a penalty of imprisonment for up to 5 years.

§ 2. Whosoever, in the exercise of central or local government powers, having received reliable information that the offences mentioned in § 1 have been committed in their territory, or that members of an arrangement (Article 13 § 2) or of an association (Article 14) are present in their territory, fails to immediately notify the authority established to prosecute offences shall be liable to a penalty of imprisonment for up to 10 years.

§ 3. In minor cases, the court may apply an extraordinary mitigation of the penalty or even a release from the penalty.

§ 4. A person who refrains from reporting an offence does not commit an offence if, based on the surrounding circumstances, they have sufficient grounds to believe that the authority knows about the offence.

§ 5. The court may apply an extraordinary mitigation of the penalty or even a release from the penalty to a person who fails to report an offence for fear of criminal liability threatening either himself or their spouse, relatives in the direct line or siblings. An extraordinary mitigation of or release from the penalty shall not apply

to the persons mentioned in § 2.

[keywords: duty to inform, lawful excuse]  
[judgements]

## **Chapter II.**

### **Offences against public order**

#### **Article 19.**

Whosoever influences or obstructs activities of national councils by means of violence or unlawful threat shall be liable to a penalty of imprisonment.

[keywords: exerting influence, violence, threat, national council]  
[judgements]

#### **Article 20.**

Whosoever prevents or hinders the implementation of the agrarian reform, or incites acts directed against its implementation or publicly commends such acts shall be liable to a penalty of imprisonment.

[keywords: preventing the agrarian reform, incitement]  
[judgements]

#### **Article 21.**

§ 1. Whosoever maliciously evades the general obligation to provide an in-kind contribution that is incumbent upon them by law, or hinders or prevents the fulfilment of such an obligation incumbent upon another person, or publicly incites the evasion of such an obligation, shall be liable to a penalty of imprisonment for up to 5 years or to a penalty of detention.

§ 2. Whosoever, being obliged to collect in-kind contributions, fails to fulfil this obligation, shall be liable to a penalty of imprisonment.

[keywords: in-kind contributions]  
[judgements]

#### **Article 22.**

Whosoever disseminates fake news which could cause material injury to the interests of the Polish State, or could degrade the authority of its supreme bodies,

shall be liable to a penalty of imprisonment for up to 5 years or to a penalty of detention.

[keywords: gossip, dissemination of fake news]  
[judgements]

### **Article 23.**

§ 1. Whosoever disseminates or, with the intention to disseminate, prepares, stores or transports written works, printed matter or images which incite the commission of crimes or commend crimes, or the content of which is intended to be kept secret from the State authorities or which contain fake news that could cause material injury to the interests of the Polish State or degrade the authority of its supreme bodies, shall be liable to a penalty of imprisonment for a period of not less than 3 years.

§ 2. If the act referred to in the preceding paragraph has caused great injury to the State, the perpetrator shall be liable to a penalty of imprisonment for a period of not less than 5 years or for life.

[keywords: dissemination of printed matter, incitement to commit a crime]  
[judgements]

### **Article 24.**

§ 1. Whosoever stores the written works, printed matter or images mentioned in Article 23 shall be liable to a penalty of imprisonment for up to 5 years.

§ 2. A person who stores such items for purposes justified by his profession does not commit an offence.

[keywords: storage, written works, images, legal excuse]  
[judgements]

### **Article 25.**

Whosoever insults, damages or removes a publicly displayed:

1) emblem, flag or any other national symbol of Poland, or of an allied state;  
2) a monument or any other work erected to honour or commemorate events or persons,  
shall be liable to a penalty of imprisonment for up to five years or to a penalty of detention.

[keywords: insult, damage, monument, national symbol]

[judgements]

### **Article 26.**

Whosoever desecrates or mutilates the corpse or the final resting place of a soldier of the Polish Army or an allied army or a person who was a victim of criminal fascist actions shall be liable to a penalty of imprisonment for up to 5 years or to a penalty of detention.

[keywords: desecration of a corpse, desecration of a burial site]

[judgements]

### **Article 27.**

If the perpetrator of an act referred to in Articles 25 or 26 operates under particularly aggravating circumstances, they shall be liable to a penalty of imprisonment for up to 10 years.

[keywords: aggravation of criminal liability]

[judgements]

### **Article 28.**

Whosoever publicly insults, derides or humiliates the Polish Nation or the Polish State in circumstances that could cause exceptional scandal or outrage shall be liable to a penalty of imprisonment for up to 10 years.

[keywords: deriding the nation, insulting the state]

[judgements]

### **Article 29.**

Whosoever publicly insults, derides or humiliates the system of the Polish State or commends fascism or any variety thereof, or commends fascist crimes, or publicly incites their commission or incites the establishment of an institution with fascist aims in Poland shall be liable to a penalty of imprisonment for up to 10 years.

[keywords: insulting, deriding, system of the State, fascism]

[judgements]

### **Article 30.**

Whosoever publicly incites or commends national, religious or racial feuds shall be liable to a penalty of imprisonment for up to 5 years.

[keywords: inciting national feuds, national minority, religious minority, racial minority]

[judgements]

### **Article 31.**

§ 1. Whosoever publicly insults, derides or humiliates a section of the population or a specific individual on grounds of national, religious or racial affiliation shall be liable to a penalty of imprisonment for up to 5 years or a to a penalty of detention.

Article 2. The same penalty shall apply to anyone who violates the physical integrity of a person or inflicts slight bodily harm on a person because of their national, religious or racial affinity.

[keywords: insulting, deriding, national group, religious group, racial group]

[judgements]

### **Article 32.**

Whosoever commits a criminal act against a section of the population or a specific individual on grounds of their national, religious or racial affinity, where such an act results in death or grievous bodily harm or causes a disturbance of the normal course of public life or a threat to public safety, shall be liable to a penalty of imprisonment for a period of not less than 3 years or for life, or to the penalty of death.

[keywords: grievous bodily harm, death]

[judgements]

### **Article 33.**

Whosoever participates in an arrangement aimed at committing an offence referred to in Article 31 § 2 or Article 32, or joins a crowd that collectively commits such an offence shall be liable to a penalty of imprisonment.

[keywords: crowd, arrangement]

[judgements]

### **Article 34.**

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Whosoever, contrary to their duty, fails to prevent the commission of an offence referred to in Articles 30-33 shall be liable to a penalty of imprisonment for up to 5 years or to a penalty of detention.

[keywords: breach of duty]  
[judgements]

#### **Article 35.**

Whosoever participates in an association with fascist aims or incites the establishment of or participation in such an association shall be liable to a penalty of imprisonment.

[keywords: association with fascist aims]  
[judgements]

#### **Article 36.**

Whosoever participates in an association whose existence, organisation or aim is intended to be kept secret from the State authorities shall be liable to a penalty of imprisonment.

[keywords: secret association]  
[judgements]

#### **Article 37.**

Whosoever continues to perform leadership activities in an association which the authority has refused to legalise shall be liable to a penalty of imprisonment for up to five years or to a penalty of detention.

[keywords: leading an illegal association]  
[judgements]

#### **Article 38.**

Whosoever, claiming to have influence on an official (Article 46), undertakes to act as an intermediary in arranging an official matter with the help of that official, and in return accepts a financial or personal benefit or a promise of such a benefit for themselves or for another person, or demands such a benefit, shall be liable to a penalty of imprisonment.

[keywords: influence peddling]  
[judgements]

**Chapter III.**  
**Offences against the economic interests of the State.**

**Article 39.**

Whosoever, at a State or local government establishment, or an establishment which is co-funded or managed by the State or local government, or an establishment which is run by a State or local government enterprise or by a public law institution or a cooperative:

- 1) diminishes the production level to the detriment of the public interests by impairing the quality of the products or by reducing their or their personnel's productivity;
- 2) causes significant damage to the condition of the establishment's technical facilities or wastes the establishment's raw materials or goods by evading their duty of due care for such facilities, raw materials or goods shall be liable to a penalty of imprisonment.

[keywords: sabotage, diminishing the production level, state technical facilities]  
[judgements]

**Article 40.**

§ 1. Whosoever, contrary to an order issued by an authority or an authorised body, places goods scheduled for distribution among the population on the free market, shall be liable to a penalty of imprisonment.

§ 2. If the perpetrator acts unintentionally, they shall be liable to a penalty of imprisonment for up to five years or to a penalty of detention.

[keywords: placing on the market, regulation of goods]  
[judgements]

**Article 41.**

§ 1. Whosoever causes detriment to the public interest as regards a scheduled distribution of goods among the population by failing to carry out the tasks assigned to them or by disposing of the goods contrary to an order or applicable rules shall be liable to a penalty of imprisonment

§ 2. If the perpetrator acts unintentionally, they shall be liable to a penalty of imprisonment for up to five years or to a penalty of detention.

[keywords: public interest, regulation of goods]  
[judgements]

#### **Article 42.**

Whosoever, being a supervisor or an employer, maliciously or persistently evades their statutory or public duty of care for the well-being of their workers, thereby putting the workers at risk, shall be liable to a penalty of imprisonment for up to 5 years or to a penalty of detention.

[keywords: well-being of workers]  
[judgements]

#### **Article 43.**

§ 1. Whosoever misappropriates or seizes for the purpose of misappropriation someone else's movable property which is not attended properly due to war or any other of another extraordinary occurrence shall be liable to a penalty of imprisonment.

§ 2. In minor cases, the court may apply an extraordinary mitigation of the penalty or even a release from the penalty where the perpetrator seized a low-value essential article out of poverty.

[keywords: abandoned property, misappropriation]  
[judgements]

#### **Article 44.**

§ 1. Whosoever violates the prohibition of transferring movable property out of the area of the Recovered Territories (Article 66) shall be liable to a penalty of imprisonment for up to 3 years and a fine.

§ 2. In minor cases, the court may impose a penalty of detention or a fine.

[keywords: looting, Recovered Territories]  
[judgements]

#### **Article 45.**

Whosoever disposes of, acquires or damages their own or somebody else's property, or renders such property unfit for use, in contravention of Article 65 in connection with a pending resettlement to the territory of another State shall be liable to a penalty of imprisonment for up to 3 years or a penalty of detention for up to 3 years.

[keywords: resettlement, transfer of property]  
[judgements]

## **Chapter IV. Special provisions.**

### **Article 46.**

§ 1. In addition to the persons referred to in Article 292 of the Penal Code of 1932, criminal liability provided for officials shall also apply to officers of State or local government establishments, or establishments which are co-funded or managed by the State or local government, as well as officers of organisations entrusted with conducting activities that concern State or local government management.

§ 2. Members of the authorities and officers of cooperatives and the cooperative audit association shall be subject to criminal liability on an equal terms with the persons referred to in § 1.

[keywords: extension of liability, state enterprise, cooperative]  
[judgements]

### **Article 47.**

No penalty shall be imposed on a person who, when requested to do so, gave or promised to give a financial or personal benefit to an official (Article 46) in connection with that official's capacity if that person reports that fact to the authority established to prosecute offences before that authority becomes aware of it, or if that person reveals the truth no later than during the first interrogation in the course of criminal proceedings.

[keywords: influence peddling, voluntary disclosure]  
[judgements]

### **Article 48.**

Where a crime or an intentional transgression resulted or might have resulted in any damage concerning the proper functioning of means of public transport or the safety of persons or property in connection with the carriage by such means, the court shall impose a penalty of imprisonment where a lesser penalty is prescribed by law for the offence concerned.

[keywords: qualifying circumstances, public transport]  
[judgements]

### **Article 49.**

§ 1. Where a person is sentenced to the penalty of death or life imprisonment, or sentenced for the offences referred to in Article 1§3 and Article 16§1, the court shall impose an additional penalty in the form of forfeiture of all of the convict's assets.

§ 2. Where a person is sentenced to imprisonment, the court may order loss of public rights and honorary civic rights and forfeiture either of all of the convict's assets or a specific asset component.

§ 3. Where a person is sentenced to the penalty of death or imprisonment, the court may order forfeiture of assets of persons who share property with the convict in matrimony or family, excluding, however, where assets of such persons derive from their own property, or from inheritance or donation which does not originate from the convict.

§ 4. The forfeited assets shall become the property of the State Treasury, subject to third party rights which do not transfer the value of the forfeited assets.

§ 5. The forfeiture shall not apply to objects excluded from enforcement by law.

[keywords: forfeiture of assets, loss of public rights]  
[judgements]

### **Article 50.**

§ 1. The military courts shall apply the provisions of the General Part of the Penal Code of the Polish Army to the offences covered by this Decree.

§ 2. Penalties of imprisonment for the offences specified in this Decree and in Articles 85 to 88 of the Penal Code of the Polish Army shall be imposed within the limits of 6 months to 15 years, and penalties of detention from one week to 5 years, also in cases adjudicated by military courts.

§ 3. Instead of the provisions of Chapter X and Articles 54 and 55 of the Penal Code of the Polish Army, the military courts shall apply the provisions of Chapter IX and Article 59 of the Penal Code of 1932 to the offences indicated in §2.

[keywords: military courts, Criminal Code of 1932, Criminal Code of the Polish Army]  
[judgements]

### **Chapter V.**

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## **Procedural rules.**

### **Article 51.**

In cases of offences provided for in Chapter I of this Decree and in Articles 85 to 88 of the Penal Code of the Polish Army, the military courts shall have jurisdiction also over persons who are subject to the jurisdiction of common courts, but in cases of the offence under Article 14 of this Decree only in so far as the association is aimed at committing one of the aforementioned offences.

[keywords: subject-matter jurisdiction, military courts]  
[judgements]

### **Article 52.**

§ 1. Unless the perpetrator is liable before military courts, cases of offences provided for in this Decree shall be examined by regional courts composed of one judge as the chairman and two lay judges selected a list compiled by the praesidium of the voivodeship national council having appropriate jurisdiction over the seat of the regional court.

§ 2. The court shall not cease to have jurisdiction where, based on circumstances that have come to light in the course of the trial, the alleged offence must be reclassified as an offence which is not covered by this Decree.

[keywords: subject-matter jurisdiction, general courts]  
[judgements]

### **Article 53.**

A division shall be established in each regional court to examine the cases referred to in Article 52.

[keywords: general court]  
[judgements]

### **Article 54.**

§ 1. In exercising their office, lay judges shall be independent and subject only to laws.

§ 2. The procedure on appointing lay judges and on their rights and obligations shall be described in greater detail in a regulation of the Minister of Justice.

[keywords: lay judges]  
[judgements]

### **Article 55.**

§ 1. In cases of offences referred to in this Decree, insofar as they fall within the jurisdiction of military courts, preparatory proceedings shall be conducted by public security bodies unless proceedings have been or are to be initiated by a military prosecutor.

§ 2. Preparatory proceedings conducted by public security bodies shall be supervised by a military prosecutor.

§ 3. Upon completion of the preparatory proceedings, the public security bodies shall send the case files to the competent military prosecutor.

[keywords: preparatory proceedings, supervision by a military prosecutor, public security authorities]  
[judgements]

### **Article 56.**

§ 1. Cases of offences which are covered by this Decree but do not fall within the jurisdiction of military courts shall be subject to applicable provisions of the Code of Criminal Procedure with the changes indicated below.

§ 2. The provisions of Article 55 of this Decree shall apply accordingly.

[keywords: proper application of the Code of Criminal Procedure]  
[judgements]

### **Article 57.**

In preparatory proceedings conducted by public security bodies:

- 1) the public security bodies shall immediately notify the prosecutor of the initiation of each investigation;
- 2) a refusal to prosecute or discontinuation of an investigation by the public security bodies must be approved by the prosecutor;
- 3) decisions on the application of preventive measures, the initiation of investigations, the extension of remand detention in the course of investigations, the forfeiture of a bail or the collection of the sum of the surety shall be issued by the prosecutor;
- 4) investigating officers of public security bodies shall enjoy the rights arising under the Code of Criminal Procedure for investigating judges, except for the right to issue decisions provided for in 3);

5) where bringing the detainee before the prosecutor is associated with disproportionate difficulties, the provision of Article 168 of the Code of Criminal Procedure shall apply.

[keywords: preparatory proceedings, public security bodies, powers of an investigating officer]  
[judgements]

#### **Article 58.**

In the course of preparatory proceedings, the prosecutor enjoys the rights that arise under the Code of Criminal Procedure for public prosecutors and investigating judges, with the provision of Article 57 (5) being applicable.

[keywords: prosecutor, investigating judge]  
[judgements]

#### **Article 59.**

Where the Code of Criminal Procedure provides that a court of appeal is competent for settling a complaint against a regional court ruling, such an application shall be finally settled by a regional court composed of two judges and three lay judges.

[keywords: horizontal instance]  
[judgements]

#### **Article 60.**

The parties may lodge complaints against decisions and orders made by the prosecutor. Such complaints shall be finally settled by the regional court.

[keywords: complaint, order]  
[judgements]

#### **Article 61.**

The parties may lodge a cassation appeal with the Supreme Court against a regional court judgement.

[keywords: cassation]  
[judgements]

#### **Article 62.**

If the Supreme Court considers that while no court procedural rules have been breached, but there has occurred an improper application of the law in determining the offence or imposing the penalty, then it may set aside the judgement and itself rule on the merits of the case. In such a case, the Supreme Court shall not be bound by the sentence imposed in the contested judgement, but shall be bound by the facts established in the judgement; the provision of Article 500(a) of the Code of Criminal Procedure shall apply accordingly.

[keywords: decision on the merits of a case, cassation appeal]  
[judgements]

### **Article 63.**

§ 1. When examining a cassation appeal, the Supreme Court shall set aside the judgement of a regional court regardless of a party's application if it has any serious doubts about the correctness of the factual findings on which the contested judgement was based.

§ 2. Where a case is re-examined by a regional court, the provision of Article 500(a) shall apply accordingly.

[keywords: setting aside a judgement]  
[judgements]

### **Article 64.**

In cases examined by regional courts (Article 52), a decision to reopen a trial that ended in a final judgement shall be vested in the Supreme Court.

[keywords: reopening of a trial]  
[judgements]

## **Chapter VI.**

### **Ministers' mandates.**

### **Article 65.**

The Minister of the Recovered Territories and the Minister of Public Administration, each within their respective remits, shall be mandated to issue rules by means of regulations concerning the trade in and disposal of property in connection with the population resettlement.

[keywords: delegation, population resettlement]

[judgements]

### **Article 66.**

The Minister of the Recovered Territories shall be mandated to issue regulations on the prohibition of transferring movable property out of the area of the Recovered Territories.

[keywords: prohibition of transferring movable property]  
[judgements]

## **Chapter VII.**

### **Transitional and final provisions.**

### **Article 67.**

§ 1. Cases of offences which are subject to the substantive rules of this Decree (Article 2 of the Penal Code of 1932 and Article 2 of the Penal Code of the Polish Army) shall be tried in accordance with the procedural rules laid down in this Decree.  
§ 2. Cases initiated under the Decree of 16 November 1945 on particularly dangerous offences in the period of reconstruction of the State (Journal of Laws of the Republic of Poland, No. 53, item 300), shall continue according to the procedural rules of this Decree unless the main hearing in the first instance has already begun.

[keywords: intertemporal rules]  
[judgements]

### **Article 68.**

The legal effect of the provisions of the Penal Code of 1932 which were applicable before the entry into force of the Decree of 16 November 1945 on particularly dangerous offences in the period of reconstruction of the State shall be suspended to the extent regulated by this Decree.

[keywords: suspension of the provisions, Penal Code of 1932]  
[judgements]

### **Article 69.**

As from the date of entry into force of this Decree, the Decree of 16 November 1945 on particularly dangerous offences in the period of reconstruction of the State (Journal of Laws of the Republic of Poland, No. 53, item 300) shall be repealed.

[keywords: repealing rules]  
[judgements]

### Article 70.

The provisions of the Regulation of the Minister of Justice of 27 November 1945 on the procedure of appointment and on the rights and obligations of lay judges in summary proceedings and in cases of particularly dangerous offences in the period of reconstruction of the State (Journal of Laws of the Republic of Poland, No. 53, item 303)

[keywords: transitional provision]  
[judgements]

### Article 71.

The implementation of this Decree shall be entrusted to the Ministers of: Justice, National Defence, Public Security, Public Administration and the Recovered Territories.

[keywords: delegating provision]  
[judgements]

### Article 72.

This Decree shall enter into force on the date of its promulgation.

[keywords: no *vacatio legis*]  
[judgements]

President of the National Council: *Bolesław Bierut*  
pp Prime Minister and Minister of the Recovered Territories: *Władysław Gomułka*  
Minister of Justice: *Henryk Świątkowski*  
Minister of National Defence: *Michał Żymierski, Marshall of Poland*  
Minister of Public Security: *Stanisław Radkiewicz*  
Minister of Public Administration: *Władysław Kiernik*