

prawomocnym wyrokiem sądu faktu popełnienia tego przestępstwa. Złożenie wstępnego wniosku, o którym mowa w art. 6 ust. 2 u.TS, powoduje, że termin przedawnienia określony zgodnie z art. 23 ust. 1 u.TS biegnie od nowa.

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TIME LIMITATIONS OF STARTING THE PROCEEDINGS BEFORE THE TRIBUNAL OF STATE

The article is devoted to the issue of time limitations of starting the proceedings before the Tribunal of State. The analysis of provisions contained in the Act on the Tribunal of State of 1982 leads to the conclusion that the end of the ten-year limitation period provided in Art. 23 of the act leads to the inadmissibility of the prosecution only before the Tribunal of State. If the prosecution before the Tribunal of State includes both the constitutional responsibility and criminal liability, the time limitation with respect to both types of liability is assessed in accordance with the principles laid down in Art. 23 of the Act on the Tribunal of State.

However, if the responsibility for constitutional tort and liability for the offense are subject to separate proceedings - before the Tribunal of State and criminal proceedings - in each case the issue of the limitation is assessed autonomously, and so only in relation to the particular type of liability on the basis of appropriate regulations. The statement by the Tribunal of State that the constitutional tort, which the defendant was accused of in the proceedings concerning the constitutional responsibility, is a crime justifying the adoption of more than ten-year limitation period depends on the proving by a final judgment of a court that the crime was committed. The submission of the initial proposal referred to in Art. 6 p. 2 of the Act on the Tribunal of State means that the limitation period determined in accordance with Art. 23 p. 1 of the Act runs from the beginning.