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Calculation of Time Limits Resulting from the Constitution of the Republic of Poland from April 2, 1997 (Selected Issues)

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Słowa kluczowe: konstytucja, czas, zdarzenie prawne, termin, obliczanie terminu, postępowanie ustawodawcze, kadencja sejmu

Abstract

Time limits are a normative approach to time, the passing of time is then a legal event (an element of a legal event). The provisions of the 1997 Constitution repeatedly use different types of time limits, but do not indicate how they are calculated. It seems that the time limits specified in days, months and years should be calculated according to *computatio civilis*, thus taking into account certain conventional rules. Such a time limit ends at the end of the last day of the time limit, but usually starts at the beginning of the day following the day the event, with which the legal provision relates the beginning of the time limit, occurred. Time limits determined using shorter time units (e.g. in hours) should be calculated according to *computatio naturalis*, i.e. strictly from one moment to another. Such conclusions can be reached using various methods of interpretation, but the most appropriate seems to be the use of analogy from the law.

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Streszczenie

Obliczanie terminów regulowanych przez Konstytucję Rzeczypospolitej Polskiej z 2 kwietnia 1997 r. (wybrane zagadnienia)

Terminy są normatywnym ujęciem czasu, upływ czasu stanowi wówczas zdarzenie prawne (element zdarzenia prawnego). Przepisy Konstytucji z 1997 r. wielokrotnie posługują się różnymi rodzajami terminów, ale nie wskazują sposobu ich obliczania. Wydaje się, że terminy określone w dniach, miesiącach oraz latach powinny być liczone według *computatio civilis*, a więc z uwzględnieniem pewnych reguł konwencjonalnych. Termin taki kończy się wraz z upływem ostatniego dnia terminu, natomiast rozpoczyna się najczęciej wraz z początkiem dnia następującego po dniu, w którym nastąpiło zdarzenie, z którym przepis prawa wiąże rozpoczęcie biegu terminu. Terminy wyznaczone za pomocą krótszych jednostek czasu (np. w godzinach) powinny być liczone według *computatio naturalis*, a więc w sposób ścisły, tj. od chwili do chwili. Do takich wniosków można dojść posługując się różnymi metodami wykładni, najwłaściwsze wydaje się jednak zastosowanie analogii z prawa.

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Time is defined as a scalar (in classic terms) physical quantity that determines the order of events and the intervals between events occurring in the same place. In the philosophical sense, it is a measure of change expressed by the terms "earlier" and "later". This concept is most often understood as: 1) moment, time point (sometimes referred to as the common feature of simultaneous events); 2) period, time period (set of moments); 3) duration, length of time period; 4) all-encompassing duration of reality (a set of time periods)[2]. So time is a fact that objectively occurs in reality[3]. On the other hand, the concept of "time limit" means the time to perform an activity, to fulfill some conditions or the time period whose expiration results in legal effects[4]. The time limit is therefore a normative approach to time.

[2] See: *Nowa Encyklopedia Powszechna PWN*, vol. 1, ed. B. Petrozolin-Skowrońska, Warsaw 1997, p. 828–829.

[3] P. Dobosz, *Czas w ustrojowym prawie administracyjnym*, [in:] *Czas w prawie administracyjnym*, ed. J. Zimmerman, Warsaw 2011, p. 33.

[4] *Encyklopedia Gazety Wyborczej*, vol. 18, ed. J. Rawicz, Warsaw 2005, p. 495.

It should be noted that the law exists and is implemented within a certain period of time, so we can speak of its external significance for the legal order. In addition, legal norms in connection with time may be combined with certain legal effects. Therefore, there are the cases in which time (regardless of its external significance) also has – as an objective category – internal significance for a given legal order. The internal meaning of time for the legal order occurs when the law combines specific legal effects with the passing of time as a legal event. The passing of time can be an independent legal event or one of the circumstances constituting a legal event. However, the legal effect can be associated with a specific point in time – by determining it on the basis of calendar, clock; or after a certain period of time – by determining its starting and ending point[5].

We can distinguish: shaping impact of time (time factor included in the hypothesis of a legal norm), specifying impact of time (time factor as an element of the disposition of a legal norm), as well as the cancelling effect of time[6]. It should be noted, however, that due to the generally accepted division into sanctioned and sanctioning norms, those elements that will be at the disposal of the sanctioned norm will constitute an element of the sanctioning norm hypothesis[7].

Despite the undeniably existing features common to all time limits, they can differ significantly. Generally, it should be stated that in almost every sphere of legal relations, where time limits appear, they have their own legal regulation[8]. It most frequently concerns the rules for calculating time limits,

[5] See: A. Wasilewski, *Upływ czasu jako zdarzenie prawne w prawie administracyjnym*„Państwo i Prawo" 1966, No. 1, pp. 57–58, 63.

[6] The indicated classification was presented by J. Człowiekowska, who was inspired by the monograph of A. Nita, concerning tax law, See: J. Człowiekowska, *Czas w materialnym prawie administracyjnym*, [in:] *Czas w prawie administracyjnym…*, pp. 85–86 and the literature indicated therein.

[7] See: S. Wronkowska, Z. Ziembiński, *Zarys teorii prawa*, Poznań 2001, p. 34.

[8] The following general regulations can be mentioned in particular: Articles 110–116 of the Act of April 23, 1964 Civil Code (Dz.U. 2019, item 1145, 1495; hereinafter: kc); Articles 57–60 Code of Administrative Procedure of June 14, 1960 (Dz.U. 2018, item 2096, with changes; hereinafter: kpa); Articles 164–166 of the Act of November 17, 1964 Code of Civil Procedure (Dz.U. 2019, item 1460, with changes; hereinafter: kpc); Articles 122–127c of the Act of June 6, 1997 Code of Criminal Procedure (Dz.U. 2018, item 1987, with changes; hereinafter kpk); Articles 11–12 of the Act of August 29, 1997 Tax Code (Dz.U. 2019, item 900, with changes;

as well as the legal effects of conventional behaviours with the failure to observe the time limit, as well as possibilities to avoid these negative effects. These provisions often relate to conventional behaviors that make it possible to believe that the time limit has been observed (e.g. due to the letter being sent in a post office on the last day of the time limit), and finally to situations that are relevant to the course of the time limit itself (e.g. suspension or interruption).

There are many classifications of time limits in the doctrine that take into account various criteria. There are primarily material and procedural time limits. A material time limit is a period of time during which the rights or obligations of an individual may be shaped as part of a material legal relationship. The procedural time limit is the time period in which the procedural subjects or participants in the proceedings are to perform trial proceedings. The difference between the material time limit and the procedural time limit comes down to different levels of legal effects connected with passing of time[9]. The difference between material and procedural time limits is usually also seen through the characteristic solutions that are usually associated with these categories of time limits.

A characteristic solution for procedural time limits is, among other things, the institution of restoring the time limit. It allows for avoiding negative consequences associated with the expiry of the time limit, if a given entity would make lack of its liability probable and at the same time would complete the procedural act for which the time limit was reserved[10]. It should be borne in mind, however, that this institution only applies if it has been expressly provided for in a given type of procedure. Even in such a situation, it is not arbi-

hereinafter op); Articles 82–84 of the Act of August 30, 2002 Law on proceedings before administrative courts (Dz.U. 2019, item 2325; hereinafter ppsa). In addition to the general provisions thus indicated, a number of specific provisions may be enumerated as part of the regulations of individual legal institutions. It applies e.g. to the following institutions: limitations of property claims (Articles 117–125 kc); acquisitive prescriptions (Articles 172–176 kc); limitation of punishment and enforcement of a sentence (Articles 101–105 of June 6, 1997 Penal Code, Dz.U. 2019, item 1950, 2128; hereinafter: kk).

[9] The indicated definitions constitute a generalization of considerations presented in the context of administrative law by B. Abramiak after J. Pokrzywicki. See: *Komentarz do art. 57*, [in:] B. Adamiak, J. Borkowski, *Kodeks postępowania administracyjnego. Komentarz*, Warsaw 2019, Legalis.

[10] See: e.g. Articles 168–172 kpc, Articles 58–60 kpa, Articles 86–89 ppsa.

trarily applied, i.e. it does not apply to all procedural time limits under a given type of proceedings. Typical for procedural time limits is also an indication of conventional behavior, which the law considers as tantamount to observing the time limit. For example, such a situation may take place in the case of designation of a legal fiction equating submission of a letter in a Polish post office of a designated operator, with submission to the court[11]. Material law provisions are a very heterogeneous category, which is why it is difficult to indicate, in a clear and unobjectionable manner, such regulations that would be common to them all[12].

Time limits are also divided into arbitrarily determined (e.g. calculated in days, weeks, months, years, designated by date and time) and relatively determined, which are designated by means of indefinite phrases (e.g. "immediately", "without undue delay")[13]. Given the procedure for setting the time limit, we can distinguish between the time limits: set in advance by authorized entities in the lawmaking process (statutory time limits) and those that are set by other legal entities in the process of their application (designated/official time limits)[14]. The procedural time limits are also divided accord-

[11] See: Article 83 § 3 ppsa. These reasonable behaviours will be regulated directly in the provisions on procedural time limits and indirectly, in relations to material time limits, in the provisions on individual institutions of substantive law (e.g. by determining the moment of submitting the declaration of will; the moment of concluding the contract, etc.). This difference can only result from the adopted legislative technique.

[12] For example, you can indicate the suspension and interruption of the limitation period for property claims – Articles 121, 123–124 kc; extension of the limitation period for criminal liability – Article 102 kk. However, it should be noted that the suspension of procedural time limits occurs when the proceedings are suspended – e.g. art. Article 103 kpa.

[13] In the case of relatively determined time limits, different length of time limits in a similar factual state may result more from a different interpretation of the not sharp concept than from the use of different "technical" methods of its calculation; see: L. Leszczyński, M. Zirk-Sadowski, B. Wojciechowski, *Wykładnia w prawie administracyjnym*, [in:] *System prawa administracyjnego*, eds. R. Hauser, A. Wróbel, Z. Niewiadomski, Warsaw 2015, Legalis.

[14] In the case of substantive civil law, such an entity can, in principle, be any entity of that law, i.e. a natural person, a legal person and an organizational unit which is not a legal person, but with legal capacity. Therefore, for considerations of a more general nature, it seems more appropriate to use the terms – statutory and designated (rather than official). Such a situation will be a nice place, among others, pursuant to Article 18 § 3 kc. A similar division is also indicated by M. Wincenciak, using examples in the field of administrative law (see: M. Wincenciak, *Przedawnienie w polskim prawie administracyjnym*, Warsaw 2019, p. 86). The

ing to the criterion of the effects associated with their failure. In this context, we are talking about final time limits, preclusion and indicatory (also called usual) time limits. The trial proceedings carried out after the lapse of the time-limit is void and has no legal effects. Avoiding these adverse effects may occur through the use of the institution of the time limit restoring. Trial proceedings carried out after the expiry of the time limit is ineffective and such a time limit period cannot be restored. On the other hand, trial proceedings carried out after the indicatory time limit does not deprive them of their legal force (effectiveness)[15].

It should be noted that the Constitution contains many time limits of various types. However, these are mainly procedural provisions regarding legislative and electoral proceedings[16]. Among other things, the President has 21 days to exercise his powers over the act, in the ordinary legislative procedure (Article 122 section 2 of the Constitution). On the other hand, elections to the Sejm and the Senate are ordered by the President of the Republic of Poland no later than 90 days before the expiry of the 4 year period beginning with the commencement of the Sejm's and Senate's term of office, and he orders such elections to be held on a non-working day which shall be within the 30 day period before the expiry of the 4 year period beginning from the commencement of the Sejm's and Senate's term of office. In the indicated situation, we have both a statutory (constitutional) time limit included in the text of the normative act, as well as the establishment of competence to determine the designated (official) time limit. Appropriate dates are also provided when regulating legal institutions of a different nature. It is possible to indicate, for example, a time limit in which an answer to parliamentary interpellations should be given (Article 115 section 1 of the Constitution) or a time limit for

author also indicates, after M. Szewczyk and E. Szewczyk, the intermediate category, referring to the situation when the time limit was specified in the general act of applying the law. On the other hand, R. Stankiewicz indicates as the criterion of division the entity setting the date, see: R. Stankiewicz, *Komantarz do art. 57,* [in:] *Kodeks postępowania administracyjnego. Komentarz*, eds. R Hauser, M. Wierzbowski, Warsaw 2015, p. 351 and Z. Kmiecik, *Postępowanie administracyjne, postępowanie egzekucyjne w administracji, postępowanie sądowoadministracyjne*, Warsaw 2019.

[15] See. Z. Kmiecik, op.cit., pp. 122–123; R. Stankiewicz, op.cit., p. 351.

[16] See: e.g. Article 122 section 2 of the Constitution and Article 98 section 2 of the Constitution.

obtaining a vote of confidence by the newly appointed Council of Ministers (Article 154 section 2 of the Constitution). Time limits also specify the maximum detention time. Namely, the person should, within 48 hours of detention, be given over to a court for consideration of the case. The detained person should be set free unless a warrant of temporary arrest issued by a court, along with specification of the charges laid, has been served on him within 24 hours of the time of being given over to the court's disposal. (Article 41 section 3 of the Constitution). The President of the National Bank of Poland is appointed by the Sejm at the request of the President of the Republic for a period of six years (Article 227 section 3 of the Constitution). Within 5 months following the end of the fiscal year, the Council for Monetary Policy should submit to the Sejm a report on the achievement of the purposes of monetary policy. (Article 227 section 6 of the Constitution). The Marshal of the Sejm should be notified forthwith of any detention of The Commissioner for Citizens' Rights and may order an immediate release of the person detained. (Article 211 of the Constitution).

Therefore, constitutional time limits may apply to both substantive, procedural and systemic law. They can take the form of statutory and designated (official) time limits; be determined in arbitrary or relative terms. Finally, the consequences of their failure can be different. As a rule, however, these will be statutory time limits, strictly determined (usually a period of time determined by the number of days, months, years). These time limit periods cannot be restored. Most often, failure to observe the time limit will not result in the expiry of the right (obligation), and the act performed after the time limit will be legally effective.

Any negative effects of exceeding the time limit in legislative proceedings should be considered primarily in the context of the review of the constitutionality of the act as a normative act (Article 188 point 1 of the Constitution)[17]. This review is carried out by the Constitutional Tribunal when assessing the course of the legislative procedure. Exceeding time limits in electoral proceedings may be subject to review by the Supreme Court (Article 101 section 1 of the Constitution). In many cases, the effect of failure to observe

[17] P. Winczorek, *Komentarz do Konstytucji Rzeczypospolitej Polskiej z 2 kwietnia 1997 roku*, Warsaw 2000, p. 245.

the time limit will be specific to a given legal institution. It may even be the emergence of an obligation to resign by the President of the newly appointed Council of Ministers if he does not obtain a vote of confidence within the prescribed period[18]. On the other hand, legal effects may apply to individual participants in proceedings and be associated with the creation of constitutional, criminal, disciplinary and civil liability (damages). It should be noted that the arising of liability will often be associated with the very violation of law. Obviously, it does not apply to liability for damages, which is inextricably linked to the occurrence of damage. These issues, however, require a very extensive discussion, and therefore remain outside the scope of this article.

Particularly noteworthy is the issue of calculating time limits, i.e. rules that allow, in a particular case, to indicate a point in time (or two points – the starting and ending, if we consider time limits constituting a certain period), having legal significance. Despite the enormous practical importance of this task, there are types of legal relations in which the legislator has not introduced a precise regulation regarding the calculation of time limits. First of all, it concerns substantive administrative law and substantive criminal law, as well as the time limits specified in the provisions of the Constitution of the Republic of Poland. This opens up the difficult problem of searching for rules for calculating time limits appropriate for a particular institution, taking into account its essence, function it performs in the legal system and the purpose for which it was introduced[19]. Theoretically, the following solutions can be considered – direct application of the norms interpreted on the basis of the regulations belonging to the same or different branch of law, application of such a norm appropriately, and finally using legal reasoning to interpret a legal norm not explicitly expressed by the legislator. If there is a gap in the law, one should consider using *analogi legis* or *analogs iuris*.

It should be noted that there are two basic ways of calculating time limits. The calculation of the course of the time limit for the day, hour and minute (*a momento ad momentum*) is called *computatio naturalis* in the doctrine. In

[18] See: W. Sokolewcz, *Komentarz do art. 154 Konstytucji*, [in:] *Konstytucja Rzeczypospolitej Polskiej. Komentarz*, T. I, ed. L. Garlicki, Warsaw 1999, p. 19.

[19] E.g., the following publications devoted to the issue of calculating substantive time limits, which have not been positively regulated, can be identified: M. Kulik, *Przedawnienie karalności i przedawnienie wykonania kary w polskim prawie karnym*, Warsaw 2014, M. Wincenciak, op.cit.

turn, the calculation of the date from day to day (*dies a quo*) is called *computatio civilis*[20]. The advantages of the latter include excluding the need to determine the exact moment at which the event occurred, determining the start or end of the period. In practice, this translates into a reduction of possible evidentiary problems[21]. This method of calculating terms is conventional because it uses certain assumptions that separate the start and end moments from the exact moment at which legally significant events occurred.

It should be noted that the provisions of the Constitution do not regulate the method of calculating constitutional dates. Therefore, this issue should be assessed each time in terms of the purpose and function of a given legal institution. It is worth mentioning, however, that they were specified, in principle, by indicating days, months or years, which prompts the adoption of *computatio civilis*. The time limit counted in days ends with the last day of the time limit (i.e. at 24.00). If its beginning is a certain event, then the period begins with the beginning of the next day (i.e. at 00.00). If the time limit is calculated in weeks, months or years, it ends with the expiry of that day in the last week or month, which corresponds with its name or date to the start day. If there was no such day in the last month, the time limit ends with the expiry of the last day of that month.

These are the canon rules for calculating time limits according to *computatio civilis* and are taken almost for granted, without any justification[22]. Interference from both the analogy of law or statute could lead to adopting such a method of calculation. One should rather lean towards analogy from the law, because it would be difficult to decide on a regulation that would serve as a normative model – provisions of substantive or procedural law, and if procedural, which branch of law. The use of analogy is always limited by the scope of the identified legal gap and the purpose and function of the legal institution for which the missing normative regulation is being developed. There-

[20] See in particular: I. Nowikowski, *O regułach obliczania terminów w procesie karnym (kwestie wybrane)*, [in:] *Teoretyczne i praktyczne problemy współczesnego prawa karnego. Księga jubileuszowa dedykowana profesorowi Tadeuszowi Bojarskiemu*, eds. A. Michalska-Warias, I. Nowikowski, J. Piórkowska-Flieger, Lublin 2011, pp. 877–894.

[21] See: M. Kulik, op.cit.,p. 222.

[22] See: L. Garlicki, *Komentarz do art. 98 Konstytucji*, [in:] *Konstytucja Rzeczypospolitej Polskiej. Komentarz*, T. I, p. 9.

fore, there is no need to adopt additional conventional rules that occur in connection with other procedural time limits. In particular, it does not seem that the will of the legislator (constitution-maker) was to set a rule to postpone the end of the time limit, if it falls, in a particular case, on a non-working day or on a Saturday.

The application of content identical rules for calculating constitutional time limits would result directly from the application of civil law principles, which were specified in Articles 110–116 of the Civil Code. The reason for such an idea would be the content of Article 110 of the Civil Code. Pursuant to this provision, "If the law, a court decision or a decision of another public authority or a legal act indicates a period (time limit) without specifying the method of calculating it, the following provisions apply." From such an editorial of the cited Article one could conclude that this is a general regulation for the entire legal system and applies wherever laws omit the regulation of calculating the course of time limit. This reasoning could also apply to the Constitution. In my opinion, commentators too hastily formulate categorical opinions refusing to apply the rules of civil substantive law to institutions outside civil law if there is no additional legal basis. However, these authors point to the possibility of "auxiliary" application of these rules by way of analogy with the statute[23].

The calculation of deadlines according to the *computatio civilis* involves another important problem, which is differently resolved on the basis of individual legal institutions. Let us be reminded that, most frequently, the time limit counted in days begins to run from the beginning of the day following the day on which the event occurred. Therefore, the question is whether the effectiveness value should also be given to activities performed after the occurrence of this event, but before the start of the next day, i.e. before the formal start of the period. This issue usually remains outside the positive regulation even if the legislator regulates in detail the issue of calculating time limits for a given legal institution. This leads to large divergences in the practice of applying the law, even with regard to the same institution[24]. However,

[23] See: R. Strugała, *Komentarz do art. 110 kc*, [in:] *Kodeks cywilny. Komentarz*, eds. E. Gniewek, P. Machnikowski, Warsaw 2019, Legalis with the included literature.

[24] See e.g.: judgment of the Supreme Administrative Court of October 18, 2017, reference number II OSK 2681/16; judgment of the Supreme Administrative Court of 30.05.2019, refer-

one can observe a tendency to liberalize the approach in this respect on the basis of various branches of law.

In my opinion, the purpose and function of the institution of legislative proceedings inclines us to believe that the action carried out after the occurrence of the event from which the law requires the counting of the time limit and before the next day will be valid and effective. It is an opinion general in its nature, because in a specific case, failure to use the time allocated to a given authority, even if the time limit has not been formally violated, may determine the violation of procedural norm of legislative proceedings[25]. In completely exceptional situations, actions carried out even before such an event could be considered effective.

The adopted interpretation of the provisions should prevent paralysis of legislative proceedings as a result of ostentatious failure to perform constitutional obligations – i.e., for example, the failure of the Marshal of the Sejm to pass an adopted bill to the President. In such a situation, one should consider whether the completion of all substantive work on the act at the parliamentary stage should be interpreted as an event opening the time limit for the President to exercise his powers. In some situations, activities beyond the time limit should also be recognized. We could deal with such a situation if the act was signed by the President on the 60th day after the day of forwarding the adopted act to him. Signing the act in such conditions would repeal the unlawful legal status.

The Constitution also uses time limits determined up to an hour. This applies to the retention period referred to in Article 41 section 3 of the Constitution. In this case, the time limit should be calculated according to the principles of *computatio naturalis*. In other words, it runs from one moment to another moment and when calculating it, the above-mentioned conventional principles, which are only relevant to *computatio civilis*, do not apply. The period of detention therefore runs for a set number of hours immediately following the act of detention[26].

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ence number II OSK 1320/18; judgment of the Supreme Administrative Court of 28.8.1996, reference number SA/Ka 2966/95.

[25] See: the Judgment of the Constitutional Tribunal of 23 March 2006, reference number K 4/06.

[26] See: thesis 5 of the commentary: G. Krysztofiuk, *Komentarz do art. 123 kpk*, [in:] *Kodeks postępowania karnego. vol. I. Komentarz. Art. 1–424*, ed. D. Drajewicz, Warsaw 2019, Legalis.

A special time limit of legislative proceedings is the time point at which the term of office of the Sejm ends, which is also the end of the term of office of the Senate. This is related to the applicable, though without explicit legal basis, principle of discontinuing the work of parliament. At the end of the term, all issues, motions and submissions where the parliamentary work has not been closed are deemed to be resolved in the sense that they will not take effect[27]. The essence of this rule is the prohibition by the parliament of the new term of office of proceedings not completed in the parliament of the previous term[28]. According to Article 98 section 1 of the Polish Constitution, the term of office of the Sejm and Senate shall begin on the day on which the Sejm assembles for its first sitting and shall continue until the day preceding the assembly of the Sejm of the succeeding term of office.

In connection with the above, the end of the term of office of the Sejm will be a preclusion period, resulting from the norm of customary law[29]. It was clearly defined as "the day preceding the day of the Sejm's next term of office" (Article 98 section 1 of the Polish Constitution). However, there is a close connection of this point in time with the official time limit set by the President of the Republic of Poland[30]. The first meetings of the Sejm and Senate are convened by the President of the Republic of Poland, as a rule, on a day within 30 days of the election day (Article 109 section 2 of the Polish Constitution).

A clear indication of the date of the end of the term of office of the Sejm does not mean that there is no problem with its calculation, and thus no indi-

[27] See: B. Banaszak, *komentarz do art. 98 Konstytucji, tezy 5–6,* [in:] B. Banaszak, *Konstytucja Rzeczypospolitej Polskiej. Komentarz*, Warsaw 2012, Legalis with included literature.

[28] See: L. Bosek, *Komentarz do art. 98 Konstytucji, teza 9,* [in:] *Konstytucja RP. vol. II. Komentarz do art. 87–243*, ed. M. Safjan, L. Bosek, Warsaw 2016, Legalis.

[29] The nature of the principle of discontinuation is disputed in doctrine. Some authors believe it has no legal status at all, classifying it as a custom in the process of applying the law. In such a case, abandoning it and continuing the legislative work already begun in the previous term of office would depend only on the will of the given House of Parliament sitting in a changed composition. However, this view is contradicted by the jurisprudence of the Constitutional Tribunal, which, in violation of the principle of discontinuation, links the effects appropriate to the violation of law.

[30] L. Garlicki points to the emerging practical difficulties related to the linking of some strictly determined time limits with the official ones. This applies to periods of electoral law, which determine the period in which the starting or ending point is the official date, which will not be set in the future. See: L. Garlicki, op.cit., p. 10 with included literature.

cation of the specific point in time at which it occurs. However, it seems that the expiry of the time limit will not occur until the expiry of the "day preceding the day of the first sitting of the Sejm of the next term of office." This would mean that the time point mentioned above should be set to 24.00 on the day indicated above. It should be noted, however, that this time limit can be definitively determined only if the event to which it relates has already taken place – and thus the Sejm of the next term of office will meet for the first sitting. It is pointed out that this relationship is arbitrary, and the eventual failure of the first planned sitting of the Sejm, planned earlier, means that the term of office of the Sejm of the previous term has not expired[31].

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[31] See: L. Garlicki, op.cit., p. 9.

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