



INFORMATIVE NOTE No. 54/2016

THE TC GRANTS LEAVE TO PROCEED TO THE GOVERNMENT'S APPEAL AGAINST AN ACT THAT INCORPORATES VARIOUS LEGAL FIGURES IN BOOK FIVE OF THE CATALONIAN CIVIL CODE

The Plenary Meeting of the Constitutional Court (TC) has granted leave to proceed to the unconstitutionality appeal filed by the President of the Government against Art. 1 and, by reference, against various provisions of Catalanian Act 19/2015, of 29 July, incorporating provisional ownership and shared ownership into Book Five of the Catalanian Civil Code.

The Court has resolved to serve notice of the foregoing appeal to the Congress of Deputies and to the Senate, as well as to the Catalanian Parliament and *Generalitat*, which have been granted a term of fifteen days in which to appear as parties to the suit and present any pleadings they deem appropriate.

In its appeal, the Government has upheld Art. 161.2 of the Spanish Constitution, further to which the validity and application of the challenged precepts have been automatically suspended, without the Constitutional Court being able to decide other than as established therein. Art. 161.2 of the Spanish Constitution literally provides as follows: “*The Government may contest before the Constitutional Court the provisions and resolutions adopted by bodies of the Autonomous Communities. This challenge shall entail the suspension of the contested provisions or resolutions, but the Court must either ratify or lift the suspension, as the case may be, within a period of not more than five months*”.

The granting of leave to proceed, and the interim suspension, do not entail any decision whatsoever on the merits of the appeal, which the Court will examine shortly.

Madrid, 31 May 2016.