

# LEGISLATIVE ACTS OF THE USSR

Book Five

**The Labour Code of the RSFSR**

**The RSFSR Housing Code**

**The RSFSR Code on Marriage and the Family**

# LEGISLATIVE ACTS OF THE USSR

Book Five



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## INTRODUCTION

Since 1980, Progress Publishers has published four collections of the most important laws of the Soviet Union in English.

In this, the fifth book in the series, the reader will find the legislative acts of the Russian Soviet Federative Socialist Republic, one of the fifteen Union Republics united on the principles of Soviet federalism in the USSR.

The RSFSR is a sovereign state: independently, it exercises state authority on its territory, determines administrative and territorial divisions, and has its own constitution and other laws.

In accordance with the national-state system in the Soviet Union, two levels of law operate throughout the country: all-Union legislation and republican legislation. Union Republic laws must correspond with all-Union legislation. In the event that such laws do not correspond, all-Union legislation supersedes republican legislation.

Fundamentals of Legislation of the USSR and the Union Republics are adopted for questions relevant to the joint jurisdiction of the USSR and the Union Republics in individual fields of law and the people's economy and culture.<sup>1</sup>

Each Union Republic, on the basis of these all-Union fundamentals, adopts codes which reflect the all-Union legal standards, supplementing and developing these standards, making them more concrete, and applying them to

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<sup>1</sup> See: *Legislative Acts of the USSR*, Books 2 and 3, Moscow, Progress Publishers, 1982 and 1983, respectively.

specific economic and territorial conditions, as well as to the unique national traditions and daily life routines of the population of each republic.

Thus, in the Soviet Union, together with all-Union laws such as the Fundamentals of Labour Legislation, the Fundamentals of Housing Legislation,<sup>1</sup> and the Fundamentals of Legislation on Marriage and the Family,<sup>2</sup> there are fifteen other corresponding republican codes, including the RSFSR Labour Code, the RSFSR Housing Code, and the RSFSR Code on Marriage and the Family which are published in this volume.

The contents of each code prove that each Union Republic independently decides diverse questions which arise in labour, housing and family relations.

Republican codes are applied by all judicial institutions while hearing cases. The rules stipulated in these codes are obligatory for all enterprises, institutions, and organisations located on the territory of the given Union Republic.

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<sup>1</sup> See: *Legislative Acts of the USSR*, Book 2, Moscow, Progress Publishers, 1982, pp. 61-102; 129-165.

<sup>2</sup> See: *Legislative Acts of the USSR*, Book 3, Moscow, Progress Publishers, 1983, pp. 69-87.

## INTRODUCTORY NOTE TO THE LABOUR CODE OF THE RSFSR

The victory of socialism in the USSR put an end to the exploitation of man by man once and for all. In the Soviet Union, the social organisation of labour is based on socialist ownership of the means of production, which provides guaranteed employment to all Soviet citizens.

The current Labour Code of the RSFSR, which is the principal act of labour legislation of the Russian Federation, was adopted on the basis of, and in accordance with, the all-Union law—the Fundamentals of Labour Legislation of the USSR and the Union Republics.<sup>1</sup> In this Code, however, labour relations are regulated more fully and in greater detail than in the Fundamentals.

The Labour Code regulates two groups of labour relations: (1) between industrial, office and professional workers, on the one hand, and enterprises, institutions, and organisations,<sup>2</sup> on the other, concerning their production activity (individual labour relations); and (2) between enterprises, management, work collectives, and trade union committees concerning workers' participation in the management of production (collective labour relations).

The Labour Code defines the principal functions of labour legislation. It encourages the growth of labour productivity and efficiency of social production, the improvement of the working people's living and cultural standards, the strengthening of labour discipline, and the gradual trans-

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<sup>1</sup> See: *Legislative Acts of the USSR*, Book 2, Progress Publishers, Moscow, 1982, pp. 61-102.

<sup>2</sup> Hereinafter, enterprises, institutions and organisations will be referred to as enterprises.

formation of work for the good of society into a prime vital need of each able-bodied citizen. This constitutes the production function of labour legislation.

It also sets a high standard of working conditions and protects the rights of industrial, office and professional workers in every way, which constitutes the protective function of labour legislation.

These two functions are closely interconnected: the development of production entails a broadening of workers' labour rights and privileges; the raising of working people's living standards depends on economic progress. The unity of its productive and protective functions is a vital pattern of Soviet labour legislation that makes it possible to combine the interests of workers, enterprises, and society as a whole.

The RSFSR Labour Code fixes the basic rights of workers and other employees, above all their right to work. This right is guaranteed by the socialist economic system, steady growth of the productive forces, free vocational training, the raising of skills and qualifications, by training in new trades or professions, and developing systems of vocational guidance and placement in employment.

Workers and other employees exercise their right to work under the Labour Code, by concluding a labour contract with an enterprise. This contract is the main, central institution of the Labour Code. It is essentially an agreement between the management and the worker concerning the trade or profession, grading or position in which the worker will work in the enterprise. The defining of the labour function by the contract is proof that the specific ways in which he or she is employed are determined at the free discretion of the worker and the enterprise management. Thus, the contract form of employing workers and other employees is a basic element of socialist democracy.

The labour contract also includes rules for taking on, transferring to other jobs, and dismissal; in the aggregate the rules constitute a system of legal guarantees for the right to work in the Soviet Union.

A worker or other employee is taken on by agreement between him and the management. According to Art. 16 of the Labour Code, refusal without grounds to provide a job is prohibited. Any direct or indirect restriction of rights or preference shown in employment with respect to

sex, race, nationality, or religious belief, is inadmissible.

The recording of a worker's specific labour function by contract is of crucial importance, as what has been agreed by the two parties may not be altered later without the consent of both. The management has no right to alter a worker's labour function unilaterally, for example, by transferring him to another job. This rule is recorded in Art. 24. It is not the idea of the law, however, that it is impossible to alter the labour function, as that would run counter to the needs of scientific and technological progress; it only means that this function may not be altered without the consent of both parties to the labour contract, which makes it possible to combine the interests of enterprises and individual workers to the maximum.

Workers and other employees have an interest in continuing work in the enterprise as long as that work provides material and moral satisfaction. At the same time, they have the legal right to leave a job unhindered if it no longer interests them and take another one that meets their aspirations and inclinations.

Under Art. 31 of the Labour Code, workers and other employees have the right to cancel a labour contract by giving the management two months' notice in writing, or one month's notice when there are valid reasons for doing so. By agreement between the worker and the management, the contract may be cancelled, however, before the expiry of the notice of dismissal.

In their turn, enterprises have an interest in retaining workers, so that the personnel needed by the enterprise will not leave. Workers are only dismissed when, for one reason or another, they are no longer needed for production. But the management's initiative in dismissing workers is limited, unlike that of the worker, who is quite free to decide about terminating a labour contract. A worker may only be dismissed on legally valid grounds. Soviet labour legislation has always traditionally defined a quite short yet exhaustive list of reasons for dismissals on the management's initiative. At present, such a list is contained in Art. 33 of the Labour Code. A worker may be dismissed on the management's initiative only with the preliminary consent of the local trade union committee (Art. 35). In case of dismissal without legal grounds, or without agreement with the trade union, the worker is subject to reinstatement in his former job (Art. 213).

The provisions of the Labour Code are also concerned with regulating the amount of work and consumption. The amount of work is fixed by establishing the length of working time and regulating work quotas. The legal regulation of the amount of consumption is reflected in the legislation on pay. The number of normative acts on pay is large: some are to be found in joint decisions made by the Soviet Government and All-Union Central Council of Trade Unions, by the USSR State Committee for Labour and Social Matters and the AUCCTU, while others are adopted directly at the enterprise, for example, the rules on awarding bonuses, on paying remuneration for the annual results of the enterprise's work, etc.

The Labour Code also regulates the process of collective work, adjusts internal regulations, measures to encourage conscientious work, and measures for disciplining for breaches of labour discipline.

The Labour Code defines the relations of trade unions with government and managerial bodies, and also the rights of trade unions. Trade unions represent the interests of workers and other employees in the areas of production, labour, welfare, and culture. Their participation in the management of the economy is of a consultative character, but their involvement in regulating labour relations is decisive; the appropriate documents are adopted by government and managerial bodies jointly with or in agreement with the trade unions.

The Labour Code not only establishes the rights and duties of the parties in labour relations, but also provides guarantees of their observance. Some chapters of the Code are devoted to the hearing of labour disputes and control over the observance of labour legislation.

The RSFSR Labour Code is the most widespread source of labour legislation, guiding the management of enterprises, trade unions, workers and other employees, and the law-enforcement bodies—the procurator's offices and the courts.

*R. Livshits*

## THE LABOUR CODE OF THE RSFSR

The Great October Socialist Revolution abolished the system of exploitation and oppression. For the first time, after centuries of forced labour for exploiters, the working people got the chance to work for themselves and their own society.

With the victory of socialism in the Soviet Union exploitation of man by man was abolished for good. The basis of the social organisation of labour in the USSR, of which the Russian Soviet Federative Socialist Republic is a member, along with the other constituent republics, on a basis of voluntary union and equality, consists in socialist property, which has opened up an era of free labour for the sake of a better life for the working man. The freedom of labour from exploitation guaranteed by the socialist system is the main condition of genuine freedom of the individual.

In socialist society, in which there are no exploiters and exploited, universality of labour is realised for all able-bodied members of society, and all citizens are guaranteed the opportunity to work. In the USSR, the principle of socialism operates, viz., "from each according to his ability, to each according to his work", and labour is the obligation and moral duty of every citizen able to work, on the principle of "he who does not work, neither shall he eat".

The socialist social system gives people a material and moral incentive in the best results of work, and contin-

uous development and improvement of social production. The growth of socialist production ensures the solid base for a continuous increase in the Soviet people's material prosperity and cultural standard. The Soviet state is perfecting the forms of material and moral incentives of labour and is encouraging development in every way of workers' mass socialist emulation and a movement for a communist attitude to work.

The most important condition of the building of communism is attainment of higher level of labour productivity, and raising of the efficiency of social production. Solution of these tasks calls for a speeding up of scientific and technological progress throughout the national economy, a continuous rise in the cultural and technical education of workers, and a raising of the standards of organisation and discipline of their work.

Scientific and technological progress is combined with full employment in the USSR and is utilised for a radical lightening of work, reduction of the working week, and elimination of heavy physical work and every kind of unskilled labour. As scientific and technological progress develops there will gradually be an organic combination of mental and physical work in people's production activity. The provision of free specialised and vocational training on a broad scale guarantees free choice of work and profession, allowing for the interests of society.

Protection of workers' health, the provision of safe working conditions, and the elimination of occupational diseases and industrial accidents are one of the main concerns of the Soviet state.

In Soviet society the working people manage enterprises that are public property through Soviets of People's Deputies, and the agencies of state administration set up by them. Trade unions play an immense role in drawing workers and other employees into the management of enterprises, institutions and organisations.

In accordance with the Constitutions of the USSR and of the RSFSR citizens are guaranteed equality in the sphere of labour, irrespective of nationality or race. Women are provided equal rights in the USSR with men in work, pay, leisure facilities, and social security.

Citizens' labour rights are protected by law. They are protected by state agencies, and by trade unions and other social organisations.

## Chapter 1

### General Provisions

#### ARTICLE 1. *Tasks of the RSFSR Labour Code*

The RSFSR Labour Code shall regulate the labour relations of all workers and other employees, promotes growth of labour productivity, raising of the efficiency of social production, and a rise on that basis of the material and cultural standards of the working people, consolidation of labour discipline, and gradual conversion of labour for the good of society into a primary vital need of every able-bodied man and woman.

The RSFSR Labour Code shall establish a high standard of working conditions, and comprehensive protection of the labour rights of workers and other employees.

#### ARTICLE 2. *The Basic Labour Rights and Duties of Workers and Other Employees*

The right of citizens of the USSR to work, i.e., to obtain guaranteed work with pay in accordance with its quantity and quality and not below the state minimum, including the right to choice of profession and kind of job and work in accordance with their calling, abilities, professional training, and education, allowing for social needs, is guaranteed by the socialist economic system, steady growth of the productive forces, free vocational training, the raising of labour skills and qualifications, training for new specialities, and the development of systems of vocational orientation and placing in employment.

Workers and other employees shall realise their right to work through the conclusion of a labour contract to work in an enterprise, institution, or organisation. They shall have the right to rest and leisure in accordance with the laws on limitation of the working day and working week and on annual paid holidays, the right to healthy, safe working conditions, to join a trade union, to take part in the management of enterprises, institutions and organisations, to material security at public expense, through state social insurance in old age and in case of sickness or full or partial loss of capacity to work.

Observance of labour discipline, a thrifty attitude to public property, and fulfilment of the labour quotas established by the state with the involvement of the trade

unions shall be a duty for all workers and other employees.

*ARTICLE 3. Regulation of the Work of Members of Collective Farms*

The work of members of collective farms shall be regulated by the rules of the farms adopted on the basis of, and in accordance with, the Model Rules of the Collective Farms and the legislation of the USSR and RSFSR relating to collective farms.

*ARTICLE 4. USSR and RSFSR Labour Legislation*

The labour legislation of the USSR and RSFSR consists of the Fundamentals of Labour Legislation of the USSR and the Union Republics and other acts of USSR labour legislation promulgated in accordance with them, and the Labour Code and other acts of labour legislation of the RSFSR.

The work of workers and other employees is regulated in the RSFSR on matters provided for by the Fundamentals of Labour Legislation of the USSR and the Union Republics by

the legislation of the USSR,  
the legislation of the USSR and RSFSR, and  
the legislation of the RSFSR.

The jurisdiction of the USSR and RSFSR in the field of regulation of the labour of workers and other employees shall be delimited in accordance with the rules of Art. 107 and other articles of the Fundamentals of Labour Legislation of the USSR and the Union Republics.

Matters of the work of workers and other employees not provided for by the Fundamentals of Labour Legislation of the USSR and the Union Republics are regulated by legislation of the USSR, this Labour Code, and other acts of labour legislation of the RSFSR.

*ARTICLE 5. Invalidity of the Terms of Labour Contracts that Are Contrary to Labour Legislation*

The terms of labour contracts that worsen the position of workers and other employees by comparison with the labour legislation of the USSR and RSFSR or are contrary to said legislation in other ways shall be null and void.

*ARTICLE 6. Application of the Labour Legislation of Other Union Republics in the RSFSR*

When matters of the realisation of rights and duties of workers and other employees that arose on the territory of another Union Republic are being reviewed in the RSFSR, the labour legislation of the Republic shall be applied.

## *Chapter II*

### **The Collective Agreement**

#### *ARTICLE 7. The Conclusion of a Collective Agreement*

The collective agreement shall be concluded by the trade union committee of an enterprise or organisation in the name of the work collective with the management of the enterprise or organisation.

The conclusion of a collective agreement shall be preceded by discussion of its draft at meetings (conferences) of the work collective which takes a decision on it and authorises the trade union committee of the enterprise or organisation to sign this agreement.

The collective agreement shall be concluded annually and shall come into force on the day of its signing by the parties.

The concluded collective agreement shall be brought to the attention of all the workers and other employees of the enterprise or organisation.

#### *ARTICLE 8. The Content of the Collective Agreement*

The collective agreement shall contain the main provisions on matters of work and pay, established for the given enterprise or organisation in accordance with the legislation in force, and also provisions as regards working time, free time, payment for work and material incentives, and labour protection, worked out by the management and the trade union committee of the enterprise or organisation within the limits of the rights that are accorded to them, and which have a normative character.

The collective agreement shall establish the mutual obligations of the management and the collective of workers and other employees as regards the fulfilment of production plans, improvement of the organisation of production and work, introduction of new technology and the raising of labour productivity, improvement of the quality and the lowering of the cost of output, development of socialist

emulation, the strengthening of production and labour discipline, the raising of skills and qualifications, and the training of personnel directly on the job.

The collective agreement shall contain the obligations of the management and the trade union committee of the enterprise or organisation for drawing workers and other employees into the management of the enterprise or organisation, for improving rate fixing and forms of payment for work and material incentives, for labour protection, granting of privileges and advantages for advanced workers, improving the workers' housing conditions and cultural and welfare services, and developing educational and cultural work.

The provisions of the collective agreement shall not contradict labour legislation.

#### ARTICLE 9. *Operation of the Collective Agreement*

The collective agreement shall extend to all workers and other employees of the enterprise or organisation irrespective of whether or not they are members of the trade union.

#### ARTICLE 10. *Settlement of Disputes Arising During the Conclusion of a Collective Agreement*

Disputes between the management of an enterprise or organisation and its trade union committee arising during the conclusion of a collective agreement shall be settled by the superior managerial and trade union bodies, with participation of the parties.

#### ARTICLE 11. *Amendments and Additions to the Collective Agreement*

Amendments and additions to the collective agreement shall be introduced by the trade union committee and the management of an enterprise or organisation during the period of its operation, with their approval at meetings (conferences) of the work collective.

#### ARTICLE 12. *Control over Fulfilment of the Collective Agreement*

Control over the fulfilment of obligations under the collective agreement shall be exercised by the management of the enterprise or organisation, the trade union committee of the enterprise or organisation, and their superior bodies.

ARTICLE 13. *Reporting on the Fulfilment of the Collective Agreement*

The management of an enterprise or organisation and the trade union committee of said enterprise or organisation shall give an account to the work collective on the fulfilment of obligations under the collective agreement.

ARTICLE 14. *Freeing of Trade Unions from Liability under Collective Agreements*

Trade unions shall not bear liability under collective agreements.

### *Chapter III*

#### **The Labour Contract**

ARTICLE 15. *The Parties to and Content of the Labour Contract*

The labour contract shall be an agreement between a worker and the enterprise, institution, or organisation by which he is obliged to perform work in a certain trade, or of a certain skill or responsibility with subordination to the internal labour regulations, and the enterprise, institution, or organisation is obliged to pay the worker the wage and provide the working conditions stipulated by labour legislation, the collective agreement and the agreement of the parties.

ARTICLE 16. *Guarantees on Hiring*

Unsubstantiated refusal to hire shall be prohibited.

Any direct or indirect limitation whatsoever of rights, or any establishment of direct or indirect privileges in hiring depending on sex, race, nationality, or attitude to religion shall not be permitted, in accordance with the Constitution of the USSR and the Constitution of the RSFSR.

ARTICLE 17. *The Term of the Labour Contract*

Labour contracts may be concluded:

- (1) for an unspecified term;
- (2) for a specified period of not more than three years;
- (3) for the time of performing specified work.

ARTICLE 18. *Conclusion of a Labour Contract*

A labour contract may be concluded orally or in writing.

Hiring shall be made official by an order (ruling) of the management of the enterprise, institution, or organisation. The order shall be made known to the worker and his signature obtained.

The conclusion of a labour contract shall be *ipso facto* acceptance to work irrespective of whether the hiring was made official in the proper way.

A worker invited to work by way of transfer from another enterprise, institution, or organisation, by agreement between the managements of the enterprises, institutions, or organisations, may not be refused the conclusion of a labour contract.

ARTICLE 19. *Prohibition of Requiring Documents for Hiring Other Than Those Stipulated by Legislation*

It shall be prohibited, when hiring, to demand documents from a worker apart from those stipulated by legislation.

ARTICLE 20. *Limitations on Joint Service by Relatives*

Joint service in one and the same enterprise, institution, or organisation of persons who are closely related by birth or marriage (parents, spouses, brothers, sisters, sons or daughters, and brothers, sisters, parents, or children of spouses), shall be prohibited if their service is associated with direct subordination or control of the one by the other.

Exceptions to this rule may be established in cases of need by the Council of Ministers of the RSFSR.

ARTICLE 21. *Probation*

During the conclusion of a labour contract a probation may be instituted by agreement of the parties to test the suitability of the worker or other employee for the work being offered. The term of probation shall be indicated in the order (ruling) on hiring.

During the period of probation labour legislation shall be extended in full to the workers or other employees.

No probation period shall be established when hiring persons under 18 years of age; young workers on finishing a vocational school; young specialists on graduation from higher or secondary specialised schools; or war-disabled persons directed to work under a reserved quota. Probation may not be established during hiring for work in another

locality or with transfer to work in another enterprise, institution, or organisation.

*ARTICLE 22. Period of Probation During Hiring*

The period of probation, unless otherwise fixed by the legislation of the USSR or RSFSR, may not exceed one week for workers and two weeks for other employees (except executives), and one month for executives.

A period of temporary incapacity and other periods when the employee is absent from work for valid reasons shall not be counted in the probation period.

*ARTICLE 23. Result of Test or Probation During Hiring*

When the period of probation has elapsed, and the worker or other employee continues in the job, he shall be considered to have passed the test, and subsequent abrogation of the labour contract is only permissible on general grounds.

When the result of the probation is unsatisfactory, the employee may be released from work by the management of the enterprise, institution, or organisation without agreement with the trade union committee of the enterprise, institution, or organisation, and without payment of a severance benefit. The worker or other employee shall have the right to appeal against such release to the district (city) people's court, and in appropriate cases (Art. 220), to the superior body in the hierarchy of subordination.

*ARTICLE 24. Prohibition of Requiring Performance of Work not Stipulated by the Labour Contract*

The management of an enterprise, institution, or organisation shall not have the right to require performance by a worker or other employee of work not stipulated by the labour contract.

*ARTICLE 25. Transfer to Other Work*

Transfer to other work in the same enterprise, institution, or organisation, and transfer to work to another enterprise, institution, or organisation, or another locality, even if together with the enterprise, institution, or organisation, shall be only permissible with the agreement of the worker or other employee, with the exception of cases provided for in Arts. 26, 27, and 135 of this Code.

The shifting of a worker or other employee to another workplace in the same enterprise, institution, or organisa-

tion, without change of trade or speciality, skill or qualification, job, amount of pay, privileges, and advantages and other important working conditions, shall not be considered transfer to other work.

ARTICLE 26. *Temporary Transfer to Other Work in Case of Production Needs*

In case of production needs for an enterprise, institution, or organisation, the management shall have the right to transfer workers and other employees for a period up to one month to work not stipulated in the labour contract in said enterprise, institution, or organisation, or in another enterprise, institution, or organisation in the same locality, with pay for the work done at not less than the average earnings from the former job. Such a transfer is permissible in order to prevent or overcome natural disasters, and breakdowns of production, or to eliminate their consequences immediately; in order to prevent accidents, stoppages, destruction of or damage to public or social property, and also in order to replace absent workers or other employees.

The duration of transfer to other work in order to replace absent workers may not exceed one month in the calendar year.

ARTICLE 27. *Temporary Transfer to Other Work in Cases of Stoppage*

Workers and other employees may be transferred to other work in the same enterprise, institution, or organisation in case of a stoppage, with allowance for their trade and qualification, for the whole time of the stoppage, or in another enterprise, institution, or organisation in the same locality, for a period up to one month.

With transfer to lower-paid work as a consequence of a stoppage, workers and other employees who fulfil output quotas shall retain their average earnings in their former job; workers and other employees who must not meet quota or have been moved to time-work, shall retain their basic wage rate (salary).

ARTICLE 28. *Restrictions on Transfer to Unskilled Jobs*

It shall not be permitted to transfer skilled workers and other employees to unskilled work during a stoppage, or in order to replace an absent worker.

ARTICLE 29. *Grounds for Terminating the Labour Contract*

The grounds for terminating the labour contract are the following:

- (1) agreement of the parties;
- (2) expiration of the term (points 2 and 3 of Art. 17), except in cases where labour relations have in fact been continued and neither party has demanded their termination;
- (3) call-up or enlistment of a worker or other employee for military service;
- (4) abrogation of the labour contract on the initiative of the worker or other employee (Arts. 31 and 32), or of the management (Art. 33), or on the demand of a trade union body (Art. 37);
- (5) transfer of an employee, with his consent, to another enterprise, institution, or organisation, or to an elective post;
- (6) refusal by a worker or other employee to move to work in another locality together with the enterprise, institution, or organisation;
- (7) entry into legal force of the judgement of a court of law that has sentenced the worker or other employee (except in cases of a suspended sentence or a reprieve) to imprisonment, corrective labour not at the place of work, or other punishment that rules out the possibility of continuing his job.

Transfer of an enterprise, institution, or organisation from the jurisdiction of one agency to another shall not terminate operation of a labour contract. With the merging, division, or uniting of enterprises, institutions, or organisations, the labour relations shall be continued with the consent of the worker or other employee; in these cases termination of the labour contract on the initiative of the management is possible only with a reduction of the staff of the establishment.

ARTICLE 30. *Prolongation of the Term of the Labour Contract for an Unspecified Period*

If labour relations are in fact continued after expiration of the term of a labour contract (points 2 and 3 of Art. 17) and neither of the parties requires their termination, the operation of the contract shall be considered prolonged for an unspecified period.

ARTICLE 31. *Termination of the Labour Contract Concluded for an Unspecified Period on the Initiative of a Worker or Other Employee*

Workers and other employees shall have the right to terminate a labour contract concluded for an unspecified period by giving notice of this in writing to the management two months in advance. To terminate the labour contract for valid reasons workers and other employees shall give notice to the management in writing one month in advance.

The time of fulfilment of work to which a worker or other employee has been transferred for breach of labour discipline (point 4 of Art. 135), shall not be counted in the notice for release.

On expiration of the notice of dismissing the worker or other employee shall have the right to stop work, and the management of the enterprise, institution, or organisation shall return his work book to him and settle outstanding accounts with him.

The labour contract may be terminated by agreement between the worker and the management before expiry of the notice for release.

ARTICLE 32. *Termination of the Labour Contract for a Fixed Period on the Initiative of a Worker or Other Employee*

The labour contract for a fixed period (points 2 and 3 of Art. 17) shall be subject to prior termination on the demand of the employee in case of illness or disablement that prevents performance of the work under the contract, breach of labour legislation, and of the collective agreement or labour contract by the management, and for other valid reasons.

ARTICLE 33. *Termination of the Labour Contract on the Initiative of the Management*

The labour contract for an unspecified period and the one for a fixed period may be terminated by the management of an enterprise, institution, or organisation before expiry of its term of operation in the following cases:

- (1) winding up of the enterprise, institution, or organisation, reduction of the staff of the establishment;
- (2) discovery of the unsuitability of the worker or other employee for the post occupied or work to be performed

because of lack of skill or qualification or of a state of health preventing continuation of said work;

(3) systematic non-observance by the worker or other employee without valid reasons of the obligations placed on him by his labour contract or by the internal regulations, if measures of disciplinary or public penalties have previously been taken against said worker or other employee;

(4) absenteeism (including absence from work for more than three hours during the working day) without valid reasons;

(5) non-appearance at work for more than four months in succession because of temporary disability (not counting maternity leave), if the legislation of the USSR does not fix a longer period of retention of job (post) for a certain illness. The job (post) shall be kept for workers and other employees who have lost capacity for work in connection with industrial injury or occupational disease until restoration of fitness or determination of permanent disability;

(6) reinstatement of the worker or other employee who previously held the job;

(7) coming to work drunk.

Discharge on the grounds named in points 1, 2, and 6 of this Article is permitted if it is impossible to transfer the worker or other employee to other work with his consent.

Discharge of a worker on the initiative of the management is not permitted during temporary incapacity to work (except discharge under point 5 of this Art. and during the worker's absence on annual leave or holiday—with the exception of cases of complete winding up of the enterprise, institution, or organisation.

#### ARTICLE 34. *Priority Right to Retain Work with Reduction of the Staff of the Establishment*

When the staff of the establishment is being reduced, priority right to be kept on shall be accorded to workers and other employees with higher labour productivity and higher skills or qualifications.

With equal productivity and qualifications preference shall be given to the following: family persons with two or more dependents; persons in whose families there are no other workers with independent earnings; workers with

a long record of continuous work in the given enterprise, institution, or organisation; workers who have sustained industrial injury or occupational disease in said enterprise, institution, or organisation; workers who are raising their qualifications by part-time study in higher and secondary specialised schools; war-disabled persons and members of the families of servicemen and partisans killed or missing in defence of the USSR.

*ARTICLE 35. Prohibition of Termination of the Labour Contract by the Management without Consent of the Trade Union Committee of an Enterprise, Institution, or Organisation*

The management of an enterprise, institution, or organisation is not permitted to terminate a labour contract without the prior consent of the trade union committee of the enterprise, institution, or organisation, except in cases provided for by USSR legislation.

The management shall have the right to terminate a labour contract not later than one month from the day of receipt of the consent of the trade union committee of the enterprise, institution, or organisation, and for discharge on grounds specified in points 3, 4, and 7 of Art. 33 of this Code within one month of the day of disclosure of the misdemeanour.

Termination of a labour contract with breach of the requirement of the first part of this Article shall be illegal, and the discharged worker shall be subject to reinstatement in his former job (Art. 213).

*ARTICLE 36. Severance Pay*

When a labour contract is ended on grounds specified in points 3 and 6 of Art. 29 and points 1, 2, and 6 of Art. 33 of the present Code, or because of the management's infringement of the labour legislation, collective agreement, or labour contract (Art. 32), the worker or other employee shall be paid severance pay to the amount of two week's average earnings.

*ARTICLE 37. Termination of the Labour Contract on the Demand of a Trade Union Body*

The management is obliged to terminate the labour contract with a managerial employee on the demand of a trade union body (not lower than district level) or to remove

him from the post occupied if he has infringed labour legislation, is not carrying out obligations under the collective agreement, is displaying bureaucratism, or is practising red tape and bureaucratic delay.

The employee or the management may appeal against the demand of the trade union body to a superior trade union body, the decision of which shall be final.

#### ARTICLE 38. *Removal from a Job*

A worker or other employee may be removal from a job (post), with suspension of payment of wages, only on the proposal of the bodies empowered to do so in cases provided for in the legislation of the USSR and RSFSR.

A worker coming to work drunk shall not be allowed to work that day (shift) by the management of the enterprise, institution, or organisation.

#### ARTICLE 39. *Work Book*

The work book is the main document about the work of a worker or other employee.

Work books shall be issued to all workers and other employees working for more than five days in an enterprise, institution, or organisation.

Information about the worker, about the job performed by him, and about rewards and decorations for success at work in the enterprise, institution, or organisation shall be entered in the work book. Penalties imposed on the worker shall not be entered in the work book.

An entry of the reasons for dismissal shall be made in the work book in exact accordance with the wording of the legislation in force and with reference to the appropriate article and point of the law. When a labour contract is terminated on the initiative of the worker or other employee in connection with sickness, disablement, or retirement on old-age pension, or with enrolment in a higher or secondary specialised school, or in a postgraduate department, or for other reasons with which the legislation links the granting of certain privileges and advantages, an entry about the release shall be made in the work book with indication of these reasons.

The work book shall be handed back to the worker or other employee on dismissal or release on the day of dismissal or release.

ARTICLE 40. *Issue of a Certificate about Work and Pay*

The management is obliged to issue a worker or other employee at his request a certificate of work in the enterprise, institution, or organisation with indication of the trade or profession, qualification, post, time of work, and amount of pay.

*Chapter IV*

**Working Time**

ARTICLE 41. *Limits of the Duration of Working Time*

The limits of the duration of the working time of all workers and other employees shall be fixed by the state with involvement of the trade unions.

The established period of working time may not be altered by agreement of the management of the enterprise, institution, or organisation and the trade union committee of the enterprise, institution, or organisation except as provided for by legislation.

ARTICLE 42. *Normal Duration of Working Time*

The normal duration of the working time of workers and other employees in enterprises, institutions, or organisations may not exceed 41 hours a week. As the requisite economic and other conditions are created, a transition to a shorter working week will be made.

ARTICLE 43. *Reduction of the Duration of Working Time for Workers and Other Employees Younger than 18 Years of Age*

A reduced length of working time shall be established for workers and other employees younger than 18 years, as follows: in the age group 16 to 18—36 hours a week, and in the age group 15 to 16 (Art. 173)—24 hours a week.

ARTICLE 44. *Reduction of Working Time for Workers and Other Employees on Jobs with Harmful Working Conditions*

A reduced working time of not more than 36 hours a

week shall be established for workers and other employees occupied on jobs with harmful working conditions.

The schedule of production facilities, shops, trades, and posts with harmful working conditions, work in which gives the right to a shortened duration of working time, shall be approved by the procedure established by legislation.

*ARTICLE 45. Shortened Working Time for Individual Categories of Workers*

Shortened working time shall be established by the legislation of the USSR for separate categories of employees (teachers, doctors, and others).

*ARTICLE 46. The Five- and Six-Day Working Week and Duration of Daily Work*

A five-day working week with two free days shall be established for workers and other employees. The duration of the daily work (or shift) shall be defined for the five-day week by the internal regulations, or by the rota of shift work confirmed by the management in agreement with the trade union committee of the enterprise, institution, or organisation, with observance of the established length of the working week (Arts. 42-45).

In enterprises, institutions, and organisations in which the introduction of a five-day working week is inexpedient because of the character of the production and conditions of work, a six-day working week with one free day may be established. With a six-day working week the length of daily work may not exceed seven hours, with a weekly standard of 41 hours, six hours with a weekly standard of 36 hours, and four hours with a weekly standard of 24 hours.

The rota of shifts shall be brought to the notice of workers and other employees, as a rule, not later than one month before their coming into force.

*ARTICLE 47. Length of Work on the Eve of Public Holidays and Days Off*

The duration of work for workers and other employees, except for those workers and other employees stipulated in Arts. 43-45 of this Code, shall be reduced by one hour on the eve of public holidays with both a five-day and a six-day working week.

With a six-day working week the duration of work on the eve of days off may not exceed six hours.

ARTICLE 48. *Night Work*

The established duration of work (shift) shall be reduced by one hour for work at night. This rule shall not apply to workers and other employees for whom a reduction of working time has already been stipulated (Art. 44 and 45).

The length of night work shall be equated with day work in cases where it is necessitated by the conditions of production, in particular with continuous processes and also on shift work with a six-day working week and one day off.

The following are not permitted to work at night: expectant and nursing mothers, and women who have children under one year old; workers and other employees younger than 18; and other categories of workers in accordance with legislation. Disabled persons may be put on night work only with their consent and on condition that the work is not prohibited for them by medical advice.

Night shall be considered the time from 10 p. m. to 6.0 a. m.

ARTICLE 49. *Short Time*

A not-full working day or short working week may be fixed by agreement between a worker or other employee and the management either on hiring or subsequently. Pay in those cases shall be proportional to the time worked or in accordance with output.

Work on short time shall not entail any limitation of the length of the annual leave for workers and other employees, or in the calculation of the length of service or other labour rights.

ARTICLE 50. *Commencement and End of Daily Work*

The time of commencement and end of daily work (shift) shall be stipulated by internal regulations and shift rotas in accordance with legislation.

ARTICLE 51. *Shift Work*

With shift work each group of workers shall carry on work for the established length of working time.

Workers shall alternate shifts regularly. The transition

from one shift to another shall take place every week, as a rule, at the hours fixed by the shift rotas.

It is prohibited to put a worker on two successive shifts.

ARTICLE 52. *Summarised Accounting of Working Time*

In continuously operating enterprises, institutions, and organisations, and in facilities, shops, sectors, and departments, and on certain types of work, where, because of the conditions of production (work) the daily and weekly duration of working time established for a given category of workers and other employees cannot be observed, it shall be permitted, with the consent of the trade union committee of the enterprise, institution, or organisation, to introduce summarised accounting of working time so that the length of working time in the account period shall not exceed the standard number of working hours (Arts. 42-45).

ARTICLE 53. *Division of the Working Day into Parts*

In jobs in which it is necessary, because of the special character of the work, the working day may be divided into parts, by the procedure stipulated by legislation, in such a way that the length of working time shall not exceed the established duration of daily work.

ARTICLE 54. *Limitation of Overtime Work*

Overtime work shall not, as a rule, be permitted. Work over and above the established length of working time (Arts. 46 and 52) shall be considered overtime.

The management may use overtime work only in exceptional cases provided for in the legislation of the USSR and in Art. 55 of the present Code; overtime may only be worked with the sanction of the trade union committee of the enterprise, institution, or organisation.

The following are not permitted to work overtime: expectant and nursing mothers, and women with children under one year of age; workers and other employees younger than 18; workers studying part-time in general schools and vocational training establishments, on the days of lessons; and other categories of workers in accordance with legislation.

Women with children aged between one and eight and disabled persons may only be put on overtime work with their consent, and disabled persons, moreover, only on condition that the work is not prohibited for them on medical grounds.

ARTICLE 55. *Exceptional Cases When Overtime Is Permissible*

Overtime work is permitted only in the following exceptional cases:

(1) for the performance of work needed for the country's defence and to overcome public disasters and natural calamities, or industrial breakdown, and to immediately eliminate their consequences;

(2) for the performance of socially necessary work on water and gas supply, heating, lighting, sewerage, transport, and communications to eliminate accidental or unexpected circumstances disrupting their proper functioning;

(3) when it is necessary to complete work already begun which could not be completed during the normal number of working hours because of unforeseen or accidental hold-ups in the technical conditions of production, when suspension of the work begun could entail damage to or destruction of state or social property;

(4) to carry on temporary work to repair and restore mechanisms or structures when their state of disrepair would cause a stoppage of work for a considerable number of workers;

(5) to continue work when the replacing worker fails to turn up, if the work is not amenable to interruption; in these cases the management is obliged to take immediate steps to replace the absent worker by someone else.

ARTICLE 56. *Maximum Amount of Overtime Work*

Overtime work shall not exceed four hours for each worker or other employee over two successive days and 120 hours in a year.

The management of an enterprise, institution, or organisation is obliged to keep an exact account of the overtime worked by each employee.

*Chapter V*

**Free Time**

ARTICLE 57. *Breaks for Rest and Meals*

Workers and other employees shall be granted a break for rest and meals of not longer than two hours duration. The break shall not be counted as working time.

The worker or other employee shall use the break at his own discretion, and have the right to leave his workplace during this time.

The break for rest and meals shall be granted, as a rule, four hours after the commencement of work.

The time of the commencement and end of the break shall be fixed by internal regulations.

On jobs where it is impossible to fix a break because of the conditions of production, the worker or other employee shall be given the opportunity to eat during working time. A schedule of such jobs, and the procedure and place for taking meals shall be fixed by the management in agreement with the trade union committee of the enterprise, institution, or organisation.

#### ARTICLE 58. *Days Off*

With a five-day working week workers and other employees shall be granted two days off a week, and with a six-day week one day off.

#### ARTICLE 59. *The Length of Weekly Uninterrupted Leisure*

The duration of weekly uninterrupted leisure shall not be less than 42 hours.

#### ARTICLE 60. *The Common Day Off*

Sunday is the common day off. With a five-day week the second day off shall be fixed by the work rota of the enterprise, institution, or organisation, unless it is defined by legislation. Both days off shall be granted, as a rule, in succession.

#### ARTICLE 61. *Days Off in Continuously Operating Enterprises, Institutions, and Organisations*

In enterprises, institutions, and organisations in which it is not possible to suspend work because of technical and production conditions or because of the necessity to provide continuous service to the public, and in other enterprises with continuous production, the days off shall be granted on different days of the week in turn for each group of workers and other employees in accordance with shift rotas confirmed by the management in agreement with the trade union committee of the enterprise, institution, or organisation.

ARTICLE 62. *Days Off in Enterprises, Institutions, and Organisations Serving the Public*

In enterprises, institutions, and organisations in which work cannot be interrupted on the common day off because of the need to serve the public (shops, catering establishments, theatres, museums, etc.) the days off shall be fixed by the local Soviets of People's Deputies.

ARTICLE 63. *Ban on Work on Days Off. Exceptional Cases of Involving Workers and Other Employees in Work on Free Days*

Work shall be prohibited on days off.

The involvement of individual workers and other employees in work on these days shall be permitted only with the sanction of the trade union committee of the enterprise, institution, or organisation, and only in exceptional cases provided for by the legislation of the USSR and the third part of this Article.

The involvement of individual workers and other employees in work on days off shall be permitted in the following exceptional cases:

(1) to prevent or eliminate a social or natural disaster or industrial breakdown, or to eliminate its consequences immediately;

(2) to prevent accidents, or the destruction or spoiling of state and social property;

(3) to carry out urgent, previously unforeseen work, on the immediate performance of which further normal working of the enterprise, institution, or organisation as a whole, or of their separate units, depends.

The workers and other employees shall be involved in work on days off by a written order (ruling) of the management of the enterprise, institution, or organisation in compliance with the limitations established by Arts. 157, 162, and 177 of this Code.

ARTICLE 64. *Compensation for Work on Days Off*

Another day off within the next two weeks shall be granted for work on a day off.

If it is impossible to grant another day off (because of the release or dismissal of the worker or other employee, and in other cases provided for by legislation), the work on the day off shall be paid at a double rate. Pay for work

on a day off shall be calculated according to the rules of Art. 89 of this Code.

#### ARTICLE 65. *Public Holidays*

Work shall not be carried on in enterprises, institutions, and organisations on the following public holidays:

- 1 January—New Year's Day;
- 8 March—International Women's Day;
- 1 and 2 May—Day of International Workers' Solidarity;
- 9 May—Victory Day;
- 7 October—USSR Constitution Day;
- 7 and 8 November—Anniversary of the Great October Socialist Revolution.

Work that cannot be stopped for production and technical reasons (continuous operation of enterprises, institutions, and organisations), work due to the need to serve the public, and urgent repair and loading and unloading work, shall be permitted on public holidays.

#### ARTICLE 66. *Annual Vacations*

All workers and other employees shall be granted annual holidays (vacations) with retention of their job (post) and average earnings (Arts. 67 and 68).

#### ARTICLE 67. *The Length of Vacation*

The annual vacation granted to a worker or other employee shall not be less than 15 working days, with gradual transition to the granting of longer vacations. The procedure for calculating the length of the annual vacation is laid down by USSR legislation.

A worker or other employee younger than 18 years of age shall be granted an annual holiday of one calendar month.

#### ARTICLE 68. *Additional Leave*

Additional annual leave shall be granted:

- (1) to workers and other employees employed on jobs with harmful conditions,
- (2) to workers and other employees employed in separate branches of the economy who have a long period of service in one enterprise or organisation;
- (3) to workers with non-fixed working hours;
- (4) to workers and other employees working in areas of the Far North and localities equated to them;
- (5) in other cases provided for by legislation.

ARTICLE 69. *Additional Leave Granted as an Incentive to Discharge Public or Social Responsibilities*

As an incentive to discharge public or social responsibilities additional leave may be granted at the place of work to voluntary educators of juveniles, members of voluntary public order squads, members of voluntary fire brigades, and in other cases as established by the legislation of the USSR and RSFSR.

ARTICLE 70. *Exclusion of Leave for Temporary Disability or Maternity Leave from the Calculation of Annual Holidays*

Leave granted in the statutory manner for temporary disablement or maternity leave shall not be counted in the calculation of annual vacations.

ARTICLE 71. *Procedure for Granting Leave*

Leave for the first year of work shall be granted to a worker or other employee on the expiry of eleven months of continuous work in the enterprise, institution, or organisation. Leave may be granted before the expiry of eleven months at the worker's request: to women before or directly after maternity leave, to workers and other employees younger than 18 years of age, to servicemen discharged into the reserve and placed in work through organised recruitment, on the expiry of three months' work; and in other cases provided for by legislation.

Leave may be granted to a worker or other employee transferred from one enterprise, institution, or organisation to another, before the expiry of eleven months after the transfer. If the worker had not worked eleven months in one enterprise, institution, or organisation before the transfer, leave may be granted to him on the expiry of eleven months of work before and after the transfer.

Leave for the second and subsequent years of work may be granted at any time in the working year in accordance with the holiday rota.

ARTICLE 72. *Calculation of Length of Service Giving the Right to Leave*

The length of service giving the right to leave shall include:

- (1) the time actually worked;

(2) the time when the worker or other employee did not in fact work but his job (post) was held open for him and he retained pay wholly or in part (including the time of paid forced absence through wrongful dismissal or transfer to other work and subsequent reinstatement);

(3) the time when the worker or other employee did not in fact work but retained his job (post) and received state social insurance benefit, with the exception of partially paid leave to care for a child until it reached one year of age;

(4) other periods of time provided for by legislation.

#### ARTICLE 73. *The Holiday Rota*

A rota for the granting of holidays shall be established by the management in agreement with the trade union committee of the enterprise, institution, or organisation.

Leave may be granted at any time throughout the year but without disruption of the normal working of the enterprise, institution, or organisation.

#### ARTICLE 74. *Annual Granting of Holidays. Exceptional Cases of Transfer of Leave*

Holiday shall be granted annually in the established period.

Annual holidays may be transferred or postponed when a worker or other employee is temporarily disabled; when the worker or other employee is performing public or social duties; and in other cases provided for by legislation.

In exceptional cases, when the granting of leave to a worker or other employee in the current working year may deleteriously affect the normal working of the enterprise, institution, or organisation, it shall be permissible, with the consent of the worker and agreement of the trade union committee of the enterprise, institution, or organisation, to transfer the holiday to the next working year. The transferred holiday may be added to the holiday in the next working year.

It shall be prohibited not to grant annual holiday in the course of two years in succession or to a worker or other employee younger than 18 years of age and to workers who have the right to supplementary vacation because of harmful working conditions.

**ARTICLE 75. *The Impermissibility of Substituting Cash Compensation for Leave***

It shall not be permissible to substitute cash compensation for leave except in cases of release or dismissal of a worker or other employee who has not taken his holidays.

**ARTICLE 76. *Unpaid Leave***

A worker or other employee may be granted short-term vacation without pay at his request, because of family circumstances or other valid reasons, by permission of the head of the enterprise, institution, or organisation, which permission shall be made official by an order (ruling). When necessary this vacation may be worked off by the worker or other employee by mutual agreement in the following period, allowing for the conditions and possibilities of production.

**Chapter VI**

**Pay**

**ARTICLE 77. *Payment for Work***

In accordance with the Constitution of the USSR and the Constitution of the RSFSR, the work of workers and other employees shall be remunerated according to its quantity and quality. Any lowering of the scale of payment because of sex, age, race, or nationality shall be prohibited.

**ARTICLE 78. *Minimum Scale of Pay***

The monthly pay of a worker or other employee may not be lower than the minimum established by the state.

**ARTICLE 79. *Wage Fixing***

Wages shall be fixed by the state with involvement of the trade unions.

**ARTICLE 80. *Workers' Pay on the Basis of Wage Rates***

Workers shall be paid on the basis of wage rates (wage scales) confirmed in a centralised procedure.

Classification of the work performed in a certain wage category and conferment of skill categories on workers shall be done by the management of an enterprise, institution, or organisation in agreement with the trade union committee of the enterprise, institution, or organisation in accordance with the wage-rate handbook.

ARTICLE 81. *Payment of Office and Professional Workers on the Basis of Salaries*

Office and professional workers shall be paid on the basis of the salary scales of their posts, confirmed in a centralised procedure.

The post salaries shall be established by the management of the enterprise, institution, or organisation in accordance with the employee's post and qualification.

ARTICLE 82. *Remuneration of Work Employed in Special Conditions*

Increased remuneration shall be established for heavy work, work in harmful conditions, and work in localities with severe climatic conditions.

ARTICLE 83. *Systems of Remuneration*

The work of workers and other employees may be remunerated by time rates or by piece rates. Piece-rate payment may be individual or group.

In order to increase the material incentive of workers and other employees in the fulfilment and overfulfilment of production plans, in increasing the efficiency and profitability of production, and in growth of labour productivity, improvement of product quality, and saving of resources time-plus-bonus and piece-rate-plus-bonus systems of payment may be introduced.

Time or piece-rate systems of payment shall be established, and the rules for awarding bonuses to workers and other employees confirmed, by the management of the enterprise, institution, or organisation in agreement with the trade union committee of the enterprise or organisation.

ARTICLE 84. *Remuneration According to the Results of the Year's Work*

Remuneration of workers and other employees of an enterprise or organisation according to the results of the year's work may be instituted in addition to the systems of payment, from a fund set aside from the profit made by the enterprise or organisation. The scale of the remuneration shall be decided with allowance for the results of the worker's or other employee's work and length of service in the enterprise or organisation.

The rules for paying remuneration according to the results of the year's work shall be confirmed by the manage-

ment of the enterprise, or organisation in agreement with the trade union committee of said enterprise or organisation.

*ARTICLE 85. Notification of the Introduction of New Conditions of Payment or of Changes in Same*

The management of the enterprise, institution, or organisation shall be obliged to notify workers and other employees of the introduction of new conditions of payment or of changes in same not later than one month in advance.

*ARTICLE 86. Payment for Performing Work of Different Trades or Skills*

Workers on time rates and other employees shall be paid for work of a different trade or skill as for work of the higher grade.

The work of piece-rate workers shall be paid according to the job price of the work performed. In branches of the economy in which, because of the character of production, piece-rate workers are put on jobs with a price list below their wage-categories, the workers performing such jobs shall be paid the difference between the categories when that is provided for by the collective agreement. The payment shall be made when the worker fulfils the quota of work and the difference in categories is not less than two grades.

*ARTICLE 87. Payment for Work When Several Jobs Are Held Simultaneously and for Performing the Duties of Temporarily Absent Workers*

Workers and other employees who perform work in another job (post) in one and the same enterprise, institution, or organisation, in addition to their main job defined by their labour contract, or who perform the duties of a temporarily absent worker without being released from their main job, shall be paid additionally for the jointly held trades (posts) or for the duties of a temporarily absent worker.

The scale of extra payment in these cases shall be fixed by the management of the enterprise, institution, or organisation with the agreement of the trade union committee of said enterprise, institution, or organisation in accordance with the legislation of the USSR.

ARTICLE 88. *Payment for Overtime*

With time rates, overtime shall be paid at 50 per cent above the rate for the first two hours, and at the double rate for subsequent hours.

With piece rates, and in those sectors of the economy in which a single wage scale has been fixed for piece-rate and time-rate workers, overtime shall be paid at the rate fixed by the legislation of the USSR. Additional payment for overtime work with piece-rate payment shall be made in accordance with the legislation of the USSR at a rate of 50 per cent of the wage scale of time-workers of the same wage category for the first two hours of overtime, and at 100 per cent of this wage scale for subsequent hours.

It shall not be permitted to compensate for overtime by time off.

ARTICLE 89. *Payment for Work on Public Holidays*

Work on public holidays (part two of Art. 65) shall be paid at double rates as follows:

- (1) for piece-workers at double the job price;
- (2) for workers paid at hourly or daily rates at double the hourly or daily rate;

(3) for employees receiving a monthly salary at the rate of the single hourly or daily rate above their salary, if the work on the public holiday is performed within the monthly norm of working time, and at double the hourly or daily rate above their salary when the work is performed over and above their monthly norm.

Another day off may be granted to a worker or other employee working on a public holiday, at his request.

ARTICLE 90. *Payment for Night Work*

Night work (Art. 48) shall be paid at the higher rate established by the legislation of the USSR.

ARTICLE 91. *Payment with Non-Fulfilment of Output Quota, Faulty Output, and Idle Time Not Through the Fault of the Worker or Other Employee*

When the output quota is not met, the output proves faulty, or there is idle time not through the fault of the worker or other employee, payment shall be made at the scales defined by USSR legislation.

ARTICLE 92. *Scale of Payment with Non-Fulfilment of Output Quota*

When failure to meet the output quota is not through the fault of a worker or other employee payment shall be made at not less than two-thirds of his wage rate (salary). The monthly pay in these cases may not be less than the established minimum wage (Art. 78).

When the output quota is not met through the fault of a worker or other employee payment shall be made in accordance with the work done.

ARTICLE 93. *Scale of Payment for Faulty Work and Rejects*

Spoilage not through the fault of a worker or other employee shall be paid for in accordance with USSR legislation: complete rejects at two-thirds of the wage scale for time-workers of the corresponding wage category. Partial rejects shall be paid for at a lower job price, depending on the degree of fitness of the product made, but not less than two-thirds of the wage rate. In these cases the monthly earnings must not be less than the established minimum rate (Art. 78).

Rejects produced as a result of a defect in the metal being processed (unsuitability of the quality of the material, or cavities or cracks in the metal), discovered after spending at least one working day for processing, or assembly of parts, shall be paid for at the normal job price.

For rejects that are not the fault of the worker or other employee, discovered after receipt of the output by the quality control inspectorate, said worker or employee shall be paid as for standard output.

During the mastering of new production (processing of parts of machine-tools, machines, engines, transformers, turbines, etc.) defects not through the fault of a worker shall be paid for in both new enterprises and operational ones at the wage scale of a time-worker of the appropriate category.

Fully rejected output that is the fault of the worker or other employee shall not be subject to payment. Partial waste due to the fault of the worker or other employee shall be paid for at a lower rate depending on the degree of suitability of the output made.

#### ARTICLE 94. *Scale of Payment for Idle Time*

In accordance with USSR legislation payment for idle time not through the fault of a worker or other employee shall be paid at the rate of half the wage scale of the time-worker of a corresponding qualification, except in the iron and steel, ore-mining, and coke industries, in which payment for idle time not through the fault of the worker shall be made at two-thirds of the wage scale. Monthly wages in these cases may not be lower than the established minimum rate (Art. 78).

During the period of mastering new production (machining of parts of machine tools, machines, engines, transformers, turbines, etc.), idle time not through the fault of the worker or other employee shall be paid for in both new enterprises and operational ones as calculated from the wage scale of the time-worker of a corresponding category.

In those sectors of the national economy in which a single wage scale for both piece-workers and time-workers has been established, the scale of payment for idle time not through the fault of the worker or other employee shall be determined in accordance with USSR legislation.

Idle time through the fault of a worker shall not be liable to payment.

#### ARTICLE 95. *Retention of Pay when Transferred to Another Permanent, Lower-Paid Job*

When a worker or other employee is transferred to another, permanent, lower-paid job, he shall retain his previous average earnings for two weeks from the day of the transfer.

#### ARTICLE 96. *Periods of Payment of Wages*

Wages shall be paid not less frequently than every half-month.

Other periods of payment may be fixed for separate categories of workers and other employees by USSR legislation and resolutions of the Council of Ministers of the RSFSR.

Payment for the whole time of vacation shall be made not later than one day before its commencement.

#### ARTICLE 97. *Place of Payment of Wages*

A worker or other employee shall be paid his wages, as a rule, at the place where he works.

**ARTICLE 98. *Periods of Accounting on Release or Dismissal***

When a worker or other employee is released or discharged, he shall be paid all sums due to him from the enterprise, institution, or organisation on the day of release or dismissal. If the worker or other employee has not worked on the day of release (discharge), the relevant sums shall be paid to him not later than the next day after his presentation of a demand for a settlement.

In the event of a dispute over the amount of the sums due to a worker or other employee on release (dismissal), the management is obliged in any case to pay him the undisputed sum within the period indicated in this Article.

**ARTICLE 99. *Responsibility for a Delay in Settlement***

In case of failure, through the fault of the management of an enterprise, institution, or organisation, to pay a released (dismissed) worker the sum due to him within the periods stipulated in Art. 98 of this Code and in the absence of a dispute about its amount, the enterprise, institution, or organisation is obliged to pay the worker or other employee his average earnings for the whole time of the delay up to the day of the actual settlement.

When there is a dispute about the amount of the sums due to a released (discharged) worker or other employee, the management is obliged to pay the compensation stipulated in this Article in the event of the dispute being settled in the worker's favour. If the dispute is not settled wholly in the worker's favour, but only partly, the amount of the compensation for the time of the delay shall be determined by the body deciding the dispute on its merits.

When a released (discharged) worker takes up another job prior to receiving final settlement, the sum due to him for the delay in settlement shall be reduced by the sum received by him at the place of the new job for the work done during the period of delay in settlement.

When a worker's work book is handed over to him with a delay through the fault of the management, he shall be paid his average earnings for the whole time of the enforced idleness.

**ARTICLE 100. *Pay Books***

The management is obliged to issue pay books to all

workers, and also to other employees whose work is paid by the piece, within five days of being taken on.

The terms of the work done and calculations of wages shall be recorded in pay books.

*ARTICLE 101. Material Welfare and Cultural Amenities for Workers and Other Employees from Social Consumption Funds*

In addition to wages and salaries workers and other employees are paid benefits from social consumption funds by way of state social insurance and pensions, issued warrants to sanatoria, holiday homes, and tourist camps, and are provided with free medical care and free education, and given other payments, and granted other privileges. Money from these funds is also spent on building housing, schools, cultural, welfare, and medical facilities, and on improving welfare and cultural amenities for workers and other employees, and also on maintenance of children in pre-school facilities.

*Chapter VII*

**Work Quotas and Piece-Work Rates**

*ARTICLE 102. Output Quotas (Job Times), Manning Standards, and Workforce Numbers*

Output quotas (job times), manning standards, and workforce numbers of workers and other employees shall be fixed in accordance with the level of technology, scientific organisation of labour and production attained and advanced experience of the work. These quotas, and standards shall be subject to replacement as new technical, managerial, and organisational measures are brought into production to provide growth of labour productivity.

*ARTICLE 103. Introduction of New Quotas and Standards and Revision of Operative Ones*

Output quotas (job times), manning standards and workforce numbers shall be introduced and revised by the management of the enterprise, institution, or organisation in agreement with the trade union committee of said enterprise, institution, or organisation.

Workers and other employees shall be notified of the

introduction or revision of output quotas (job times) and manning standards not later than one month in advance.

*ARTICLE 104. Fixing of Single or Model Norms and Standards*

Single or model (inter-branch, branch, departmental) norms and standards may be established for uniform work.

*ARTICLE 105. Determination of Piece-Work Rates*

Piece-work rates shall be determined on the basis of the established wage categories of the work: wage-rates (salary scales) and output quotas (job times).

Job prices shall be determined by dividing the hourly (daily) wage rate appropriate for the category of the work being done by the hourly (daily) output quota. A job price may also be determined by multiplying the hourly or daily wage-rate appropriate for the category of the work being performed by the established job time in hours or days.

*ARTICLE 106. Retention of Their Previous Job Prices by Inventor and Rationaliser Workers and Other Employees for a Certain Period*

Workers and other employees who are the authors of inventions or rationalisation proposals that alter performance standards and job prices shall retain their former job prices for a period of six months from the time the new norms and prices are introduced. Other workers who have helped the inventor or rationaliser to introduce the proposal shall retain their previous job prices for three months.

Previous job prices shall also be retained in cases when the inventor or rationaliser did not earlier do the work whose norms and job prices have been altered in connection with introduction of his proposals, and has been transferred to this work after introduction of the proposal.

*ARTICLE 107. The Fixing of Manning Norms and Rate-Fixed Work Assignments*

For time payment of the work of workers and other employees manning norms are fixed for the machine-tool or set of machines allocated to them or rate-fixed work assignments for a certain period of time. Established numbers of workers and other employees may be fixed to carry out separate functions or volumes of work.

**ARTICLE 108. *Provision of Normal Working Conditions for Fulfilling Output Quotas***

The management of the enterprise, institution, or organisation is obliged to provide normal working conditions for workers' and other employees' performance of output quotas. These conditions are as follows:

(1) good condition of machines, machine-tools, and appliances;

(2) prompt provision of technical documentation;

(3) proper quality of the materials and tools needed to perform the work and their supply on time;

(4) supply of electricity, gas, and other sources of power at the proper time to the point of production;

(5) safe, healthy working conditions (observance of the rules and standards of safety technique, the necessary lighting, heating, ventilation, and elimination of harmful consequences of noise, radiation, vibration, and other factors with a bad effect on the health of workers, etc.).

**ARTICLE 109. *Procedure for Settling Disputes Arising during the Fixing and Revision of Output Quotas (Job Times) and Manning Norms***

Disputes arising between the management of the enterprise, institution, or organisation and its trade union committee during the fixing or revision of output quotas (job times) and manning norms shall be settled by superior managerial and trade union bodies.

### ***Chapter VIII***

#### **Guarantees and Compensation**

**ARTICLE 110. *Guarantees for Workers and Other Employees Elected to Elective Offices***

Workers and other employees freed from work in consequence of their election to elective offices in state bodies, and in party, trade union, Young Communist League, co-operative, and other social organisations, shall be granted their former jobs (posts) after completion of their terms in the elective office, and in the absence of same other, similar jobs (posts) in the same enterprise, institution, or organisation or, with their consent, in another enterprise, institution, or organisation.

ARTICLE 111. *Guarantees for Workers and Other Employees During Performance of Public or Social Duties*

Workers and other employees shall be guaranteed retention of their jobs (posts) and average pay during fulfilment of public and social duties, when these duties may be performed in working time under operative legislation of the USSR and RSFSR.

Workers and other employees involved in the fulfilment of duties stipulated in the USSR Law on Universal Military Service shall be granted guarantees and privileges in accordance with said Law.

Average earnings shall be retained in cases of performance of the following public and social duties in working time:

- (1) exercise of franchise;
- (2) attendance of deputies at sessions of Soviets of People's Deputies, and in cases established by legislation, during their performance of other deputy's duties;
- (3) attendance as delegates at congresses, plenary sessions, and conferences convened by government, party, trade union, Young Communist League, and other non-government organisations;
- (4) appearance on summons before organs of inquiry and preliminary investigation, at the procurator's office, and in court as a witness, victim or injured party, expert or specialist, interpreter, or witness of official acts, and also attendance at court proceedings as people's assessors, voluntary prosecutors or defence counsel, or representatives of social organisations and work collectives;
- (5) carrying out of commissions of a people's control body—in accordance with the USSR Law on People's Control in the USSR;
- (6) participation in the work of pension commissions of the executive committees of Soviets of People's Deputies, and of medical labour-expert commissions as members of these commissions appointed by trade union organisations;
- (7) attendance on summons at a pension commission as a witness to give testimony about length of service;
- (8) participation as members of volunteer fire brigades in putting out a fire or clearing up an accident;
- (9) performance of other public and social duties in cases provided for by the legislation of the USSR and RSFSR.

ARTICLE 112. *Guarantees for Workers and Other Employees Sent to Improve Qualifications*

When workers and other employees are sent on full-time courses to improve their qualifications, their job (post) shall be kept open for them, and they shall be paid as provided for by legislation.

ARTICLE 113. *Guarantees for Workers and Other Employees Sent for Examination in Medical Institutions*

Workers and other employees who are obliged to undergo examination in a medical institution shall retain their average pay at their place of work while in the institution.

ARTICLE 114. *Guarantees for Workers and Other Employees Who Are Blood-Donors*

The management of enterprises, institutions, and organisations is obliged to permit workers and other employees to attend a health service institution without hindrance on the day of examination and the day of donating blood for transfusion, and to preserve their average pay for them for those days.

Workers and other employees who are blood-donors shall be granted a day off after each day of donating blood for transfusion, with retention of their average pay. This day may be added to the annual leave at the worker's request.

ARTICLE 115. *Guarantees for Workers and Other Employees Who Are Inventors and Rationalisers*

Workers and other employees who are the authors of inventions or rationalisation proposals shall retain their average pay when released from their basic job to take part in the work of introducing the invention or proposal in the same enterprise or organisation.

When the invention or proposal is being introduced in another enterprise or organisation, the workers and other employees shall retain their post at their place of regular employment; the work of introducing the invention or rationalisation proposal shall be paid by agreement of the parties on a scale not less than their average pay at their place of regular employment.

ARTICLE 116. *Guarantees and Compensation When Sent on Business or When Moving to Work in Another Locality*

Workers and other employees shall have the right to

payment of expenses and to receive other compensation in connection with official business trips, transfer, hiring, or direction to work in another locality.

Workers and other employees sent on a service mission shall be paid the following: per diem expenses for the time spent on the mission; travelling expenses to the destination and return; expenses for renting accommodation. Workers and other employees sent on business missions shall retain their jobs (posts) and average pay during the whole time of the mission.

When the transfer of workers to other jobs entails moving to another locality (to another inhabited point in the existing administrative-territorial division) they shall be paid the following: the cost of the journey for the worker and members of his family (except when the management grants the appropriate means of conveyance); expenses for transport of belongings; per diem expenses for each day en route; a lump-sum payment for the worker himself and each member of his family moving with him; pay for the days of preparation for the journey and of settling into a new place of residence (not exceeding six days), and for the travelling time.

Workers and other employees moving in connection with being taken on (by preliminary agreement) in another locality shall be paid compensation and granted the guarantees named in part three of this Article, except payment of the lump-sum grant, which said workers may have been paid by agreement of the parties.

The scale of compensation, procedure for paying it and for granting the guarantees named above to workers, and also guarantees and compensation to persons during their moving to another locality (another populated point in the existing administrative-territorial division) in connection with being directed to work by the appointment procedure after finishing post-graduate studies, hospital practice (internship), and graduation from higher, specialised secondary, vocational, and other educational establishments, or by way of organised recruitment and public call-up, are fixed by the legislation of the USSR.

*ARTICLE 117. Compensation for Wear-and-Tear of Tools Belonging to Workers and Other Employees*

Workers and other employees who use their own tools

and instruments for the needs of the enterprise, institution, or organisation have the right to obtain compensation for the wear-and-tear (depreciation) of their tools.

The scale and procedure of payment of this compensation shall be defined by the management of the enterprise, institution, organisation in agreement with the worker or other employee and the trade union committee of the enterprise, institution, or organisation, if the scale and procedure of payment of compensation have not been fixed in a centralised procedure.

ARTICLE 118. *Limitation of the Liability of Workers and Other Employees for Losses Incurred by an Enterprise, Institution, or Organisation*

Workers and other employees are obliged to take care of the property of their enterprise, institution, or organisation, and to take steps to prevent damage.

A worker or other employee shall be liable for damage or losses incurred by the enterprise, institution, or organisation during the performance of his labour duties if the damage is caused by his fault. This liability shall be limited, as a rule, to a certain part of the worker's or other employee's earnings (Arts. 119 and 120).

Only the direct damage incurred shall be considered when the scale of damages is being assessed; income not obtained shall not be counted.

It shall not be permitted to place liability on a worker or other employee for such loss or damage as may be counted as normal production risk.

The management of the enterprise, institution, or organisation is obliged to provide the worker or other employee with the conditions necessary for normal work, and ensure full protection of the property entrusted to them.

ARTICLE 118<sup>1</sup>. *Voluntary Compensation by Workers and Other Employees of Damage Caused to the Enterprise, Institution, or Organisation*

A worker or other employee who has caused damage may voluntarily compensate for it in full or in part. With the agreement of the management of the enterprise, institution, or organisation the worker may hand over property of equal value as compensation for the damage done, or repair the damage.

ARTICLE 119. *Guarantees When the Scale of Workers' and Other Employees' Liability for Damage Caused to the Enterprise, Institution, or Organisation Is Being Fixed*

Workers and other employees who have caused damage during performance of their duties to the enterprise, institution, or organisation, shall be liable for the damage caused to the extent of direct actual damage, but not in excess of one-third of their average monthly pay.

Liability above one-third of the average monthly pay, but not more than the full extent of the damage caused, is permissible only in cases indicated in the legislation of the USSR.

ARTICLE 120. *Cases of Limitation of Workers' and Other Employees' Liability Above One-Third of Their Average Monthly Pay*

Limited liability for damage above one-third of the monthly pay shall be borne in accordance with the legislation of the USSR:

(1) by workers and other employees to the extent of the damage caused by them but not more than two-thirds of their monthly pay for spoiling or destruction of materials, semi-finished products, and articles (products) (inclusive of their manufacturing) through negligence, and also for spoilage or destruction through negligence of tools, measuring instruments, special (protective) clothing, and other things issued by the enterprise, institution, or organisation to the worker for use;

(2) by the managers of enterprises, institutions and organisations and their assistants, and the managers of subsidiary units of enterprises, institutions, and organisations and their assistants, to the extent of the damage caused through their fault, but not exceeding their monthly earnings, if the damage to the enterprise, institution, or organisation is caused by unwarranted cash payments, incorrect accounting for and custody of material or monetary values, failure to take necessary measures to prevent stoppages, the output of sub-standard products, misappropriation and theft, or destruction and spoiling of material and monetary values;

(3) by officials guilty of unlawful dismissal or transfer to other work in cases, and to the extent, indicated in Art. 215 of this Code.

*ARTICLE 121. Cases of Workers' and Other Employees' Full Liability*

Workers and other employees shall be liable, in accordance with the legislation of the USSR, for the full extent of damage caused by them through their fault to the enterprise, institution, or organisation, in the following cases:

(1) when the damage is caused by the actions of a worker which contain indices of acts liable to criminal prosecution;

(2) when full liability is placed on a worker in accordance with the legislation of the USSR for damage caused to the enterprise, institution, or organisation during performance of his labour duties;

(3) when a written agreement has been signed between the worker and the enterprise, institution, or organisation in accordance with Art. 121<sup>1</sup> of this Code on the worker's acceptance of full liability for not ensuring protection of property and other valuables entrusted to him for safe-keeping or other purposes;

(4) when the damage was caused not through performance of work duties;

(5) when property and other valuables were obtained by the worker on account under a single power of attorney or under other documents for one occasion;

(6) when the damage was caused by shortages, deliberate destruction or spoiling of materials, semi-finished goods, or articles (inclusive of their manufacture), and of tools, measuring instruments, special clothing, and other articles issued to the worker for use by the enterprise, institution, or organisation;

(7) when the damage is caused by a worker in a drunken state.

*ARTICLE 121<sup>1</sup>. Written Agreements on Full Liability*

Written agreements on full liability may be concluded by the enterprise, institution, or organisation with a worker (who has attained 18 years of age), who holds a post or carries out work directly connected with the custody, processing, sale (release), transportation, or application in the production process of valuables entrusted to him. In accordance with the legislation of the USSR a schedule of such posts and jobs, and a model agreement on full in-

dividual liability shall be approved in the way laid down by the Council of Ministers of the USSR.

ARTICLE 121<sup>2</sup>. *Collective (Work Team) Liability*

With joint performance by workers and other employees of separate types of work connected with the custody, processing, sale (release), transportation, or application in the production process of valuables entrusted to them, collective (work team) liability may be introduced when it is impossible to demarcate the liability of each worker and to sign with him an agreement on full liability.

Collective (work team) liability shall be established by the management of an enterprise, institution, or organisation by agreement with the trade union committee of the enterprise, institution, or organisation. A written agreement on collective (work team) liability shall be signed between the enterprise, institution, or organisation, and all members of the work team.

A schedule of jobs for whose performance collective (work team) liability may be introduced, and of the conditions of its application, and also a model agreement on collective (work team) liability in accordance with the legislation of the USSR are endorsed by the State Committee of the USSR on Labour and Social Matters jointly with the AUCCTU.

ARTICLE 121<sup>3</sup>. *Determination of the Scale of Damage Caused to an Enterprise, Institution, or Organisation*

The scale of damage caused to the enterprise, institution, or organisation shall be determined according to the actual loss from the accounting data, as shown by the balance-sheet value (prime cost) of the material values less wear and tear by the established norms.

With pilfering and shortage, deliberate destruction or spoiling of material values, the loss shall be determined according to the state retail prices. In the absence of retail prices for a given type of material value, the damage shall be determined, in accordance with the legislation of the USSR, by prices calculated in the way established by the State Committee of the USSR on Prices.

In public catering enterprises (in production facilities and buffets), and in the commission trade, the scale of the loss caused by pilfering and shortage of produce and goods shall be determined according to the prices fixed for their sale.

The scale of compensation for damage caused by the

fault of several workers shall be determined for each of them, allowing for the degree of guilt, and the form and limit of liability.

*ARTICLE 122. Procedure for Compensating for Damage Caused to an Enterprise, Institution, or Organisation*

Damage shall be compensated on a scale not exceeding one-third of the average monthly pay, in accordance with a ruling of the management of the enterprise, institution, or organisation, by a deduction from the worker's pay. The management's ruling must be made not later than two weeks after discovery of the damage caused by the worker, and executed not earlier than seven days from the day it is communicated to the worker. When the worker does not agree to the deduction or its scale, the labour dispute upon his application shall be reviewed in a procedure laid down by legislation.

In other cases damage shall be compensated by way of a suit brought by the management in a district (city) people's court.

If the management makes a deduction from a worker's or other employee's pay in breach of the procedure established in parts one and two of this Article, the body for reviewing labour disputes shall take a decision, on the worker's complaint, on return of the illegally deducted sum.

Damage caused to the enterprise, institution, or organisation by the fault of executives or their assistants shall be compensated by them according to the ruling of the superior body in the hierarchy of management, with observance of the rules of parts one and two of this Article.

Material damage shall be claimed from the executives of enterprises, institutions, or organisations and their assistants according to court procedure on an action brought by a superior organ or by a procurator.

Compensation of damage shall be made irrespective of the worker's being disciplined or held administratively or criminally responsible for the action (inaction) that caused the damage to the enterprise, institution, or organisation.

*ARTICLE 123. Recording of Concrete Circumstances for Placing Liability on a Worker or Other Employee*

A court may reduce the amount of damage liable to be compensated for, taking into account the worker's degree of guilt, concrete circumstances, and financial position.

It shall not be permissible to reduce the amount of damage liable to be compensated for, if the damage was caused by a crime committed for sordid purposes.

*ARTICLE 124. Limitation of Deductions from Pay*

Deductions may only be made from pay in cases provided for by the legislation of the USSR and RSFSR.

Deductions may be made from workers' and other employees' wages and salaries to pay off their debts to the enterprise, institution, or organisation where they work by order of the management as follows:

(1) to reimburse an advance from their pay; to pay back sums paid out in excess through a bookkeeping error; to pay off an unexpended advance, not promptly returned, made for a service mission or for transfer to another locality, or for household needs, when the worker does not dispute the grounds for and amount of the deduction.

In these cases the management has the right to issue an order about the deduction not later than one month from the day of expiry of the period fixed for reimbursement of the advance or clearing of the debt, or from the day of the incorrect calculation of pay;

(2) when a worker or other employee is being released or dismissed before the end of a working year for which he has already been granted leave, for the unworked days of the leave; deductions for these days shall not be made if the worker is being released on grounds indicated in points 3, 5 and 6 of Art. 29 and points 1, 2, and 5 of Art. 33 of this Code, when being directed to studies, and in connection with retirement on pension;

(3) when damage caused through the fault of the worker or other employee to the enterprise, institution, or organisation is being recompensed on a scale not exceeding one-third of his average monthly earnings (part one of Art. 122).

Wages paid in excess to a worker by the management (including through incorrect application of the law) may not be recovered from him except in cases of an account error.

*ARTICLE 125. Limitation of the Scale of Deductions from Wages*

The total amount of all deductions from each paying out of wages may not exceed 20 per cent of the wage due to the worker or other employee, and 50 per cent in cases special-

ly provided for by the legislation of the USSR and RSFSR.

When a deduction is being made from wages in accordance with several documents of execution the worker or other employee shall in any case retain 50 per cent of his earnings.

The limitations established by parts one and two of this Article shall not apply to the deductions from wages during the serving of a sentence of corrective labour.

ARTICLE 126. *Prohibition of Deductions from Certain Sums Liable to Be Paid to Workers or Other Employees*

Deductions shall not be permitted from severance pay, compensation and other payments from which recovery may not be made according to legislation.

### *Chapter IX*

#### **Labour Discipline**

ARTICLE 127. *Duties of Workers and Other Employees*

Workers and other employees are obliged to work honestly and conscientiously, to observe labour discipline, and to carry out the orders of the management promptly and exactly, to raise labour productivity, to improve the quality of output, to observe technological discipline, and the requirements of labour protection, safety engineering and industrial hygiene, to protect and consolidate socialist property.

ARTICLE 128. *Maintenance of Labour Discipline*

Labour discipline shall be ensured in enterprises, institutions, and organisations by conscious attitude to work, through persuasion, and also by incentives for conscientious work.

Work collectives shall cultivate an irreconcilable attitude towards violations of labour discipline, and express strict comradesly exactingness to workers who do not fulfil their duties conscientiously. Disciplinary measures and measures of public influence shall be applied when necessary in respect of individual unconscientious workers.

ARTICLE 129. *Obligations of the Management*

The management of enterprises, institutions, and organisations is obliged to organise the work of workers and

other employees property, to provide conditions for growth of labour productivity, to ensure labour and production discipline, unswervingly to observe labour legislation and safety regulations, to be attentive to the needs and demands of the workers, and to improve their working and living conditions.

*ARTICLE 130. Internal Labour Regulations. Rules for Discipline*

The labour routine in enterprises, institutions, and organisations shall be defined by their internal labour regulations approved by the work collectives upon the representation of the management and the trade union committee on the basis of model rules.

In certain industries rules for discipline shall be operative for separate categories of workers and other employees.

*ARTICLE 131. Encouragement for Success in Work*

For exemplary fulfilment of labour duties, success in socialist emulation, raising of labour productivity, improvement of product quality, long and faultless work, innovation in labour, and other work achievements, the following encouragement measures shall be applied:

- (1) public acknowledgement of services;
- (2) awarding of a bonus;
- (3) awarding of a valuable gift;
- (4) awarding of a certificate of honour;
- (5) entry in the Book of Honour, or on the Board of Honour.

The internal labour regulations and rules for discipline may also provide for other measures of encouragement.

*ARTICLE 132. Procedure for Applying Measures of Encouragement*

Measures of encouragement shall be applied by management jointly or in agreement with, the trade union committee of the enterprise, institution, or organisation.

*ARTICLE 133. Privileges and Preferences for Workers and Other Employees who Successfully and Conscientiously Carry out Their Labour Obligations*

Workers and other employees who successfully and conscientiously carry out their labour obligations shall be given in the first place privileges and preferences with respect to

social welfare and cultural services and housing amenities (accommodation at sanatoria and holiday homes, improvement of housing conditions, etc.)

Such workers shall also be granted priority in promotion.

ARTICLE 134. *Rewards for Special Labour Services*

Workers and other employees may be recommended to superior bodies for rewards for special labour services, for the awarding of orders and medals, certificates and badges of honour, and for the awarding of honorary titles, and the title of best worker in their profession.

ARTICLE 135. *Penalties for a Breach of Labour Discipline*

The management of the enterprise, institution or organisation may impose the following disciplinary penalties for breaches of labour discipline:

- (1) a reproof;
- (2) a reprimand;
- (3) a severe reprimand;

(4) transfer to lower-paid work for a period up to three months, or demotion for the same period;

for systematic breaches of labour discipline, and absence without valid reason, or coming to work drunk, a worker or other employee may be transferred to other, lower-paid work or demoted for the period named in this point;

- (5) dismissal (points 3, 4, and 7 of Art. 33).

Other disciplinary penalties may also be stipulated for separate categories of workers and other employees by the legislation on disciplinary responsibility and by the rules for discipline.

When disciplinary penalties are being applied, the gravity of misconduct, the circumstances in which it was committed, and the previous work and behaviour of the worker or other employee shall be taken into consideration.

ARTICLE 136. *Procedure for Imposing and Contesting Disciplinary Penalties*

Before a penalty is imposed explanations shall be demanded from a violator of labour discipline.

Disciplinary penalties shall be applied by the management of the enterprise, institution, or organisation directly after discovery of misconduct but not later than one month

from the day of its discovery, not counting time of the worker's illness or absence on holiday. No penalty may be imposed later than six months from the day misconduct was committed.

Only one disciplinary penalty may be imposed for each breach of labour discipline.

A disciplinary penalty may be contested in a statutory manner.

*ARTICLE 137. Lifting of a Disciplinary Penalty*

If, during a year from the day of application of a disciplinary penalty, the worker or other employee has not been subject to a new disciplinary penalty, he shall be deemed not to have been subjected to a disciplinary sanction.

A disciplinary penalty may be lifted before expiry of a year if the worker or other employee has not committed a new breach of labour discipline and, moreover, has shown himself to be a good, conscientious worker.

*ARTICLE 138. Transfer of a Breach of Labour Discipline to Review by a Work Collective, Comrades' Court or Social Organisation*

The management shall have the right, instead of applying a disciplinary penalty, to transfer the matter of a breach of labour discipline to hearing by a work collective, comrades' court or a social organisation.

## *Chapter X*

### **Labour Protection**

*ARTICLE 139. Provision of Healthy and Safe Working Conditions*

Healthy and safe conditions of work shall be provided in all enterprises, institutions, and organisations.

The provision of healthy and safe working conditions shall be incumbent on the management of the enterprise, institution, and organisation.

The management is obliged to introduce modern means of safety techniques in order to prevent industrial accidents, and to provide sanitary and hygienic conditions to prevent the incidence of occupational diseases among workers and other employees.

Work collectives shall discuss and approve comprehensive plans for improving working conditions, labour protection, sanitary and health-building measures, and shall exercise control over the fulfilment of these plans.

*ARTICLE 140. Observance of Safety Requirements During the Building and Operation of Industrial Buildings, Structures and Equipment*

Industrial buildings, structures, equipment, and production processes shall meet requirements ensuring healthy and safe working conditions.

These requirements shall include rational use of territory and production premises, proper exploitation of equipment and organisation of production processes, defence of workers against the effect of harmful working conditions, maintenance of production premises and workplaces in accordance with the sanitary and hygienic norms and rules, and the organisation of lavatories, wash-rooms, first-aid rooms, etc.

Safety norms and rules shall be observed during the planning, building, and exploitation of industrial buildings and structures.

The designs of machines, machine-tools, and other production plant shall meet the requirements of safety engineering and industrial sanitation.

*ARTICLE 141. Prohibition of the Commissioning of Enterprises That Do Not Meet Safety Requirements*

No enterprise, shop, sector, or industrial facility may be accepted and commissioned, if healthy and safe working conditions have not been provided in it.

The commissioning of new and reconstructed industrial projects shall not be permitted without the sanction of bodies exercising state sanitary and technical supervision, of the technical inspectorate of the trade unions (Art. 244), and of the trade union committee of the enterprise, institution or organisation commissioning the project.

*ARTICLE 142. Prohibition of the Transfer of Designs of New Machines and Other Plant to Serial Production That Do Not Meet Safety Requirements*

No design of a new machine, mechanism, and other industrial plant may be put into serial production if it does not meet safety requirements.

ARTICLE 143. *Labour Protection Rules Incumbent on the Management*

The management of the enterprise, institution, or organisation is obliged to provide requisite technical equipment of all workplaces and to create working conditions at them that meet the labour protection rules (safety engineering rules, hygienic standards and regulations, etc.). These regulations (either unified for all branches of the economy or inter-branch) shall be approved by the Council of Ministers of the USSR in accordance with the Fundamentals of Labour Legislation of the USSR and the Union Republics, or by other state agencies, charged with it by the Council of Ministers, jointly or in agreement with the AUCCTU.

Industry rules and standards of labour protection shall be approved in a statutory manner by ministries, state committees, departments, and state inspectorates (Art. 244) jointly or in agreement with the central committees of the corresponding trade unions.

In the absence of requirements in the regulations that shall be observed during work in order to ensure safe working conditions, the management of the enterprise, institution, or organisation shall take measures, in agreement with the trade union committee of the enterprise, institution, or organisation, to provide safe working conditions.

ARTICLE 144. *Instruction of Workers and Other Employees in Safety Techniques and Industrial Hygiene*

It shall be incumbent on the management of the enterprise, institution, or organisation to instruct workers and other employees in safety techniques, industrial hygiene, fire precautions, and other labour protection regulations.

ARTICLE 145. *Labour Protection Instructions Obligatory for Workers and Other Employees*

Workers and other employees are obliged to observe the labour protection instructions that establish rules for performing work and for conduct in industrial premises and on building sites. Such instructions shall be drafted and confirmed by the management of the enterprise, institution, or organisation jointly with the trade union committee of an enterprise, institution, or organisation. Standard labour protection rules may be approved for the workers of basic

trades by ministries, state committees, and departments in agreement with the central committees of the trade unions and, where necessary, with the corresponding agencies of the state inspectorate (Art. 244).

Workers and other employees are obliged to observe the requirements established for the use of machines and mechanisms, and to use the means of personal protection issued to them.

Work collectives shall make sure that all workers observe the rules and instructions on labour protection in enterprises, institutions, and organisations.

*ARTICLE 146. Control over Observance of the Requirements of Labour Protection Instructions*

Regular control over workers' observance of all the requirements of labour protection instructions shall be incumbent on the management of the enterprise, institution, or organisation.

*ARTICLE 147. The Management's Obligations to Investigate and Report Accidents at Work*

The management of the enterprise, institution, or organisation is obliged promptly and properly to investigate and report accidents at work, with the involvement of representatives of the trade union committee of the enterprise, institution, or organisation, and in cases provided for by legislation with the involvement of representatives of other bodies.

The management is obliged, at the request of the victim, to hand him a certified copy of the statement about an accident not later than three days after completion of the investigation of it.

In case of the management's refusal to draw up a statement about an accident, or when the victim does not agree with the circumstances of the accident as set out in the statement, the said victim shall have the right to appeal to the trade union committee of the enterprise, institution, or organisation, whose resolution with regard to the compilation or content of the statement shall be binding on the management.

The management is obliged, on the basis of the facts of the investigation and report of accidents to take the necessary steps promptly to eliminate the causes giving rise to the accidents.

ARTICLE 148. *Funds for Labour Protection Measures*

Funds and the requisite materials shall be allocated in a statutory manner to carry out labour protection measures. Expenditure of these funds and materials for other purposes shall be prohibited.

The procedure for employing said funds and materials shall be defined in collective agreements or in agreements on labour protection signed by the management and by the trade union committee of the enterprise, institution, or organisation.

Work collectives shall control use of funds intended for labour protection.

ARTICLE 149. *Issue of Special Clothing and Other Means of Individual Protection*

Workers and other employees on jobs with harmful working conditions, and on jobs with special temperatures or connected with pollution, shall be issued special clothing, footwear, and other means of personal protection free gratis, according to the established norms.

The management is obliged to provide storage, washing, drying, disinfection, decontamination, deactivation, and repair of the special clothing, footwear, and other means of individual protection issued to workers and other employees.

ARTICLE 150. *Issue of Soap and Counteracting Agents*

On jobs associated with pollution or contamination workers and employees shall be issued soap free of charge by the established norms. On jobs where there is a possible effect of harmful substances on the skin, cleaning and neutralisation agents shall be issued free of charge according to the established norms.

ARTICLE 151. *Issue of Milk and Occupational Disease Preventive Foods*

On jobs with harmful working conditions, workers and other employees shall be issued milk and other equivalent food products free of charge according to the established norms.

On jobs with specially harmful working conditions occupational disease preventive foods shall be made available free of charge according to the established norms.

ARTICLE 152. *Provision of Aerated Salt Water for Workers in Hot Shops*

The management of the enterprise or organisation is obliged to supply the workers of hot shops with aerated salt water free of charge.

The shops and production sectors in which supply of aerated salt water is to be organised shall be designated by the sanitary inspectorate in agreement with the management.

ARTICLE 153. *Breaks Included in Working Time*

Special warming and rest breaks, countable as working time, shall be granted to workers and other employees working in the open air or in indoor unheated premises in the cold season of the year, loaders and dockers engaged in handling work, and other categories of workers and other employees in cases stipulated by legislation. The management of the enterprise or organisation is obliged to furnish premises for workers to warm themselves and take a rest.

ARTICLE 154. *Medical Examination of Certain Categories of Workers and Other Employees*

Workers and other employees employed on heavy jobs or on jobs with harmful or dangerous working conditions, and on jobs connected with the movement of transport, shall be given compulsory preliminary medical examinations before being taken on, and periodic medical examinations to determine their fitness for the work assigned to them and to prevent occupational diseases.

Workers in enterprises of the food industry, public catering and trade, water-supply installations, disease preventive centres and children's institutions, and of certain other enterprises, institutions, and organisations, shall be given said medical examinations to protect the health of the public.

ARTICLE 155. *Transfer to Lighter Work*

The management of the enterprise, institution, or organisation is obliged, with the consent of workers and other employees who are in need of lighter work because of their health, to transfer them to such work in accordance with the medical findings, either temporarily or for an unlimited period.

ARTICLE 156. *Pay of Workers Transferred to Lighter Work*

Workers and other employees transferred to lighter, lower-paid work because of their health shall retain their previous average earnings for two weeks from the day of transfer.

Workers and other employees temporarily transferred to other, lower-paid work because of tuberculosis or an occupational illness shall be paid sick benefit for the whole of the time of the transfer, not exceeding two months, on such a scale that the benefit, plus their earnings in the new job, shall not exceed their full, actual earnings in the previous job. If other work has not been provided by the management in the period indicated on the doctor's medical certificate, sick benefit shall be paid on general grounds for the days missed out.

A worker or other employee temporarily transferred to lower-paid work in connection with an injury or other damage to health connected with work shall be paid the difference between his previous earnings and the earnings on the new job by the enterprise, institution, or organisation responsible for the damage to his health. This difference shall be paid until fitness is recovered, or lasting loss of work capacity or disablement has been established.

Other cases of retention of previous average earnings or payment of state social insurance benefit during transfer to lighter, lower-paid work because of health may be provided for by legislation of the USSR and RSFSR.

ARTICLE 157. *Employment of the Labour of Disabled Persons*

In cases provided for by legislation the management is obliged to accept disabled persons for work by the employment procedure, and to establish shorter working hours for them and other privileged working conditions in accordance with medical recommendations.

It shall be permitted to put disabled persons on overtime work, work on days off, or at night, only with their consent and on condition that such work is not prohibited by medical recommendations.

ARTICLE 158. *Conveyance of Workers and Other Employees Taken Ill at Work to a Medical Institution*

Workers and other employees taken ill at work shall be

conveyed to a medical institution by the transport means of the enterprise, institution or organisation where the sick worker or other employee works, or at its expense.

ARTICLE 159. *Liability of Enterprises, Institutions, or Organisations for Losses Sustained by Workers or Other Employees Through Damage to Their Health*

The enterprise, institution, or organisation shall be liable, in accordance with the legislation of the USSR and RSFSR, for the losses sustained by workers or other employees through injury or other damage to their health connected with the performance of their labour duties.

### *Chapter XI*

#### **Female Labour**

ARTICLE 160. *Jobs Where Female Labour Is Prohibited*

It shall be prohibited to employ women on heavy work and on jobs with harmful working conditions, and also on work underground (except for certain underground jobs, viz., non-manual work or work in the sanitary and welfare services).

A schedule of arduous jobs and jobs with harmful working conditions on which it is prohibited to employ women shall be confirmed in a statutory manner.

It shall be prohibited for women to carry or shift weights heavier than the maximum norms established for them.

ARTICLE 161. *Limitation of Night Work for Women*

It shall not be permitted to put women on jobs at night, with the exception of those sectors of the national economy in which it is necessitated by special needs and is permitted as a temporary measure.

ARTICLE 162. *Prohibition of Night Work and Overtime, and Sending on Business Missions for Expectant and Nursing Mothers and Women with Children Under One Year of Age*

It shall not be permitted to put expectant and nursing mothers and women with children under one year of age on night work, overtime, or work on days off, or to send them on business missions.

ARTICLE 163. *Limitation of Overtime and Directing on Business Missions for Women with Children Aged Between One and Eight Years*

Women with children aged from one to eight years may not be employed on overtime or sent on a business mission without their consent.

ARTICLE 164. *Transfer of Expectant and Nursing Mothers, and Women with Children Under One Year of Age to Lighter Work*

Expectant mothers shall be transferred in accordance with the medical findings to other, lighter work for the period of their pregnancy, with retention of their average earnings in their previous jobs.

Nursing mothers, and women with children under one year of age shall be transferred to other work with retention of their average earnings in their previous jobs when it is impossible for them to perform their previous work, for the whole periods of nursing their baby or until the infant becomes one year old.

ARTICLE 165. *Maternity Leave and Leave to Care for a Baby*

Women shall be granted maternity leave for a period of 56 calendar days before the birth and 56 calendar days after it (70 days in case of an abnormal birth or the birth of two or more children), and at their request partially paid leave, provided they possess the total length of service of not less than a year, so as to look after the baby until it is a year old, with payment of benefits for this period from the state social insurance.

Partially paid leave to look after a baby may be taken in full or in part at any time until the infant is one year old.

ARTICLE 166. *Addition of Maternity Leave to Annual Holidays*

A woman may be granted her annual leave before maternity leave or immediately after it, irrespective of her length of service in the given enterprise, institution, or organisation.

ARTICLE 167. *Additional Unpaid Leave for Mothers with Children under Eighteen Months*

A woman may be granted additional leave without pay,

at her request, in addition to maternity leave and leave to care for an infant, in order to look after an infant until it reaches 18 months. Her job (post) shall be kept open for her for the time of the leave.

This leave may be taken in whole or in part at any time until the infant reaches 18 months.

The additional unpaid leave shall be counted in the total, uninterrupted work service, and in the length of service in the woman's trade or profession.

Additional unpaid leave shall not be counted in the length of service giving the right to subsequent annual holidays.

#### ARTICLE 168. *Leave for Women Adopting New-Born Children*

Women who adopt new-born children direct from a maternity home shall be granted leave for a period from the day of adoption to the expiry of 56 days from the day of the infant's birth, and partially unpaid leave at their wish provided they possess the total length of service of not less than a year in order to care for the infant until it is one year old, with payment of state social insurance benefit for this period.

A woman who has adopted a new-born infant direct from a maternity home shall be granted additional leave without pay, on her application, in order to care for the infant until it is 18 months old.

#### ARTICLE 169. *Breaks for Nursing an Infant*

Nursing mothers, and women with children under one year old, shall be granted supplementary breaks, in addition to the general breaks for rest and meals, to feed the infant.

These breaks shall be granted not less frequently than every three hours for a duration of not less than 30 minutes each. With two or more children under a year old the length of the break shall be not less than an hour.

Breaks for feeding an infant shall be included in working time and paid according to average earnings.

The period of, and procedure for granting, the breaks shall be fixed by the management jointly with the trade union committee of the enterprise, institution, or organisation, allowing for the wishes of the mother.

*ARTICLE 170. Guarantees for Taking on Expectant and Nursing Mothers and Women with Children under One Year Old, and Prohibition of Their Dismissal*

It shall be prohibited to refuse to take on women for work and to reduce their pay on excuses connected with pregnancy or the nursing of an infant.

Dismissal of expectant and nursing mothers and women with children under one year of age on the initiative of the management shall not be permitted, except in cases of complete winding up of the enterprise, institution, or organisation, when dismissal shall be permitted with obligatory placing in new employment.

*ARTICLE 171. Issue of Passes for Sanatoria and Holiday Homes, and Rendering of Material Assistance to Expectant Mothers*

The management of an enterprise or organisation, in agreement with the trade union committee of the enterprise or organisation, may grant expectant mothers passes to sanatoria and holiday homes whenever necessary, either free gratis or at lower rates, and render them material assistance.

*ARTICLE 172. Services for Women in Enterprises and Organisations with Broad Employment of Female Labour*

In enterprises and organisations with broad employment of female labour crèches and kindergartens, rooms for nursing infants, and rooms for feminine personal hygiene shall be organised.

## **Chapter XII**

### **Youth Labour**

*ARTICLE 173. The Age at Which It Is Permissible to Be Taken on for Work*

It shall not be permitted to hire persons younger than 16 years of age.

In exceptional cases, a person who has reached 15 years of age may be taken on for work with the agreement of the trade union committee of the enterprise, institution, or organisation.

ARTICLE 174. *The Rights of Minors in Labour Legal Relations*

Minors (persons under 18 years of age) shall have the same rights in labour legal relations as adults, and enjoy privileges in the field of labour protection, working time, holidays, and certain other working conditions, established by the Fundamentals of Labour Legislation of the USSR and the Union Republics, this Code, and other acts of labour legislation.

ARTICLE 175. *Jobs on Which It Is Prohibited to Employ Persons under 18 Years of Age*

It shall be prohibited to employ persons under 18 years of age on heavy work, on jobs with harmful or dangerous working conditions, and on work underground.

The schedule of heavy jobs and jobs with harmful or dangerous conditions, on which it is prohibited to employ persons under 18 years of age, shall be approved in a statutory manner.

It shall be prohibited for minors to carry or shift weights that exceed the maximum norms established for them.

ARTICLE 176. *Medical Examinations of Persons under 18 Years of Age*

All persons under 18 years of age shall be employed only after a preliminary medical examination and shall subsequently be given an annual compulsory medical examination until they reach 18.

ARTICLE 177. *Prohibition of Employing Workers and Other Employees Younger Than 18 on Night and Overtime Work*

It shall be prohibited to employ workers and other employees under 18 years of age on night and overtime work, and on work on days off.

ARTICLE 178. *Leave for Workers and Other Employees Under 18 Years of Age*

Workers and other employees under 18 years of age shall be granted annual holidays (part two of Art. 67) in the summer, or, at their wish, at some other time of the year.

ARTICLE 179. *Output Quotas for Young Workers*

Output quotas for workers under 18 years of age shall

be established, calculated from the quotas for adult workers, proportionally reduced by the duration of working time for persons who have not reached 18 years of age.

Lower output quotas may be established for young workers starting in an enterprise or organisation on finishing general schools, vocational schools, or courses, and those being trained directly on the job, in cases, and on the scale provided for by legislation, and for the period stipulated by it. These quotas shall be confirmed by the management of the enterprise or organisation in agreement with the trade union committee of the enterprise or organisation.

*ARTICLE 180. Pay of Workers and Other Employees under 18 with Reduced Daily Working Hours*

The wages of workers and other employees under 18 years of age with a reduced working day shall be paid on the same scale as those of workers and other employees of the corresponding category working a full working day.

The work of workers and other employees under 18 who are permitted to work on piece rates shall be paid at the piece-rates established for adult workers, with additional payment according to the wage rate for the time their working day is reduced compared with the length of adult workers' daily work.

*ARTICLE 181. Reserved Quotas for Hiring Youth and Enrolling Them for Industrial Training*

Reserved quotas shall be established at all enterprises and organisations for the hiring and taking on for industrial training of young people who have finished general schools, vocational and technical schools, and other young persons under 18 years of age.

District, town, and ward Soviets of People's Deputies shall ratify plans for providing employment for young persons who have finished general schools, and ensure their fulfilment by all enterprises, institutions, and organisations.

*ARTICLE 182. Provision of Work According to Their Trade or Profession for Young Workers and Specialists Graduating from Educational Establishments*

Young workers graduating from vocational and technical schools, and young specialists graduating from higher and secondary specialised schools, shall be provided with jobs

in accordance with the trade or profession and qualifications obtained.

*ARTICLE 183. Restrictions on the Dismissal of Workers and Other Employees under 18 Years of Age*

The dismissal of workers and other employees under 18 years of age on the initiative of the management is only permitted, in addition to observance of the general procedure for dismissal, with the agreement of the district (town) commission on minors' affairs. Dismissals on the grounds specified in points 1, 2, and 6 of Art. 33 of this Code shall only be made in exceptional cases and shall not be permitted without provision of alternative work.

*Chapter XIII*

**Privileges for Workers and Other Employees  
Combining Work and Study**

*ARTICLE 184. Organisation of Industrial Training*

For the occupational training of workers and other employees, especially of young persons, and in order to raise their qualifications, the management of the enterprise, institution, or organisation shall arrange individual, team, course, and other industrial training at the expense of the enterprise, institution, or organisation.

*ARTICLE 185. Instruction in Working Time*

Theoretical lessons for and industrial training of new workers directly on the job through individual and team instruction and courses shall be held within the working time established by labour legislation for workers of relevant ages, trades and professions, and industries.

*ARTICLE 186. Employment in Accordance with Qualifications Obtained*

Qualifications shall be conferred on a worker on completing industrial training in accordance with the wage-rate schedule and he shall be given work in accordance with the qualification obtained and the wage category conferred.

*ARTICLE 187. Provision of Requisite Conditions for Combining Work and Training*

The management is obliged to provide the requisite con-

ditions for workers and other employees receiving industrial training or studying part-time in an educational establishment to combine work and study.

ARTICLE 188. *Encouragement of Workers and Other Employees Combining Work and Study*

When workers' and other employees' professional category is being raised, or they are being promoted, their successful passing of industrial training, general and vocational education, and obtaining of a higher or secondary specialised education shall be taken into account.

ARTICLE 189. *Privileges for Workers and Other Employees Studying in General Educational and Vocational and Technical Establishments*

A shortened working week or a reduced working day shall be established, with retention of pay, in a statutory manner for workers and other employees who are studying part-time in general educational, vocational and technical establishments; they may also be granted other privileges.

ARTICLE 190. *Reduction of Working Time for Persons Studying in General Schools*

A working week reduced by one working day or by a corresponding number of working hours (by shortening of the working day during the week) shall be introduced during school year for workers and other employees successfully studying part-time in the IX to XI forms of schools for young workers, or evening (shift) and correspondence secondary general schools, and a working week reduced by two working days or by a corresponding number of working hours (with reduction of the working day during the week) for those studying in the IX to XI forms of schools for rural youth, or evening (shift and seasonal) and correspondence secondary general schools.

Pupils of the IX to XI forms shall be released from work on not more than 36 working days throughout the school year (with a six-day working week) or for a corresponding number of working hours. With a five-day working week the total number of working hours exempted from work shall be preserved; the number of working days free from work shall be altered in accordance with the length of the

working shifts and shall constitute 31.5 days with an eight-hour shift, or 31 days with a shift of eight hours 12 minutes.

Pupils shall be paid for the time released from work at 50 per cent of their average wages on their main job, but not less than the established minimum wage.

The reduction of working time for pupils of the V to VIII forms is regulated by the legislation of the USSR and, within the limits defined by it, by the legislation of the RSFSR.

The management of the enterprise, institution, or organization has the right to grant an additional one or two days' unpaid release from work in a week at the wish of pupils in the IX to XI forms of schools for young workers and rural youth, where this does not harm production activity.

#### ARTICLE 191. *Leave in Connection with Studies in General Schools*

Workers and other employees studying part-time in schools of working and rural youth, i.e., evening (shift, seasonal) and correspondence secondary general schools, shall be granted leave of a total of 20 working days for the period of the graduation examination in the XI form, and of eight days in the VIII form, with retention of pay on their main job, calculated by the wage-rate or salary scale.

For persons studying part-time in the V, VI, VII, IX, and X forms of said schools, four to six day's release from work is given for the time they are taking transfer examinations, with retention of average pay at their main job, taking into account the reduction of the total number of days (by eight to twelve days) granted in accordance with Art. 190 of this Code.

#### ARTICLE 192. *Time of Granting Annual Holidays to Persons Studying in General Schools*

The management of the enterprise, institution, or organization is obliged, when granting annual leave to persons studying in general schools, to arrange this, at the pupils' wish, to coincide with the time of the school examinations.

#### ARTICLE 193. *Restrictions on Overtime Work for Persons Studying in General and Vocational Schools*

It shall be prohibited to employ workers and other em-

ployees studying part-time in general and vocational schools on overtime work on the days of lessons.

*ARTICLE 194. Leave in Connection with Training in Vocational Schools*

Workers and other employees successfully studying part-time in evening (shift) vocational schools shall be released from work to prepare for and pass examinations for 30 working days in the course of a year, with retention of 50 per cent of their average earnings in their main job.

*ARTICLE 195. Leave to Take Entrance Examinations for Higher and Secondary Specialised Schools*

Workers and other employees admitted to the entrance examinations at higher and secondary specialised schools shall be granted leave without pay.

Those taking entrance examinations for higher schools (including works-technical institutes) shall be granted leave for 15 calendar days, and for secondary specialised schools for ten calendar days, not counting the time of the journey to and from the place where the educational establishment is located.

*ARTICLE 196. Privileges for Workers and Other Employees Studying in Higher and Secondary Specialised Establishments*

Workers and other employees studying in evening and correspondence higher and secondary specialised educational establishments shall be granted leave, paid in the established manner, in connection with their studies, and other privileges.

*ARTICLE 197. Reduction of Working Time for Persons Studying in Evening and Correspondence Higher and Secondary Specialised Educational Establishments*

Students of evening and correspondence higher educational establishments and pupils of evening and correspondence secondary specialised schools have the right in the period of ten academic months before beginning work on their diploma project (work), or to pass state examinations, to one day a week free from work (with a six-day working week) to prepare for lessons, with pay for it at the rate of 50 per cent of the wages received but not less than the

minimum. With a five-day working week the number of days freed from work shall be changed in accordance with the length of the working shift, with retention of the number of working hours freed from work.

The management of the enterprise, institution, or organisation has the right to grant an additional one or two days a week freed from work without pay, at the request of students and pupils, in the course of the said ten academic months.

*ARTICLE 198. Leave in Connection with Study in Evening and Correspondence Higher and Secondary Specialised Educational Establishments*

Students successfully studying in evening higher educational establishments shall be granted leave of 20 calendar days annually in the first and second years in the period of laboratory work and the taking of examinations, and 30 calendar days in the third and following years. Pupils successfully studying in evening secondary specialised schools shall be granted ten calendar days' leave in the first and second years in the period of laboratory work and the taking of examinations, and 20 calendar days in the third and following years.

Students and pupils successfully studying in correspondence higher and secondary specialised educational establishments shall be granted 30 calendar days' leave annually in the period of laboratory work and the taking of examinations in the first and second years, and 40 calendar days' leave in the third and following years.

Students and pupils of evening and correspondence higher and secondary specialised educational establishments shall be granted 30 calendar days' leave for the period of taking state examinations.

Students and pupils in evening and correspondence higher educational establishments shall be granted leave for four months for the period of preparing and defending their diploma project (work), and pupils of evening and correspondence secondary specialised schools two months.

Workers and other employees shall retain their pay, not above the established scale, for the period of leave granted in connection with study in evening and correspondence higher and secondary specialised educational establishments.

ARTICLE 199. *Leave to Become Familiar with the Chosen Profession and Preparation of Material for a Diploma Project*

The management of the enterprise, institution, or organisation has the right, on the recommendation of the educational establishment concerned, to grant persons studying in the last years of evening and correspondence higher and secondary specialised educational establishments an additional month's leave without pay to acquaint themselves directly on the job with their chosen profession and to prepare material for their diploma project. The students and pupils shall be given a scholarship for the period of the leave on the usual terms.

ARTICLE 200. *Pay for Travelling to the Place Where a Correspondence Educational Establishment Is Located*

The management of the enterprise, institution, or organisation shall pay for the journey of students in correspondence higher and secondary specialised educational establishments to and from the place where the correspondence establishment is located, in order to carry out laboratory work and take examinations, once a year on a scale of 50 per cent of the cost of the journey.

Travelling expenses to prepare and defend a diploma project (work) or take state examinations shall be paid, in addition, on the same scale.

#### *Chapter XIV*

#### **Labour Disputes**

ARTICLE 201. *Bodies Reviewing Labour Disputes*

Labour disputes shall be examined by the following:

- (1) labour disputes commissions;
- (2) trade union committees of enterprises, institutions, and organisations;
- (3) district (town) people's courts.

The labour disputes of certain categories of workers shall be examined by superior bodies in the hierarchy of subordination (Art. 220).

ARTICLE 202. *Procedure for Examining Labour Disputes*

The procedure for examining labour disputes by labour

disputes commissions, trade union committees of enterprises, institutions, and organisations, and superior bodies, shall be regulated by the Fundamentals of Labour Legislation of the USSR and the Union Republics, by the Statute on the Procedure for Examining Labour Disputes ratified by the Presidium of the Supreme Soviet of the USSR, and by this Code, while the procedure for hearing cases of labour disputes in district (town) people's courts is defined, in addition, by the Civil Procedure Code of the RSFSR.

*ARTICLE 203. Organisation of Labour Dispute Commissions*

Labour disputes commissions shall be set up at enterprises, institutions, and organisations with an equal number of representatives of the trade union committee of the enterprise, institution, or organisation, and of the management of said enterprise, institution, or organisation.

The number of representatives of each side shall be established by agreement between the trade union committee and the management of the enterprise, institution, or organisation. The representatives of the sides shall be appointed to the commission for the period of office of the trade union committee of the enterprise, institution, or organisation. The representatives of the trade union shall be appointed to the labour disputes commission from among the members of the committee.

In enterprises, institutions, or organisations in which there is no trade union committee, the labour disputes commission shall be formed of the trade union organiser and the manager of the enterprise, institution, or organisation.

In enterprises, institutions, or organisations in which the trade union committee has been granted the rights of a district committee of the trade union, labour disputes commissions may be formed in shops and other structural units by decision of this committee and of the management of the enterprise, institution, or organisation.

*ARTICLE 204. Competence of Labour Disputes Commissions*

The labour disputes commission is a mandatory body of first instance for examining labour disputes arising in enterprises, institutions, or organisations between the workers and other employees, on the one hand, and the manage-

ment, on the other, with the exception of disputes liable to review, according to the law, directly in district (town) people's courts and other bodies.

ARTICLE 205. *Procedure for Receiving Statements Lodged with a Labour Disputes Commission, and the Period for Review of Labour Disputes*

Statements being lodged with a labour disputes commission shall be received by the trade union committee of the enterprise, institution, or organisation, and where there is none, by the trade union organiser.

The commission is obliged to examine labour disputes within five days of the presentation of the statement.

ARTICLE 206. *Procedure for Adopting Decisions by Labour Disputes Commissions*

The decisions of labour disputes commissions shall be taken by agreement between the representatives of the trade union committee of the enterprise, institution, or organisation and the representatives of its management. The commission's decision shall be binding and shall not require ratification of any kind.

ARTICLE 207. *Review of Labour Disputes in Cases when Agreement Is Not Reached in a Labour Disputes Commission. Appeals Against a Commission's Decision*

If agreement has not been reached during the review of a labour dispute between the representatives of the trade union committee and the representatives of the management, a worker or other employee has the right, within ten days of being handed a copy of the minutes of the commission's session, to submit a statement on solution of the dispute to the trade union committee of the enterprise, institution, or organisation.

The decision of the labour disputes commission may be appealed by a worker or other employee to the trade union committee of the enterprise, institution, or organisation, within the same period.

When a worker or other employee does not agree with the decision on a labour dispute taken by a commission consisting of the trade union organiser and the manager of the enterprise, institution, or organisation, or when this commission fails to reach agreement, he may apply within the same period for a decision of the dispute to the district (town) people's court.

ARTICLE 208. *Review of Labour Disputes by the Trade Union Committees of Enterprises, Institutions, or Organisations*

The trade union committees of enterprises, institutions, or organisations shall review labour disputes on the application of workers and other employees when the sides have not reached agreement in the labour disputes commission, and on the appeals of workers and other employees against the decision of the commission.

The trade union committee of the enterprise, institution, or organisation that has been granted the rights of a district committee of a trade union may give shop committees of the union the right to review labour disputes in the manner laid down by the Statute on the Procedure for Examining Labour Disputes.

When reviewing a labour dispute on which the disputes commission has not reached agreement, the trade union committee of the enterprise, institution, or organisation shall pass a resolution on the merits of the dispute.

When hearing an appeal against the decision of a labour disputes commission, the trade union committee of the enterprise, institution, or organisation may leave the commission's decision in force or quash it and pass a resolution on the merits of the dispute.

The trade union committees of enterprises, institutions, or organisations are obliged to review labour disputes within seven days of receiving an application or appeal.

The trade union committee of the enterprise, institution, or organisation may quash the decision of a commission that contravenes the existing legislation, either on its own initiative or on a protest by the procurator, and pass a resolution on the merits of the dispute.

ARTICLE 209. *Cases When a Labour Dispute Reviewed by the Trade Union Committee of the Enterprise, Institution, or Organisation May Be Transferred for Hearing by a Court*

When a worker or other employee does not agree with the resolution on a labour dispute passed by the trade union committee of the enterprise, institution, or organisation, he may apply to the district (town) people's court, within ten days of receipt of the union committee's resolution, for hearing of the dispute by the court.

The management of the enterprise, institution, or organisation may apply for a labour dispute to be settled by the

district (town) people's court, within the stipulated period, if it considers the resolution on the dispute passed by the trade union committee of the enterprise, institution, or organisation to contravene existing legislation.

*ARTICLE 210. Hearing of Labour Disputes in District (Town) People's Courts*

Labour disputes may be heard in district (town) people's courts on the application by the following:

(1) workers and other employees when they do not agree with the resolution of the trade union committee of the enterprise, institution, or organisation;

(2) the management of the enterprise, institution, or organisation when it considers the resolution of the respective trade union committee to contravene operative legislation;

(3) workers and other employees when they do not agree with the decision of a labour disputes commission consisting of the trade union organiser and the manager of the enterprise, institution, or organisation, or when agreement of the sides has not been reached in this commission;

(4) the procurator when he considers that the resolution of the trade union committee of the enterprise, institution, or organisation, or the decision of a labour disputes commission consisting of the trade union organiser and the manager of the enterprise, institution, or organisation, to contravene existing legislation.

In addition labour disputes may be heard directly in district (town) people's courts, without appeal to the labour disputes commission and the trade union committee of the enterprise, institution, or organisation, on the application by the following:

(1) workers and other employees dismissed on the initiative of the management of the enterprise, institution, or organisation, for reinstatement, and for alteration of the formulation of the reasons for their dismissal, with the exception of disputes of executives holding posts stipulated in special schedules (Art. 220);

(2) workers and other employees of enterprises, institutions, or organisations in which there are no trade union committees and trade union organisers, and on the application by persons working under contract in collective farms and inter-farm organisations;

(3) the management for workers' and other employees'

reimbursement of losses caused to the enterprise, institution, or organisation.

A labour dispute between a worker and the management may also be heard directly in a district (town) people's court on such a matter of the application of labour legislation, which has been first decided by the management in respect of this worker with the agreement of the trade union committee of the enterprise, institution, or organisation, within the framework of the rights granted to them.

*ARTICLE 211. On the Periods for Appeal for the Settlement of Labour Disputes*

Workers and other employees may appeal to a labour disputes commission within three months of the day when they learned, or should have learned, of an infringement of their rights, and in cases of dismissal, to the district (town) people's court within a month of being handed the dismissal order.

For an appeal by the management to a court of law on matters of recovery of material damages from workers, caused to an enterprise, institution, or organisation, a period of one year shall be established from the day when the damage caused by the worker was discovered.

The same periods also apply to an appeal to a court of law by a superior body or by the procurator.

If the periods established by the present Article are missed for valid reasons, they may be restored respectively by the labour disputes commission and the court of law.

*ARTICLE 212. Release of Workers and Other Employees from Paying Court Fees when Appealing to a Court of Law on Labour Cases*

Workers and other employees shall be released from paying court fees for the benefit of the state (stamp duty and costs connected with the hearing of the case) when appealing to a court of law on claims arising from labour legal relations.

*ARTICLE 213. Reinstatement*

In a case of dismissal without lawful grounds, or in breach of the statutory procedure for dismissal, or unlawful transfer to other work, a worker or other employee shall be reinstated in his previous job by the body hearing the labour dispute.

ARTICLE 214. *Payment for Time of Enforced Absenteeism or Performance of Lower-Paid Work*

A worker or other employee wrongfully dismissed and reinstated in his former job shall be paid average earnings in compensation by order of the court for the time of enforced absenteeism not exceeding three months from the day of dismissal. Payment for enforced absenteeism on the same scale shall be made by order of the court in cases when incorrect formulation in the work book of the reason for dismissal has prevented a worker or other employee from obtaining a new job.

Average earnings for the time of enforced absenteeism, not exceeding three months, may also be paid to a worker by order of the labour disputes commission or resolution of the trade union committee of the enterprise, institution, or organisation.

A worker or other employee unlawfully transferred to other work and reinstated in his former job shall be paid compensation, by order or resolution of the body hearing the labour dispute, of average earnings for the time of enforced absenteeism or the difference in earnings during the time of performing the lower-paid work, not exceeding three months.

Payment for the time of enforced absenteeism through wrongful dismissal or transfer, and payment of the difference in earnings during the time of performing lower-paid work, may be made by the management of the enterprise, institution, or organisation.

ARTICLE 215. *Placing of Liability on an Official Guilty of Wrongful Dismissal or Transfer*

The court of law may make the official guilty of wrongful dismissal or transfer of a worker or other employee to other work liable to indemnify the loss caused to the enterprise, institution, or organisation in connection with payment for the time of enforced absenteeism or time of performing lower-paid work. This obligation shall be imposed if the dismissal or transfer was made in clear breach of the law or if the management delayed execution of the decision of the court or superior body on reinstatement of the worker. The scale of the indemnification may not exceed three months' salary of the official.

ARTICLE 216. *Immediate Execution of Certain Decisions and Resolutions in Labour Cases*

The decision or resolution adopted by the body reviewing

labour disputes on reinstatement of a wrongfully dismissed or transferred worker or other employee is subject to immediate execution. If the management delays execution of such decision or resolution, the worker or other employee shall be paid his average earnings, or the difference in earnings, for the time of the delay from the day of passage of the decision or resolution to the day of its execution.

The judgement of a court of law on awarding wage or salary to a worker or other employee not exceeding one month shall also be subject to immediate execution.

*ARTICLE 217. Period of Execution of the Decision of the Labour Disputes Commission or Resolution of the Trade Union Committee of the Enterprise, Institution, or Organisation on a Labour Dispute*

The decision of the labour disputes commission or resolution of the trade union committee of the enterprise, institution, or organisation shall be subject to execution by the management of the enterprise, institution, or organisation within ten days, unless the decision or resolution fixes another period for its execution.

A decision or resolution on reinstatement in accordance with Art. 216 of this Code shall be subject to immediate execution.

*ARTICLE 218. Compulsory Execution of the Decision of the Labour Disputes Commission or of the Resolution of the Trade Union Committee of the Enterprise, Institution, or Organisation on a Labour Dispute*

In case of non-compliance by the management of the enterprise, institution, or organisation, within the period laid down in Art. 217 of this Code, with the decision of the labour disputes commission, or with a resolution passed by the trade union committee of the enterprise, institution, or organisation on the merits of a labour dispute, the trade union committee of the enterprise, institution, or organisation shall issue the worker or other employee a certificate having the force of a writ of execution.

The certificate for execution of the decision taken by the commission consisting of the trade union organiser and the manager of the enterprise, institution, or organisation shall be issued by the superior body of the trade union.

A worker or other employee may apply for a certificate within a month from the day of being handed an extract

from the minutes of the session of the labour disputes commission or a copy of the resolution of the trade union committee of the enterprise, institution, or organisation.

A certificate for the execution of the resolution of the trade union committee of the enterprise, institution, or organisation shall not be issued if the worker or the management has appealed within the stipulated period to the district (town) people's court for decision of the labour dispute.

On the basis of a certificate issued by the trade union committee of the enterprise, institution, or organisation, and presented not later than within three months to a bailiff, the latter shall compulsorily execute the decision of the labour disputes commission or resolution of the trade union committee of the enterprise, institution, or organisation.

*ARTICLE 219. Limitation on Recovery of Sums Paid out by Decision of the Bodies Reviewing Labour Disputes*

Recovery from a worker or other employee of sums paid to him by decision of the labour disputes commission or resolution of the trade union committee of the enterprise, institution, or organisation, with a subsequent different settlement of the labour dispute, and of sums paid in accordance with a court decision on a labour dispute, when the decision has been quashed by supervisory procedure, is only permissible when the quashed decision or resolution was based on false information communicated by the worker or other employee, or on forged documents presented by him.

*ARTICLE 220. Review of Labour Disputes by Superior Bodies*

Superior bodies may review labour disputes on the application by the following persons:

(1) employees occupying posts stipulated in Schedule 1 of Appendix 1 of the Statute on the Procedure for Examining Labour Disputes, on matters of dismissal, alteration of the formulation of the reasons for dismissal and transfer to other work, and of the imposition of disciplinary penalties;

(2) employees listed in Schedule 2 of Appendix 1 of the Statute on the Procedure for Examining Labour Disputes, on matters of dismissal or alteration of the formulation

of reasons for dismissal when the dismissal is connected with the recognition of these in a statutory manner of not being suitable for the post occupied, or with not being elected for a new term;

(3) employees bearing disciplinary responsibility under the rules of discipline on matters of the imposition of disciplinary penalties;

(4) executives of enterprises, institutions, or organisations on matters of bonuses confirmed to be paid to them under the operative regulations by executives of superior organisations.

ARTICLE 221. *Reinstatement and Payment for Enforced Absenteeism by a Decision of a Superior Body*

In the case of reinstatement of an employee in his former job, payment for the enforced absenteeism shall be made by decision of a superior body from the day of his dismissal, or for the time of performing lower-paid work, not exceeding three months. In this case Arts. 214-216 of this Code shall be applied accordingly.

ARTICLE 221<sup>1</sup>. *Satisfaction of Cash Claims*

When labour disputes are being examined on matters of cash claims, apart from demands for payment of average earnings to an employee for the time of enforced absenteeism or difference in earnings during the performance of lower-paid work (Arts. 214 and 221 of this Code), the body hearing the dispute has the right to take a decision on payment of the sums due for not more than one year, and on the matter of cash compensation for unutilised leave through dismissal for not more than two working years (in areas of the Far North, and in localities equated with areas of the Far North, not more than three working years).

ARTICLE 222. *The Calculation of Periods Provided for by This Code*

The length of periods with which this Code links the rise and cessation of labour rights and duties shall begin on the day following the calendar date that determines its commencement.

Periods counted by years, months, or weeks, expire on the corresponding date of the last year, month, or week of the period. Periods reckoned in calendar weeks or days shall include the days off.

When the last day of the period falls on a day off, the next working day following it shall be counted as the end of the period.

*ARTICLE 223. Procedure for Reviewing Disputes about the Establishment or Alteration of Working Conditions*

Disputes arising between workers and the management of the enterprise, institution, or organisation about the establishment of new working conditions or a change of existing ones that are not regulated by legislation or other normative labour regulations shall be reviewed by the management in agreement with the trade union committee of the enterprise, institution, or organisation, and with failure to reach a decision by agreement between the superior trade union and managerial bodies.

*ARTICLE 224. Procedure for Reviewing Disagreements Between the Trade Union Committee of the Enterprise, Institution, or Organisation and the Management on Matters of Establishing or Changing Working Conditions*

Disagreements arising between the trade union committee of the enterprise, institution, or organisation and the management on matters of establishing or changing working conditions in the enterprise, institution, or organisation, shall be settled by agreement between the superior trade union and managerial bodies.

### *Chapter XV*

**Trade Unions. Participation of Workers and Other Employees in the Management of Enterprises, Institutions, and Organisations**

*ARTICLE 225. The Right of Workers and Other Employees to Unite in Trade Unions*

Workers and other employees shall be guaranteed the right under the Constitution of the USSR and the Constitution of the RSFSR to unite in trade unions.

Trade unions operate in accordance with the rules adopted by them and shall not be subject to registration with state agencies.

State agencies, enterprises, institutions, and organisations are obliged to help trade unions in every way in their activity.

ARTICLE 226. *The Rights of Trade Unions*

In accordance with the Fundamentals of Labour Legislation of the USSR and the Union Republics, trade unions shall represent the interests of workers and other employees in the domain of production, labour, daily life, and culture.

The trade unions shall take part in drafting and carrying out state plans of economic and social development, and in the decision on matters of the distribution and employment of material and financial resources, draw workers and other employees into the management of enterprises, institutions, or organisations, organise socialist emulation and mass technical creative work, and promote the consolidation of production and labour discipline.

Enterprises, institutions, or organisations and their superior bodies shall establish working conditions and pay, enforce labour legislation, and employ social consumption funds in cases laid down by the laws of the USSR and RSFSR, and decisions of the Councils of Ministers of the USSR and RSFSR, jointly or in agreement with the trade unions.

The trade unions shall exercise supervision and control over the observance of labour legislation and labour protection rules, and check the housing and welfare services for workers and other employees.

The trade unions shall manage the state social insurance, and the sanatoria, disease-preventive centres, and holiday homes belonging to them, and also their cultural and educational, tourist, and sports institutions.

The trade unions shall possess the right to initiate legislation in the person of the AUCCTU.

ARTICLE 227. *The Right of Workers and Other Employees to Take Part in the Management of Enterprises, Institutions, or Organisations*

Workers and other employees shall have the right to take part in the management of enterprises, institutions, or organisations through general meetings (conferences) of work collectives, trade unions and other mass organisations, people's control bodies, production conferences and other social bodies functioning within work collectives, to put forward proposals for improving the work of enterprises, institutions, or organisations, and on matters of social amenities, welfare and cultural services.

ARTICLE 228. *Obligations of the Management to Provide Conditions Ensuring Participation of Workers and Other Employees in the Management of Enterprises, Institutions, or Organisations*

The management of enterprises, institutions, or organisations is obliged to provide conditions ensuring the involvement of workers and other employees in the management of enterprises, institutions, or organisations.

Officials of enterprises, institutions, or organisations are obliged to examine the criticisms and proposals of workers and other employees in a statutory period, and to inform them about the measures taken.

ARTICLE 229. *Participation of the Trade Union Committee of the Enterprise, Institution, or Organisation in Drafting Plans*

The trade union committee of the enterprise, institution, or organisation shall take part in the drafting of production plans, and of the plans of the enterprise, institution, or organisation for the introduction of new technology and for capital construction, of plans for building and repairing housing and facilities for communal amenities, welfare and cultural services and also of plans for social development of the work collective.

ARTICLE 230. *The Rights of the Trade Union Committee of the Enterprise, Institution, or Organisation*

The rights of the trade union committee of the enterprise, institution, or organisation and its relations with the management of the enterprise, institution, or organisation shall be defined by the law of the USSR on the rights of the trade union committee of the enterprise, institution, or organisation.

The trade union committee of the enterprise, institution, or organisation:

—shall represent the interests of the workers and other employees of the enterprise, institution, or organisation in the domains of production, labour, welfare, and culture;

—jointly with the management shall allocate the fund for material incentives and the fund for social and cultural measures and building housing in statutory directions, ratify the estimates of these funds after the discussion and approval of them by the work collective, and decide the scale of bonuses and other kinds of material incentive, material assistance, and remuneration from the material incentives

fund for the annual results of the work of the enterprise or organisation;

—shall hear reports by the executives of the enterprise, institution, or organisation on the fulfilment of the production plan, of obligations under the collective agreement, of measures to organise and improve working conditions and material welfare and cultural services for the workers and other employees, and shall demand elimination of shortcomings disclosed;

—jointly with the management shall organise socialist emulation and the movement for a communist attitude to work, and sum up the results, determine the winners of the emulation, awards challenge Red Banners and certificates of honour to the workforces of the leading shops, departments, work teams, and other internal links of the enterprise or organisation, decide matters of the awarding of certificates of honour and bonuses to leading production workers, and of entering their names on the Board of Honour and in the Book of Honour, broadly popularise the results of the socialist emulation, and spread advanced experience. All funds for awarding bonuses in socialist emulation shall be spent by the head of the enterprise, institution, or organisation in agreement with the trade union committee of the enterprise, institution, or organisation;

—shall promote the development of invention and rationalisation in every way and exercise control over timely introduction of inventions and rationalisation proposals accepted; examine complaints by workers and other employees about declining their rationalisation proposals, and complaints on matters of the crediting and periods of payment of remuneration for rationalisation proposals and inventions accepted jointly with the management of the enterprise, institution, or organisation;

—shall take part in the decision on matters of work and wages that are subject under the legislation to decision by the management together or in agreement with the trade union committee of the enterprise, institution, or organisation;

—shall exercise control over the fulfilment of labour legislation, safety engineering rules and standards and industrial hygiene by the management of the enterprise, institution, or organisation, and over the proper application of the established terms of payment;

—shall examine complaints against decisions of the man-

agement about compensation by the enterprise, institution, or organisation of damage suffered by workers and other employees, or injury or other harm to health connected with the work:

—shall implement the state social insurance of workers and other employees, fix social insurance benefits, and jointly with the management draw up the documents needed for granting pensions to workers and other employees and their families, and present them for the award of pensions, send workers and other employees to sanatoria, disease-preventive centres, and holiday homes, and check up the organisation of the medical service for workers and other employees, and members of their families;

—shall distribute housing accommodation jointly with the management in a statutory manner in houses of the enterprise, institution, or organisation, and also accommodation put at their disposal in other houses; and check up on the provision of housing and communal amenities.

The opinion of the trade union committee of the enterprise, institution, or organisation shall be taken into account by the management when appointing employees to executive economic posts.

The trade union committee of the enterprise, institution, or organisation shall also enjoy other rights stipulated by the legislation of the USSR, this Code, and other acts of the legislation of the RSFSR.

*ARTICLE 231. Powers of Trade Union Bodies when Exercising Control over the Observance of Labour Legislation and the Provision of Housing and Communal Amenities for Workers and Other Employees*

In order to exercise control of the observance of labour legislation and labour protection rules, and over fulfilment of collective agreements and the provision of housing and communal amenities for workers and other employees, the members of the trade union committees of enterprises, institutions, or organisations, and superior trade union bodies, and other competent representatives of these bodies, shall have the right:

without hindrance to visit and inspect shops, departments, workshops, and other places of work in the enterprise, institution, or organisation;

to require from the management of the enterprise, institution, or organisation the appropriate documents, informa-

tion, and explanations, and also to check up pay accounts; to check up the work of trading and catering enterprises, and the work of polyclinics, crèches and kindergartens, hostels, public baths, and other communal amenities serving the workers and other employees of a given enterprise, institution, or organisation.

Wherever necessary, trade union bodies may submit proposals to the appropriate organisations that those executives who infringe labour legislation and break the labour protection rules be subject to disciplinary punishment. The organisations concerned are obliged to communicate the measures taken to the trade union body within one month.

ARTICLE 232. *Allocation of Monies by Enterprises and Organisations to Trade Union Bodies for Cultural and Physical Culture Activities*

Enterprises and organisations are obliged to allocate monies to trade union bodies for cultural and physical culture activities.

ARTICLE 233. *The Assignment of Premises, Transport, and Means of Communication to the Trade Union Committees of Enterprises, Institutions, and Organisations*

Enterprises, institutions, or organisations are obliged to assign the trade union committee of the enterprise, institution, or organisation free of charge the requisite premises, with all the equipment, heating, lighting, cleaning, and safeguarding, for the work of the committee itself, and for holding meetings of workers and other employees.

The management shall assign the trade union committee of the enterprise, institution, or organisation transport and means of communication free of charge.

ARTICLE 234. *The Assignment to Trade Union Committees of Enterprises, Institutions, or Organisations of Buildings, Rooms and other Facilities, Gardens and Parks for Carrying on Cultural and Educational, Health-Building, Physical Cultural, and Sports Activities*

Buildings, rooms and other facilities, gardens and parks intended for the cultural and educational, health-building, physical cultural and sports activities of the workers and other employees of the enterprise, institution, or organisation and the members of their families, and also Young Pioneer camps, shall be entered on the balance books of the

enterprise, institution, or organisation and shall be assigned for free use to the trade union committee of the enterprise, institution, or organisation. Buildings, rooms and other facilities rented by the enterprise, institution, or organisation and intended for said purposes shall also be assigned to the trade union committee free of charge.

The upkeep, repair, heating, lighting, cleaning, and safeguarding, and likewise the equipping of the buildings, rooms and other facilities named in this Article, and of Young Pioneer camps, shall be paid for by the enterprise, institution, or organisation.

*ARTICLE 235. Additional Guarantees for Elected Trade Union Workers*

Workers and other employees elected to the trade union committee of the enterprise, institution, or organisation, and to the shop committee of the trade union, who are not released from their production work, may not be transferred to other work or subjected to disciplinary penalties without the preliminary consent of the trade union committee of the enterprise, institution, or organisation, and the chairmen of these committees and trade union organisers without the preliminary consent of the superior trade union body.

The chairmen and members of the trade union committees of enterprises, institutions, and organisations not released from production work may only be dismissed on the initiative of the management, in addition to observance of the general procedure for dismissal, with the consent of the superior trade union body. It is only permitted to dismiss trade union organisers on the initiative of the management with the consent of the superior trade union body.

*Chapter XVI*

**State Social Insurance**

*ARTICLE 236. Extension of Social Insurance to All Workers and other Employees*

All workers and other employees shall be covered by obligatory state social insurance.

*ARTICLE 237. Social Insurance Funds*

State social insurance of workers and other employees shall be effected at the expense of the state.

Contributions to social insurance shall be made by enterprises, institutions, and organisations without any deductions from the pay of workers and other employees. Non-payment of insurance contributions by an enterprise, institution, or organisations shall not deprive workers and other employees of the right to coverage by state social insurance.

ARTICLE 238. *Types of Maintenance by Social Insurance*

Workers and other employees, and in appropriate cases the members of their families, are provided with the following through state social insurance:

(1) temporary disability benefits; in addition, women shall be entitled to maternity benefits and benefits for caring for an infant until it reaches one year of age;

(2) allowances in connection with the birth of a child; and funeral allowance;

(3) old age pensions, disablement pensions, pensions for loss of the breadwinner, and pensions for long service established for certain categories of workers.

State social insurance funds shall also be employed for sanatorium and health resort treatment of workers and other employees, their maintenance at disease-preventive centres and holiday homes, for phytotherapy, for the upkeep of Young Pioneer camps, and for other measures under state social insurance.

Social insurance funds may only be spent for their direct purpose.

ARTICLE 239. *Provision of Temporary Disability Benefits*

Temporary disability benefits shall be paid for sickness, injury, temporary transfer to other work because of illness, to nurse a sick member of the family, for quarantine, sanatorium and health resort treatment, and prosthesis—on a scale up to full pay.

Benefits for sickness or injury shall be paid until restoration of fitness or establishment of disablement.

ARTICLE 240. *Provision of Maternity Benefits*

Maternity benefits shall be paid throughout maternity leave on the scale of full pay.

ARTICLE 240<sup>1</sup>. *Basic Conditions for Payment of Social Insurance Benefits and Their Amounts*

The basic conditions for the payment of social insurance benefits and their amounts shall be established by the Council of Ministers of the USSR jointly with the AUCCTU, in accordance with the Fundamentals of Labour Legislation of the USSR and the Union Republics.

ARTICLE 241. *Pension Maintenance*

Pensions shall be granted to workers and other employees, and members of their families in accordance with the Law of the USSR on State Pensions.

The pensions for long service, established for certain categories of workers and other employees, shall be granted in accordance with decisions of the Council of Ministers of the USSR.

ARTICLE 242. *Old-Age Pensions*

Workers and other employees shall have the right to an old-age pension as follows: men on reaching 60 years of age with a length of service of at least 25 years; women on reaching 55, with a length of service of at least 20 years.

The following persons shall have the right to old-age pension on privileged terms (with a reduction either of age and service or just of age): workers and other employees on work underground, on jobs with harmful working conditions, and in hot shops, and on other jobs with severe working conditions; women workers of textile enterprises according to the schedule of factories and trades; women who have given birth to five or more children and raised them to the age of 8; ex-service workers and other employees who have become disabled as a consequence of wounds, concussion, or mutilation received in defence of the USSR or during the performance of other military duties, or as a consequence of illness connected with time spent at the front; and certain other categories of workers and other employees.

ARTICLE 243. *Pensions for Disablement and in Case of Loss of the Breadwinner*

Disablement pensions and pensions in case of the loss of the breadwinner shall be granted for the disability of worker or death of the breadwinner as a consequence of on-the-job injury, occupational disease, general disease or of injury not related to employment.

## Chapter XVII

### Supervision of and Control over Observance of Labour Legislation

#### ARTICLE 244. *Agencies Supervising and Controlling Observance of Labour Legislation*

In accordance with the Fundamentals of Labour Legislation of the USSR and the Union Republics supervision of and control over the observance of labour legislation and labour protection rules shall be exercised by the following:

(1) specially authorised state bodies and inspectorates that are independent as regards their activities of the management of enterprises, institutions, and organisations, and their superior bodies;

(2) trade unions and the technical and legal labour inspectorates set up under them, in accordance with the regulations of these inspectorates, approved by the AUCCTU.

Soviets of People's Deputies and their executive and administrative bodies shall exercise control over the observance of labour legislation in the way laid down by the legislation of the USSR and the RSFSR.

Ministries, state committees and departments shall exercise intra-departmental control over the observance of labour legislation with regard to enterprises, institutions, or organisations subordinate to them.

Supreme supervision over the exact and uniform fulfilment of labour laws on the territory of the RSFSR shall be exercised by the Procurator-General of the USSR and the Procurator of the RSFSR subordinate to him, and lower procurators in accordance with the Law of the USSR on the Procurator's Office of the USSR.

#### ARTICLE 245. *State Supervision over Safe Working in Industry*

State supervision over the observance of the rules for safe working in individual industries and in certain projects shall be exercised (along with the technical inspectorate of the trade unions) by the State Committee of the USSR on Supervision over Safe Working in Industry and Mines, and its local agencies, in accordance with the Statute of said Committee.

This supervision shall be exercised in the coal, mining,

mining-and-chemical, non-metallic, oil and natural gas, chemical, metallurgical, oil-refining industries, over geological prospecting expeditions and parties, and during the building and exploitation of winding and lifting structures, boilers and vessels working under pressure, steam and hot water pipelines, projects connected with the mining, transporting, storage, and use of gas, and over the conduct of blasting in industry.

ARTICLE 246. *State Power Inspection*

State inspection over measures to ensure safe servicing of electrical and thermal installations shall be exercised by the state power inspectorates of the system of the Ministry of Power Development and Electrification of the USSR in accordance with the Statute on State Power Inspection in the USSR.

ARTICLE 247. *State Sanitary Inspection*

State sanitary inspection over the observance of hygienic standards, sanitary and hygienic rules, and sanitary-epidemiological rules by enterprises, institutions, or organisations shall be exercised by agencies and institutions of the sanitary and epidemiological service of the USSR and RSFSR Ministry of Public Health in accordance with the Statute on State Sanitary Inspection in the USSR and, for certain projects by the medical services of the corresponding ministries, state committees, and departments.

ARTICLE 248. *Non-Governmental Control over the Observance of Labour Legislation*

Non-governmental control over the observance of labour legislation and labour protection rules shall be exercised by trade unions and also by the social inspectors and commissions of the trade union committee of the enterprise, institution, or organisation in accordance with the regulations on them approved by the AUCCTU.

Non-governmental sanitary control shall be exercised by social sanitary inspectors in enterprises, institutions, and organisations.

ARTICLE 249. *Responsibility for Breaches of Labour Legislation*

Officials guilty of breaches of labour legislation and of the labour protection rules, and of non-fulfilment of obli-

gations under collective agreements and agreements on labour protection, or of hampering the activity of trade unions, shall be subject to disciplinary, administrative, and criminal punishment in a manner laid down by the legislation of the USSR and RSFSR.

### *Chapter XVIII*

#### **Final Provisions**

#### ARTICLE 250. *Privileges in the Field of Labour for Certain Categories of Workers and Other Employees*

Privileges may be granted in the field of labour by the legislation of the USSR and, within the limits defined by it, by the legislation of the RSFSR, for workers and other employees working in areas of the Far North and localities equated with them, and also for certain other categories of workers and other employees.

#### ARTICLE 251. *Privileges in the Field of Labour for Workers and Other Employees Working in Areas of the Far North and Localities Equated with Them*

All workers and other employees of enterprises, institutions, and organisations located in areas of the Far North, and in localities equated with them, shall be granted the following privileges in the field of labour in accordance with the legislation of the USSR, and, within the limits defined by it, by the legislation of the RSFSR:

(1) to be paid a wage allowance in addition to their monthly earnings after six months' work in areas of the Far North and a year's work in localities equated with areas of the Far North, the scale of the wage allowance to rise with increase of continuous work service in areas of the Far North and localities equated with areas of the Far North to the limits fixed by the legislation of the USSR;

(2) to be granted additional leave over and above the established annual leave;

in areas of the Far North, of a duration of 18 working days;

in localities equated with areas of the Far North of a duration of 12 working days;

(3) to be permitted to pool leaves for not more than three years, in whole or in part; the time needed for the

journey to and from the place where the leave is taken once in three years shall not be counted in the period of leave; the cost of the journey to and from the place of the holiday shall be paid once in three years by the enterprise, institution, or organisation;

(4) in case of temporary loss of capacity for work, the enterprise, institution, or organisation shall pay the difference between the amount of the social insurance benefit and the actual earnings (including wage allowances); the benefit plus the additional payment under this shall not exceed the maximum social insurance benefit established by legislation;

(5) workers and other employees who have worked in areas of the Far North not less than 15 calendar years, and in localities equated with areas of the Far North not less than 20 calendar years, shall be granted old-age pensions as follows: men on reaching 55 and women on reaching 50 years of age.

Workers and other employees who have concluded fixed-term contracts for work in the Far North and localities equated with it for a period of three years (and for two years on islands in the Arctic Ocean) shall be granted fringe privileges in addition. The range of workers with whom fixed-term labour contracts shall be concluded, with the granting of fringe privileges, and the forms of these privileges, shall be established by legislation of the USSR.

*ARTICLE 252. Special Conditions for the Regulation of Working Time, Rest and Leisure in Separate Branches of the Economy*

The legislation of the USSR and, within the limits defined by it, the legislation of the RSFSR may establish special conditions for regulating working time, rest and leisure in transport, communications, and agricultural enterprises and organisations within the limits of the norms established by the Fundamentals of Labour Legislation of the USSR and the Union Republics.

*ARTICLE 253. Special Working Conditions for Seasonal, Temporary, and Certain Other Categories of Workers and Other Employees*

The legislation of the USSR and, within the limits defined by it, the legislation of the RSFSR may establish special conditions for the work of workers and other em-

ployees employed on seasonal jobs or on jobs in the timber industry and forestry, temporary workers and other employees, and persons working on contracts for citizens (domestic workers, and others), with separate exceptions from the Fundamentals of Labour Legislation of the USSR and the Union Republics as regards the regime of working time, rest and leisure, employment on overtime and days off, compensation for such work, temporary transfer to other work, and dismissal.

ARTICLE 254. *Additional Grounds for Terminating the Labour Contract of Certain Categories of Workers and Other Employees in Definite Circumstances*

In addition to the grounds stipulated in Arts. 29 and 33 of this Code, the labour contract of certain categories of workers and other employees may be terminated in accordance with the legislation of the USSR and RSFSR in cases:

(1) of a single gross breach of working duties by a worker or other employee who bears disciplinary responsibility as a subordinate;

(2) of the commission of guilty actions by a worker or other employee who directly handles money or commodity values, if these actions give grounds for loss of confidence in him by the management;

(3) of the commission of an immoral act incompatible with continuation of his work by a worker or other employee fulfilling educational functions;

(4) of the sending of a worker or other employee to a medical labour establishment by a court judgement.

The legislation of the USSR, and that of the RSFSR within the limits defined by it, may establish additional grounds for cancelling the labour contract of certain categories of workers and other employees for breach of the established rules for hiring, and in other cases.

The labour contract shall be cancelled on grounds indicated in points 2 and 3 with observance of the rules of Art. 35 of this Code.

ARTICLE 255. *Liability of Workers and Other Employees in Cases When the Actual Scale of Damage Exceeds Its Nominal Amount*

The limits of the liability of workers and other employees for damage caused to an enterprise, institution, or organi-

sation in cases when the actual scale of the damage exceeds its nominal amount shall be established by laws of the USSR and decisions of the USSR Council of Ministers in accordance with the Fundamentals of Labour Legislation of the USSR and the Union Republics.

ARTICLE 256. *Other Special Conditions for the Regulation of the Labour of Certain Categories of Workers and Other Employees*

Other special conditions for the regulation of the labour of certain categories of workers and other employees may be established on individual matters only by laws of the USSR and decisions of the USSR Council of Ministers in accordance with the Fundamentals of Labour Legislation of the USSR and the Union Republics.

Adopted on December 9, 1971,  
with subsequent amendments  
and addenda

*Gazette of the RSFSR Supreme Soviet*, No 50, 1971, Item 1007;  
No 39, 1973, Item 825; No 30,  
1974, Item 806; No 1, 1977,  
Item 1; No 34, 1980, Item 1063;  
No 47, 1982, Item 1725; No 51,  
1983, Item 1782; No 4, 1985,  
Item 117

## INTRODUCTORY NOTE TO THE RSFSR HOUSING CODE

In accordance with the USSR Constitution, the Constitution of the RSFSR guarantees citizens' rights to housing. In order to realise the constitutional provisions, the Supreme Soviet of the USSR adopted the *Fundamentals of Housing Legislation of the USSR and the Union Republics*.<sup>1</sup> Each Union Republic thereafter adopted its own housing code, developing and elaborating the provisions of the all-Union law, adapting it to its own specific needs.

This new stage in the development of Soviet housing legislation is conditioned by several factors, the foremost of which are economic. Since the advent of Soviet power, the urban housing alone has increased by more than twelve times. More than two million new apartments with more than 100 million square meters of living space are built every year in the USSR.

The Soviet state has always considered the satisfaction of citizens' housing needs to be a matter of utmost importance for social policy. Here there are two significant points. The first is that it is the state which has taken upon itself the fundamental concern for providing needy citizens with housing. The second is that it is the state which regulates rents and rates for communal services.

The lowest rents in the world are paid in the USSR. Rent in the USSR does not exceed 3 per cent of the average family's earnings. How did this come about? First, rent does not cover the cost of construction. The overwhelm-

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<sup>1</sup> See: *Legislative Acts of the USSR*, Book 2, Progress Publishers, Moscow, 1982, pp. 129-156.

ing majority of citizens needing an improvement in housing conditions are allocated an apartment from the state or social housing for indefinite use without a fee. In those cases when citizens enter house-building cooperatives, they themselves pay for some of the expenses of the construction while receiving extensive state loans on favourable terms.

Second, expenses incurred in the exploitation of housing are paid only in part by the tenants themselves; the state provides a significant subsidy to meet these expenses. It is precisely because rent is only a part of exploitation expenses that it is kept at such a low level.

The Housing Code's standards included in this volume were formulated on the basis of those fundamental provisions stipulated in the RSFSR Constitution which deal with the allocation of housing to citizens for their use. The majority of the Code's articles are dedicated to the allocation of apartments and the procedure for the use of living accommodations.

The Code specifies (Arts. 28 and 29) an exhaustive list of the grounds according to which a citizen may be deemed needy of an improvement in housing conditions. Specifically, this concerns those persons who have less living space per person in their family than that norm established by law in the decisions of the government of the republic or the local Soviet. The Code establishes the procedure for the registration by local authorities of those persons needing an improvement in housing conditions according to their place of residence or according to their place of employment by their organisations which manage their own housing, and specifies the order in which people may be allocated new living accommodations.

The Code lists categories of citizens who are entitled to priority allocation of new living accommodations in the event they are deemed needy of an improvement in housing conditions. These persons include invalids disabled during the Great Patriotic War of 1941-1945, persons suffering from serious forms of several chronic ailments, families with many (three or more) children, families upon the birth of twins, and so forth (Art. 36). In extraordinary circumstances specially provided for by the law, living accommodations may be allocated to citizens who have not registered to receive such, for instance, if housing in which citizens

lived was rendered uninhabitable by a natural disaster (Art. 37).

The Code also provides a rule stipulating that living accommodations allocated to citizens must meet the established sanitary and technical standards and must be well-appointed for the conditions of the given populated locality, that is, they must have the usual conveniences for that populated locality (Art. 40).

As a rule, citizens are allocated living accommodations in the form of individual apartments for each family. At present, approximately 80 per cent of all urban dwellers in the USSR live in separate apartments.

There are other requirements which must be met when citizens are being allocated new living accommodations. It is illegal to allocate accommodations in such a way so that persons of the opposite sex over nine years of age, with the exception of spouses, are forced to share one room. The Code requires that the health of citizens allocated new living accommodations and other circumstances be taken into consideration.

Living space is allocated by the executive committee of the town, district, township, or rural Soviet of People's Deputies or the management of the enterprise, together with the trade union organisation, where the citizen works; in all cases, allocation of living space is supervised by local authorities and people's control.

One chapter of the Code (Chapter II, Section III) is dedicated to the use of living accommodations in state- or socially-owned buildings. On the basis of their rights to housing, citizens are entitled to use living accommodations allocated to them on an indefinite basis. Tenants may vacate premises at any time, but the expiration of any term does not give the lessor any rights whatsoever.

As a rule, a person cannot be evicted from his apartment. People may be evicted only when provided with alternative living accommodations. Thus, for example, if a building has been condemned or designated for reconstruction into a non-residential building, citizens evicted from living space they occupied in this building are allocated other living accommodations in another well-appointed building. During major repairs of a building, citizens are allocated alternative housing on a temporary basis for the duration of the repairs or on a permanent basis (Art. 82).

As an exceptional measure, according to court procedure,

citizens may be evicted without being allocated alternative living accommodations if the tenants systematically damaged or ruined the living accommodations or behaved in such a way as to make it impossible for others to live in one apartment or house with them and so forth (Arts. 98 and 99).

The standards of the Housing Code are fully applicable to rural areas as well. The Code was designed to apply to rural situations where the majority of citizens live in houses which belong to them on the basis of their right to own personal property. The Code regulates the procedure for the use of living accommodations in such houses and in houses belonging to house-building cooperatives according to the norms of legislation taking into account the specificity of these kinds of housing.

One must note that the Soviet state has extended and continues to extend all possible measures of assistance to the individual housing construction and house-building cooperatives. The state offers citizens long-term credit, helps provide construction materials, workers, and so forth. At the same time, the state is quite interested in the development and the most rational use of such housing. Therefore, the Housing Code defines the procedure for joining a house-building cooperative, the procedure for such cooperatives' activities (Arts. 111-126), and the procedure for the use of living accommodations in houses belonging to individuals (Arts. 127-139). Although this housing is at the disposal of citizens owning it, it is valuable to society and several issues regarding its use are regulated by legislation. Local Soviets are authorized to grant permission for the construction of individual houses. The rights of homeowners are wholly guaranteed by housing legislation.

In this way, housing legislation in the USSR has been designed to meet one primary goal: to guarantee the satisfaction of Soviet citizens' needs for housing. In meeting these needs, housing legislation solves one of society's most important problems.

*V. Dozortsev*

## THE RSFSR HOUSING CODE

As a result of the victory of the Great October Socialist Revolution in our country the necessary prerequisites were created for the solution of one of the most important social problems—satisfying the working people's housing requirements.

Putting into practice Lenin's ideas of building a communist society and pursuing the course of raising the material and cultural standards of the people's life, the Soviet state is consistently realising the house-building programme drawn up by the Communist Party.

The rapid development of state and socially-owned housing on the basis of state plans and measures to assist co-operative and individual house-building are creating the necessary conditions for ensuring citizens' right to housing as guaranteed by the Constitutions of the USSR and the RSFSR.

An important state task is to ensure the maintenance of housing, to increase the period of its service and to raise the level of housing amenities. Social organisations and citizens play an active part in the solution of this task.

The Constitution of the USSR and the Constitution of the RSFSR oblige citizens to take good care of the housing allocated to them.

Soviet housing legislation is called upon to promote citizens' exercise of their right to housing and the effective use and upkeep of housing.

## *Section I*

### **General Provisions**

#### *ARTICLE 1. The Right of Citizens of the RSFSR to Housing*

In accordance with the Constitution of the USSR and the Constitution of the RSFSR, citizens of the RSFSR have the right to housing. This right is ensured by the development and upkeep of state and socially-owned housing, by assistance for cooperative and individual housing construction, by the fair distribution, under social control, of the housing that becomes available through fulfilment of the programme of building well-appointed dwellings, and by low rents and low charges for utility services.

#### *ARTICLE 2. The Tasks of Housing Legislation of the RSFSR*

The tasks of housing legislation of the Russian Soviet Federative Socialist Republic are to regulate housing relations in order to ensure citizens' rights to housing, guaranteed to them in the Constitution of the USSR and the Constitution of the RSFSR, the proper use and upkeep of housing, and to strengthen legality in the sphere of housing relations.

#### *ARTICLE 3. Housing Legislation of the USSR and the RSFSR*

Housing relations in the RSFSR shall be regulated by the Fundamentals of the Housing Legislation of the USSR and the Union Republics<sup>1</sup> and other acts of housing legislation

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<sup>1</sup> The Fundamentals of Housing Legislation of the USSR and the Union Republics, in *Legislative Acts of the USSR*, Book 2, Progress Publishers, Moscow, 1982, pp. 129-156.

of the USSR, this Code, and other acts of housing legislation of the RSFSR, promulgated in accordance with the Fundamentals of Housing Legislation of the USSR and the Union Republics.

Relations pertinent to housing construction shall be regulated by the corresponding legislation of the USSR and the RSFSR.

#### ARTICLE 4. *Housing Facilities*

Houses on the territory of the RSFSR and living accommodations in other buildings shall constitute overall housing facilities. Housing facilities shall not include non-residential accommodations in houses that are intended for trading, everyday and other requirements of a non-industrial nature.

#### ARTICLE 5. *The Different Kinds of Housing Facilities* Housing facilities include:

a) houses and living accommodations in other buildings that belong to the state (state housing);

b) houses and living accommodations in other buildings that belong to collective farms and other cooperative organisations, their associations, trade unions, and other social organisations (socially-owned housing);

c) houses belonging to house-building cooperatives (co-operative housing); and

d) houses that are the personal property of private citizens (individual housing).

Housing facilities also include houses that belong to state-cum-collective-farm and other state-cooperative associations, enterprises, and organisations. Such housing facilities shall also be subject to the rules established in the Fundamentals of Housing Legislation of the USSR and the Union Republics for socially-owned housing.

#### ARTICLE 6. *State Housing*

State housing shall be under the jurisdiction of local Soviets of People's Deputies (local Soviets' housing) and the jurisdiction of ministries, state committees and departments (departmental housing).

In accordance with the Fundamentals of Housing Legislation of the USSR and the Union Republics, departmental housing in cities, workers' settlements, resort localities and country cottage settlements shall be gradually transferred

to the jurisdiction of local Soviets of People's Deputies in the manner and in the periods determined by the Council of Ministers of the USSR and the Council of Ministers of the RSFSR.

ARTICLE 7. *The Function of Houses and Living Accommodations*

Houses and living accommodations shall be intended for the permanent residence of citizens and for use in the prescribed manner as official dwellings and hostels.

The allocation of accommodation in houses for needs of an industrial nature shall be forbidden.

ARTICLE 8. *Exclusion of Houses and Living Accommodations from the Housing Stock*

Periodically, at times established by the Council of Ministers of the RSFSR, the condition of state- and socially-owned housing shall be inspected. Houses and living accommodations deemed unfit for habitation shall be re-equipped for other uses or demolished by decision of the Council of Ministers of the Autonomous Republic, the executive committee of the territory or regional Soviet of People's Deputies, the Soviet of People's Deputies of the autonomous region or autonomous area, or the executive committee of the Moscow or Leningrad city Soviet of People's Deputies.

Housing inspection and the recognition of houses and housing facilities as unfit for habitation shall be carried out according to procedures established by the Council of Ministers of the RSFSR.

ARTICLE 9. *The Transfer of Houses and Living Accommodations into Non-Residential Facilities*

The transfer of houses and living accommodations fit for habitation in state- and socially-owned housing into non-residential facilities shall not be allowed as a rule. In exceptional cases the transfer of houses and living accommodations into non-residential facilities shall be executed by decision of agencies listed in Art. 8 of this Code.

The transfer of houses and living accommodations of departmental and socially-owned housing into non-residential facilities shall be executed at the suggestion of the relevant ministries, state committees, departments, and central bodies of social organisations.

The transfer of houses and living accommodations belong-

ing to collective farms into non-residential facilities shall be executed by decision of the general meeting of the members of the given collective farm or at a meeting of their authorised representatives.

ARTICLE 10. *The Housing Rights and Duties of Citizens*

Citizens of the RSFSR shall have the right to receive in the prescribed manner living accommodation in state- or socially-owned housing or in cooperative housing.

Living accommodations in state- and socially-owned housing and in cooperative housing shall be allocated to citizens for indefinite use.

Citizens shall have the right to own a house (or part thereof) in accordance with the legislation of the USSR and the RSFSR.

No one may be evicted from the accommodation which he or she occupies or restricted in his or her use of accommodations, except on the grounds and in the manner stipulated by the law.

Citizens shall be obliged to take good care of the house in which they reside, to use the accommodation in accordance with its purpose, to observe the rules of using the accommodation and the rules of socialist community life, and to be economical in their consumption of water, gas, electricity, and heat.

Houses and living accommodations may not be used by citizens for the purpose of private gain, the obtaining of unearned income or other mercenary aims, or to the detriment of the interests of society.

ARTICLE 11. *The Competence of the USSR in the Sphere of Regulating Housing Relations*

In accordance with the Fundamentals of Housing Legislation of the USSR and the Union Republics, the following matters shall come within the jurisdiction of the USSR in the sphere of regulating housing relations:

- 1) provision of the unity of the legislative regulation of housing relations;
- 2) direction of housing under Union jurisdiction, general direction of housing under Union-Republican jurisdiction;
- 3) establishment of general principles of organisation and activity of bodies for state management of housing;

4) approval of planned assignments concerning major repairs of housing for Union Republics and ministries, state committees and departments of the USSR;

5) pursuance of uniform technical policy in the sphere of housing repairs;

6) establishment of standards for the expenditure of financial and material resources on the exploitation and repair of housing for Union Republics, ministries, state committees and departments of the USSR;

7) establishment of a uniform procedure of state housing registration;

8) establishment of basic rules for the registration of citizens in need of improved housing conditions and for the allocation and use of living accommodations;

9) establishment of rents and introduction of privileges in payment for accommodations and utility services;

10) establishment of basic rules for the organisation and activity of house-building cooperatives;

11) state control of the use and maintenance of housing and introduction of a procedure for carrying it out;

12) decision of other matters of all-Union importance in the sphere of the use and maintenance of housing in accordance with the Constitution of the USSR and the Fundamentals of Housing Legislation of the USSR and the Union Republics.

#### ARTICLE 12. *The Competence of the RSFSR in the Sphere of Regulating Housing Relations*

The following matters shall come within the jurisdiction of the RSFSR in the sphere of regulating housing relations which are not within the competence of the USSR:

1) legislative regulation of housing relations in the Republic;

2) direction of housing of Union-Republican and Republican jurisdiction and establishment of the procedure for the organisation and activity of bodies for state housing administration;

3) approval of planned assignments on major repairs of housing in the Republic;

4) state registration of housing on the territory of the Republic;

5) establishment of the procedure for the registration of citizens in need of improved housing conditions and for the allocation and use of living accommodations;

6) establishment of the procedure and periods for payment of rent and charges for utility services;

7) establishment of the procedure for the organization and activity of house-building cooperatives and the rights and duties of their members;

8) establishment of rules and standards for the technical exploitation of houses and rules for the use of house grounds;

9) exercise of state control over the use and maintenance of housing;

10) resolution of other questions in the sphere of the use and maintenance of housing if they do not fall under the jurisdiction of the USSR.

#### ARTICLE 13. *The Competence of Autonomous Soviet Socialist Republics in the Area of Regulation of Housing Relations*

The following matters shall come within the jurisdiction of Autonomous Soviet Socialist Republics in the sphere of regulating housing relations not within the competence of the USSR or the RSFSR;

1) direction of housing within ASSR jurisdiction;

2) approval of planned assignments for major repairs of housing in the ASSR;

3) state registration of housing on the territory of the ASSR;

4) the exercise of state control of the use and maintenance of housing; and

5) the resolution of other questions in the sphere of the use and maintenance of housing facilities unless these questions fall under the jurisdiction of the USSR or the RSFSR.

#### ARTICLE 14. *The Powers of Territory, Regional, Autonomous Regional, and Autonomous Area Soviets of People's Deputies in the Sphere of the Use and Maintenance of Housing Facilities*

Territory, regional, autonomous regional, and autonomous area Soviets of People's Deputies shall exercise the following powers in the sphere of the use and maintenance of housing facilities:

1) direct housing under territorial, regional, and area jurisdiction;

2) provide for the maintenance, proper exploitation, ma-

for and minor repairs of housing facilities under their jurisdiction;

3) perform state registration of housing in the territory, region or area and provide for the state control of the use and maintenance of housing facilities;

4) exercise control over the registration of citizens in need of improved housing conditions and the correctness of the distribution of living space;

5) resolve other questions in the sphere of the use and upkeep of housing facilities in accordance with the legislation of the USSR, this Code, and other legislative acts of the RSFSR.

ARTICLE 15. *The Powers of District, Town, Ward, Township, and Rural Soviets of People's Deputies in the Sphere of the Use and Maintenance of Housing Facilities*

District, town, ward, township, and rural Soviets of People's Deputies of the RSFSR shall exercise the following powers in the sphere of the use and upkeep of housing facilities:

1) direct appropriate housing facilities;

2) provide for the upkeep, proper exploitation, major and minor repairs of housing under their jurisdiction;

3) perform state registration of housing facilities on the territory of the district, town, township, or rural area and exercise state control over the use and maintenance of housing facilities;

4) distribute living space and provide citizens with living accommodations in housing facilities within their jurisdiction; and

5) resolve other questions in the sphere of the use and upkeep of housing facilities in accordance with the legislation of the USSR, this Code, and other legislative acts of the RSFSR.

## *Section II*

### **Housing Administration**

#### *ARTICLE 16. State Administration in the Sphere of the Use and Maintenance of Housing*

In accordance with the Fundamentals of Housing Legislation of the USSR and the Union Republics, state administration in the sphere of the use and maintenance of housing shall be effected by the USSR Council of Ministers, the RSFSR Council of Ministers, the Autonomous Republic Councils of Ministers, the executive committees of the local Soviets of People's Deputies, ministries, state committees and departments, and by specially authorised state bodies in accordance with the legislation of the USSR and the RSFSR.

The RSFSR Ministry of Housing and Communal Services and its local agencies within their jurisdiction shall be the specially authorised bodies in the sphere of the use and maintenance of housing on the territory of the RSFSR.

#### *ARTICLE 17. Bodies that Administer State- and Socially-Owned and Cooperative Housing*

Executive committees and administrative bodies formed by the local Soviets of People's Deputies shall administer housing under the jurisdiction of such Soviets.

The administration of departmental housing shall be carried out by the ministries, state committees, departments, and the enterprises, institutions, and organisations subordinate to them.

In accordance with the legislation of the USSR, diagrams for the administration of housing under the jurisdiction of local Soviets of People's Deputies, enterprises, institutions or organisations, shall be approved according to the procedure determined by the USSR Council of Ministers and the RSFSR Council of Ministers.

The administration of socially-owned housing shall be carried out by the administrative bodies of collective farms

and other cooperative organisations, their associations, trade union bodies and other social organisations in accordance with their rules and regulations.

Administrative bodies of house-building cooperatives shall administer cooperative housing in accordance with the rules of the cooperatives.

ARTICLE 18. *The Participation of Social Organisations, Work Collectives and Citizens in the Administration of State- and Socially-Owned Housing and in the Provision for its Maintenance*

Trade unions, other social organisations and work collectives in accordance with the legislation of the USSR and RSFSR and the rules of social organisations, and also individual citizens shall participate in the administration of state- and socially-owned housing and in the provision for its maintenance.

Citizens shall participate in the taking of measures aimed at improving the use and maintenance of housing, in carrying out work designed at improving planning, providing for greenery, upkeeping the grounds of the housing, and make suggestions to state bodies regarding the improvement of the use and maintenance of the housing.

ARTICLE 19. *The Participation of House Committees and Other Local Community Bodies in the Administration and Maintenance of Housing*

House committees and other local community bodies, in accordance with the regulations on them shall participate in the administration of housing, assist housing exploitation organisations in their work to maintain housing and promote the proper use of housing facilities. Such committees and other local community bodies shall also exercise social control over the observance by citizens of the rules for the exploitation of housing accommodations and upkeep of the housing.

ARTICLE 20. *Social Control over the Provision of Citizens with Living Accommodations*

The registration of citizens who require improved housing conditions, the establishment of the order of receiving living accommodations and the distribution of the latter in state- and socially-owned housing shall be carried out publicly under social control.

*ARTICLE 21. Registration of the Proposals by Social Organisations, Work Collectives and Individual Citizens Regarding Better Use and Maintenance of Housing Facilities*

State bodies, enterprises, institutions and organisations, and also officials shall be obliged to take full account of proposals from social organisations, work collectives, individual citizens in adopting measures to improve the use and maintenance of housing.

*ARTICLE 22. Housing Exploitation Organisations*

For the running of state and socially-owned housing facilities, housing exploitation organisations shall be set up, the activity of which shall be conducted on a self-supporting basis.

Housing exploitation organisations shall ensure the maintenance of housing, its proper use, and a high level of service for residents, as well as control observance by residents of the rules for the use of living accommodations and the upkeep of a house and its grounds.

A house may be maintained only by one housing exploitation organisation. If a housing exploitation organisation cannot be set up to maintain departmental or socially-owned housing, such housing shall be maintained directly by the enterprise, institution or organisation in question.

In accordance with the Fundamentals of Housing Legislation of the USSR and the Union Republics, Model Regulations for housing exploitation organisations shall be approved by the RSFSR Council of Ministers or by the appropriate USSR ministry, state committee or department.

*ARTICLE 23. The Transfer by Builders of a Part of the Living Space in Newly Built Housing to Executive Committees of Local Soviets of People's Deputies and Other Organisations for Occupation*

In accordance with the Fundamentals of Housing Legislation of the USSR and the Union Republics, the USSR Council of Ministers shall have the right to determine the grounds and conditions for the transfer by builders to executive committees of local Soviets of People's Deputies and other organisations for occupation of a part of the living space in houses built with state capital investments, and also the size of the living space to be transferred.

*ARTICLE 24. The Distribution of Living Space in Housing Built with Partial Contributions*

Living space in housing built with partial contributions from enterprises, institutions, and organisations shall be distributed for occupation among the participants in the building in proportion to the funds contributed by each party.

Distribution of designated living space among the participants in the building shall be carried out after the transfer of that part of the living space built with state capital investments to executive committees of local Soviets of People's Deputies and other organisations in accordance with Art. 23 of this Code.

*ARTICLE 25. State Registration of Housing*

In accordance with the Fundamentals of Housing Legislation of the USSR and the Union Republics, the state registration of housing shall be carried out in accordance with a unified system covering the USSR in the manner established by the USSR Council of Ministers.

*ARTICLE 26. State Control Over the Use and Maintenance of Housing*

State control over the use and maintenance of housing is aimed at ensuring observance by all ministries, state committees, departments, government, cooperative and other non-government enterprises, institutions and organisations, house-building cooperatives, officials and individual citizens of the procedures for the distribution of living space and the allocation of living accommodations to individual citizens, the rules for the use of housing and its maintenance in a good state of repair.

*ARTICLE 27. Bodies which Exercise State Control Over the Use and Maintenance of Housing*

In accordance with the Fundamentals of Housing Legislation of the USSR and the Union Republics, Soviets of People's Deputies, their executive and administrative bodies, and specially authorised state bodies shall be responsible for exercising state control over the use and maintenance of housing in the manner laid down by the legislation of the USSR.

## *Section III*

### **The Provision of Citizens with Living Accommodations and the Use of Living Accommodations**

#### *Chapter I*

##### **Allocation of Living Accommodations in State- and Socially-Owned Housing**

###### *ARTICLE 28. Citizens' Right to Living Accommodations*

Citizens in need of improved living conditions shall have the right to be granted the use of living accommodations in state- or socially-owned housing in the manner prescribed by the legislation of the USSR, this Code, and other legislation of the RSFSR. Living accommodations shall be allocated to such citizens who reside permanently in a given locality (unless otherwise stipulated by the legislation of the USSR or of the RSFSR), as a rule, in the form of a separate apartment for each family.

Members of house-building cooperatives, citizens who own a house as personal property, and other citizens who reside in such houses, shall be provided with living accommodations on general principles, if they are in need of improved housing conditions.

Citizens shall be recognised as being in need of improved living conditions on grounds stipulated by the legislation of the USSR, this Code, and by other legislation of the RSFSR.

###### *ARTICLE 29. Grounds for Declaring Citizens in Need of Improved Living Conditions*

Citizens considered to be in need of an improvement in living conditions include:

- 1) those citizens who have living space for one family member less than the norm established by the Council of Ministers of the Autonomous Republic, the executive committee of the territory, regional, Moscow or Leningrad city Soviet of People's Deputies;

2) persons living in a house which does not meet the established sanitary and technical requirements;

3) persons living in apartments occupied by several families if the family includes an ill person who is suffering from certain chronic ailments which make it impossible to live with that person in one apartment;

4) persons living in adjoining rooms with two or more unrelated families;

5) persons living in hostels, excluding seasonal and temporary workers, persons working on the basis of some labour contract signed for a fixed date, and citizens living in a hostel in connection with their studies; and

6) persons subleasing living space on a long-term basis in state- or socially-owned houses, persons renting living space in house-building cooperatives or in houses owned by some other persons by right of personal property, when such persons do not have other living space.

Citizens may be declared to be in need of an improvement in living conditions on other grounds as well as stipulated by the legislation of the USSR and the RSFSR.

#### ARTICLE 30. *The Registration of Citizens in Need of Improved Living Conditions*

The registration of citizens in need of improved living conditions shall be carried out, as a rule, according to their place of residence at the executive committee of the district, town, ward, township and rural Soviet of People's Deputies. In accordance with the Fundamentals of Housing Legislation of the USSR and the Union Republics, in cases and according to the procedure laid down by the USSR Council of Ministers and the RSFSR Council of Ministers, citizens may also be registered not according to their place of residence.

The registration of citizens in need of improved living conditions who work at enterprises, institutions, and organisations which have their stock of housing and build houses or make a partial contribution to housing shall be done in accordance with their place of work and, if they so wish, also in accordance with their place of residence. Citizens who have ceased to work at these enterprises, institutions and organisations due to retirement on a pension shall be registered on an equal basis with those continuing to work.

The procedure for the registration of citizens in need of improved living conditions and for determining the order

of allocation of living accommodations to citizens shall be established by the legislation of the USSR, this Code, and other legislation of the RSFSR.

#### ARTICLE 31. *The Process of Registration of Citizens in Need of an Improvement in Living Conditions*

The registration of citizens in need of an improvement in living conditions shall be carried out by the executive committee of the local Soviet of People's Deputies according to the citizen's place of residence, or by the joint decision of the management and trade union committee of the enterprise, institution or organisation, i.e. the citizen's place of employment. During the consideration of the citizen's request at his place of employment, the recommendations of the work collective shall be taken into account.

Petitions to be registered for an improvement in living conditions shall be reviewed in the course of one month from the day such petitions are filed with the appropriate executive committee of the Soviet of People's Deputies, with an enterprise, institution or organisation.

Citizens shall be informed of the resulting decision on the petition in writing.

#### ARTICLE 32. *Citizens' Right to Remain Registered as Needy of an Improvement in Living Conditions*

Citizens shall retain the right to be registered as needy of an improvement in living conditions until such time as they receive new living accommodations, with the exception of those cases stipulated in the second part of this Article.

Citizens shall be removed from the list of those registered as needy of an improvement in living conditions in the following cases:

1) an improvement in living conditions, as a result of which the grounds for a request for new living accommodations fall away;

2) the citizen's removal to another permanent place of residence;

3) if it is proven that information about the citizen's need for an improvement in housing conditions, contained in documents attached to the citizen's petition, is really false, such information being the grounds for the citizen's registration; if it is also proven that officials took illegal measures during the registration of the citizen's petition;

4) should the citizen cease to work at the enterprise, institution, organisation if he is registered according to his place of employment and no other members of his family work at this enterprise, institution or organisation, except in cases related to the citizen's retirement on a pension. Families registered as needy of an improvement in living conditions may not be removed from the list of those registered if the family's breadwinner who was registered on behalf of the family as a whole dies.

The same bodies which register families as needy of an improvement in living conditions shall have the authority to remove them from the list of those registered.

Citizens shall be informed of their removal from the list of those registered in writing.

#### ARTICLE 33. *The Order of Granting Citizens Living Accommodations*

Living accommodations shall be granted to citizens on the list of those registered as needy of an improvement in living conditions in the order in which they were registered and included in the list of those entitled to receive living accommodations.

Citizens who have the right to priority and emergency allocation of living accommodations shall be included in special lists.

#### ARTICLE 34. *Changes in the Order of Those Entitled to Receive Living Accommodations*

The order of those entitled to receive living accommodations may be changed so that citizens registered to receive new living accommodations at their place of employment are moved down on the list by the management of the enterprise, institution, or organisation where they work, in agreement with the trade union committee, for malicious violation of labour discipline, drunkenness, roughneck behaviour, petty theft of state or social property, and other violations in cases stipulated by the legislation of the USSR and the RSFSR.

#### ARTICLE 35. *Control over the List Maintained at Enterprises, Institutions, and Organisations of Citizens Needy of an Improvement in Living Conditions*

Control over the registration at enterprises, institutions, and organisations of citizens in need of improved living

conditions shall be carried out by the executive committees of local Soviets of People's Deputies and the corresponding trade union bodies.

*ARTICLE 36. Priority Allocation of Living Accommodations*

Priority allocation of living accommodations shall be given to the following persons in need of improved living conditions:

1) invalids of the Great Patriotic War and families of servicemen or partisans who perished or became missing and persons of equal status given in the prescribed manner;

2) Heroes of the Soviet Union, Heroes of Socialist Labour, and persons decorated with the orders of Glory, Labour Glory, and Service to the Homeland in the Armed Forces of the USSR of all three grades;

3) persons suffering from severe forms of certain chronic ailments on the list of diseases approved in the manner established by the legislation of the USSR;

4) persons who were in the active army in the periods of the Civil War and the Great Patriotic War and during other military operations for the defense of the USSR, partisans of the Civil War and the Great Patriotic War, and other persons who have taken part in military operations for the defense of the USSR;

5) labour invalids of groups I and II and servicemen invalids of groups I and II;

6) the families of persons who have perished in the performance of state or public service, in the discharge of their duty as citizens of the USSR to save a human life, and to protect socialist property and law and order or who have lost their lives as a result of an industrial accident;

7) industrial and office workers who have worked conscientiously for a long period in the sphere of production;

8) mothers who have been awarded the title of "Mother-Heroine", large families which have three or more children and unmarried mothers; and

9) families upon the birth of twins.

The right to receive living accommodations as a matter of priority may be granted to other categories of citizens according to the legislation of the USSR and the RSFSR.

**ARTICLE 37. *Emergency Allocation of Living Accommodations***

Living accommodations shall be allocated on an emergency basis in the following cases:

1) to citizens whose dwellings have become unfit for habitation as a result of some natural disaster;

2) to citizens who have ended their stays in state child welfare establishments or with relatives, guardians, or trustees, who were bringing them up, if they cannot be returned that living space which they occupied before they were sent to live in the child welfare establishments, or with relatives, guardians, or trustees (point 3 of Art. 60);

3) and in other cases stipulated by the legislation of the USSR and the RSFSR.

**ARTICLE 38. *Living Accommodation Norm***

The norm of living accommodations shall be established at not less than 12 square metres per person.

**ARTICLE 39. *The Right to Additional Living Space***

Additional living accommodations shall be allocated to certain categories of citizens above the living accommodation norm in the form of a room or ten square metres. Citizens suffering from severe forms of certain chronic diseases, and citizens in need of this accommodation due to the conditions and nature of their work may receive increased additional living accommodations.

The procedure for, and the conditions of, allocating additional living accommodation and the list of categories of citizens with the right to receive it shall be established by the legislation of the USSR.

**ARTICLE 40. *Requirements Made of Living Accommodations***

Living accommodations allocated to citizens for residence shall be comfortably well-appointed to the conditions of the inhabited locality and meet the established sanitary and technical requirements.

Living accommodations shall be allocated to citizens within the limits of the living accommodation norm (Art. 38) but not lesser in size than that established in the manner prescribed by the RSFSR Council of Ministers.

ARTICLE 41. *Accounting for the Interests of Citizens During the Allocation of Living Accommodations*

In the allocation of living accommodations, persons of different sexes above the age of nine, except married couples, shall not be permitted to occupy the same room.

Living accommodations shall be allocated while taking into account the health of citizens involved and other circumstances worthy of attention.

ARTICLE 42. *Procedure for the Allocation of Living Accommodations in Housing Belonging to Local Soviets of People's Deputies*

Living accommodations shall be allocated to citizens in housing belonging to local Soviets of People's Deputies by the executive committee of the district, town, ward, township, or rural Soviet of People's Deputies with the participation of a volunteer commission on housing matters set up by the executive committee and consisting of deputies of Soviets and representatives of mass organisations and work collectives.

ARTICLE 43. *Procedure for the Allocation of Living Accommodations in Departmental Housing*

Living accommodations shall be allocated to citizens in departmental housing by a joint decision of the management of the enterprise, institution or organisation and its trade union committee, approved by the executive committee of the district, town, ward, township or rural Soviet of People's Deputies, and in cases stipulated by the Council of Ministers of the USSR, by a joint decision of the management and the trade union committee with a subsequent report to the executive committee of the relevant Soviet of People's Deputies on the allocation of living accommodations for occupation.

In cases provided for by the legislation of the USSR and the RSFSR, employees of medical or cultural-educational establishments, food service enterprises, and other enterprises, institutions, and organisations, needy of an improvement of living conditions, shall be allocated living accommodations by other enterprises, institutions, and organisations which they service, on an equal basis with the employees of those enterprises, institutions, and organisations.

*ARTICLE 44. The Procedure for Allocation of Living Accommodations in Socially-Owned Housing*

Living accommodations shall be allocated to citizens in socially-owned housing by a joint decision of the organ of the relevant organisation and the trade union committee with a subsequent report to the executive committee of the relevant district, town, ward, township, or rural Soviet of People's Deputies on the allocation of living accommodations for occupation.

*ARTICLE 45. Occupation of Living Accommodations in Houses Transferred to the Executive Committees of Local Soviets of People's Deputies and in Houses Built with Funds from Partial Contributions*

Living accommodations vacated in houses transferred by state enterprises, institutions or organisations to executive committees of local Soviets of People's Deputies, and living accommodations vacated in houses built with partial contributions from enterprises, institutions or organisations shall be occupied in the first place by employees of these enterprises, institutions or organisations in need of improved living conditions. The said procedure of occupation shall be applied irrespective of the time of the handing over or the completion of the building of the house.

*ARTICLE 46. Occupation of Vacated Living Accommodations in Apartments*

If living accommodations in an apartment are vacated, and such accommodations are not separate from living accommodations occupied by another tenant, these living accommodations shall be subject to be transferred to his use.

Separate living accommodations which become vacant in the apartment where several tenants live together shall be allocated to those citizens who occupy the apartment and who are in need of an improvement in living conditions. If there are no such persons, such living accommodations shall be allocated to citizens who occupy less than the established norm of space per person (in which case, the authorities take into consideration the right to additional living space).

If there are no persons already living in the apartment as specified in the second part of this Article, such living accommodations shall be allocated to other persons according to general procedure.

ARTICLE 47. *Accommodation Assignment Document*

On the basis of a decision on the allocation of living accommodations in a state- or socially-owned house, the executive committee of a district, town, ward, township or rural Soviet of People's Deputies shall issue a citizen the document which is the only grounds for taking occupation of the living accommodations allocated.

The form of this document is established by the RSFSR Council of Ministers.

The issue of the accommodation assignment document in cantonments shall be effected according to the procedure stipulated by the legislation of the USSR.

ARTICLE 48. *The Grounds and Procedure for the Invalidation of an Accommodation Assignment Document*

An accommodation assignment document may be recognised in court as invalid in cases when citizens supply incorrect information about their need for improved living conditions, of violation of the rights of other citizens or organisations to the living accommodations indicated in the document, illegal actions by officials in considering the question of the allocation of living accommodations, and in other cases of breaches of the procedure for, and conditions of, allocating living accommodations.

Demands for the invalidation of an accommodation assignment document shall be filed within three years of the date of its issuance.

ARTICLE 49. *The Rules of the Registration of Citizens in Need of an Improvement in Living Conditions*

The rules governing the registration of citizens in need of an improvement in living conditions and the allocation of living accommodations shall be adopted according to the procedure determined by the RSFSR Council of Ministers.

## *Chapter II*

### **The Use of Living Accommodations in State- and Socially-Owned Housing**

ARTICLE 50. *The Use of Living Accommodations*

Living accommodations in state- and socially-owned houses shall be used in accordance with the contract for

the lease of the living accommodations and the rules governing the use of the living accommodations.

The model contract for the lease of living accommodations and the rules for the use of living accommodations and the upkeep of a house and its grounds shall be approved by the RSFSR Council of Ministers.

ARTICLE 51. *Contract for the Lease of Living Accommodations. Concluding Lease Contract*

The contract for the lease of living accommodations in state- and socially-owned housing shall be concluded in writing on the basis of an accommodation assignment document between the lessor, the house management organisation (and in its absence the relevant enterprise, institution or organisation) and the lessee, the citizen in whose name the document was issued.

The contract for the lease of living accommodations shall determine the rights and obligations of both parties with respect to the use of the given living accommodations.

The rules of civil legislation of the USSR and the RSFSR respectively shall also apply to relations ensuing from the contract of the lease of living accommodations.

ARTICLE 52. *The Object of the Contract for the Lease of Living Accommodations*

The object of the contract for the lease of living accommodations may be only a separate living accommodation which may be an apartment or which may consist of one or more rooms.

An independent object of a lease contract may not be a part of a room or a room connected with other rooms by a common entrance (adjoining rooms) or subsidiary premises.

ARTICLE 53. *The Rights and Duties of the Lessee's Family Members*

Members of the lessee's family who reside jointly with him shall enjoy the same rights and bear the same duties as the lessee that follow from the contract for the lease of living accommodations. Members of the family of 18 years of age or over shall bear together with the lessee the joint material liability in relation to the obligations that ensue from the contract in question.

Members of the lessee's family include the lessee's spouse,

their children, and parents. Other relatives, non-able-bodied dependents, and, in exceptional cases, other persons may be considered the lessee's family members if they live together with the lessee and conduct with him a common household.

If citizens listed in the second part of this Article cease to be members of the lessee's family but continue to live with him in the living accommodations they occupy they shall have the same rights and duties as the lessee and the members of his family.

ARTICLE 54. *The Lessee's Right to Lodge Other Citizens in His Living Accommodations*

The lessee shall have the right, according to established procedure, to lodge his spouse, children, parents, other relatives, non-able-bodied dependents, and other persons, in his living accommodations, if he has received the written permission of all the members of his family of the age of 18 or older with whom he lives. Such permission shall not be required to lodge underage children by their parents.

Citizens, lodged by a lessee in accordance with the rules of this Article, shall gain equal rights with the lessee and the other members of his family to use the living accommodations, if these citizens are or are considered to be family members of the lessee (Art. 53) and if there were no other arrangements to the contrary made between these citizens and the lessee and his family living together with him when these other persons were invited to move into these living accommodations.

Citizens who have moved into living accommodations of a lessee as his guardian or trustee shall not gain an independent right to these living accommodations, with the exception of those cases when they are declared to be family members of the lessee or when they are allocated the aforementioned living accommodations according to the established procedure.

ARTICLE 55. *Payment for Use of Living Accommodations*

In accordance with the Fundamentals of Housing Legislation of the USSR and the Union Republics, the amount of payment for the use of living accommodations (rent) in

state- and socially-owned housing shall be fixed by the USSR Council of Ministers.

Living accommodations to which the lessee and the members of his family are entitled according to the fixed norms and extra accommodation, if for the whole family it does not exceed half the living accommodation norm of a single person, shall be paid at the ordinary rate. Payment for the use of any other extra living accommodations shall be made at a higher rate fixed by the USSR Council of Ministers and by the RSFSR Council of Ministers.

*ARTICLE 56. Time Period for Rent Payment*

The lessee shall be obliged to pay his rent monthly not later than tenth of the month that follows.

*ARTICLE 57. Payment for Utility Services*

Payment for utility services (water, gas, electricity, heat, and other services) shall be made independently of rent payments at rates approved in the established procedure.

The lessee shall be obliged to pay charges for utility services at the time appointed for such payments.

*ARTICLE 58. Rebates on Rent and Utility Service Charges*

Rent and utility rebates shall be established by the legislation of the USSR.

Citizens living in houses belonging to a collective farm may be granted rebates on their rent by decision of a general meeting of collective-farm members or a meeting of their authorised representatives.

*ARTICLE 59. Free Use of Living Accommodations with Heating and Lighting*

Specialists working and residing in rural areas or outside populated localities (and in certain cases stipulated by the legislation of the USSR in workers' and other settlements) shall enjoy free use of living accommodations with heating and lighting.

In accordance with the Fundamentals of Housing Legislation of the USSR and the Union Republics, lists of categories of specialists provided with such accommodations and the procedure for allocating living accommodations to them shall be established by the USSR Council of Ministers and by the RSFSR Council of Ministers.

ARTICLE 60. *Retaining Living Accommodations for Temporarily Absent Citizens*

In the temporary absence of the lessee or members of his family the living accommodations shall be retained for them for six months.

Living accommodations shall be retained for temporarily absent citizens for longer periods of time in the following cases:

1) summons to active short-term military service, for the course of such military service; summons of officers from the reserve to active military service for up to three years, for the period of actual military service; summons to active military service for ensigns, warrant officers, and other military personnel for long-term service, for the period of the first five years in active military service;

2) temporary removal from one's permanent place of residence due to the conditions and character of employment (ship crews, workers in geological or prospecting parties or expeditions, and so forth) and in connection with a business trip abroad or with one's education (including students and post-graduate students, and so forth), for the period of time during which one is performing the given job or studying;

3) the placement of children in state child welfare establishments, with relatives or with guardians (trustees), for the course of the time they stay in this establishment or with relatives or guardians (trustees) if other members of their family continue to live in the living accommodations from which they moved. If there are no members of their family still living in these living accommodations allocated to other persons, or if their return to such accommodations is impossible for other reasons, at the end of their stay in the state establishment, or when they reach their majority and return from other relatives or guardians (trustees), they shall be entitled to receive living accommodations from the executive committee of the local Soviet of People's Deputies (point 2 of Art. 37);

4) removal in connection with the fulfilment of the obligations of a guardian (trustee) for the period of time one is fulfilling these obligations;

5) removal to a medical and preventive-disease institution for treatment for the course of one's stay there;

6) removal to a labour-treatment preventive centre for the course of time one stays there for treatment;

7) remanding in custody during the course of investigation or trial;

8) conviction to deprivation of liberty for a term greater than six months, exile or restricted residence, until the sentence is executed.

Other conditions and cases of the retention of living accommodations for temporarily absent citizens for terms longer than six months shall be established by the legislation of the USSR and the RSFSR.

In cases, stipulated in points 1-7 inclusive of this Article, living accommodations shall be retained for temporarily absent citizens for the course of six months from the end of the period indicated in the point.

If the lessee or members of his family are temporarily absent for good reason for more than six months, this term may be extended by the lessor at the request and petition of the lessee; in the event of a dispute, the term may be extended by the court.

#### ARTICLE 61. *Procedure for Stripping a Person of His Right to Use Living Accommodations*

The court may strip a person of his right to use given living accommodations as a result of his absence longer than the established terms.

#### ARTICLE 62. *Reservation of Living Accommodations*

Living accommodations occupied by the lessee and members of his family shall be reserved if he is sent to work abroad—for the whole period of his stay abroad, if he goes to work in parts of the Far North and equivalent localities—for the whole period of his labour contract and, in cases stipulated by the legislation of the USSR, for the whole period of his stay in parts of the Far North and equivalent localities.

The legislation of the USSR and the RSFSR may stipulate other cases for the reservation of living accommodations.

The reservation of living accommodations by the lessee or members of his family shall be made not later than six months from the date of his or their departure.

If the lessee or the members of his family do not request the return of living accommodations within six months from the end of the validity of the reservation certificate, the

contract for the lease of the living accommodations shall be dissolved according to court procedure.

ARTICLE 63. *Procedure for Reserving Living Accommodations*

In cases, stipulated in Art. 62 of this Code, the executive committee of the local Soviet of People's Deputies shall issue the lessee or members of his family a reservation certificate which they may present to the lessor.

Refusal to issue a reservation certificate may be appealed in court.

The procedure for reserving living accommodations shall be determined by the RSFSR Council of Ministers.

ARTICLE 64. *The Use of Reserved Living Accommodations*

The lessee shall have the right to sublease his reserved living accommodations or to invite temporary tenants to live there within the terms of the validity of his reservation certificate.

ARTICLE 65. *Eviction of Sublessees and Temporary Tenants from Reserved Living Accommodations*

When the lessee or members of his family return to their living accommodations, they shall have the right to demand that all those living there immediately vacate the premises, regardless of whether or not the term of the sublease contract has expired.

Should subletting or temporary tenants refuse to vacate the premises, they shall be evicted by court order at the request of the lessee without the allocation of other living accommodations.

ARTICLE 66. *The Rights and Duties of a Temporarily Absent Lessee and the Members of His Family*

In cases when the lessee is temporarily absent or when some one member of his family or all such persons are absent (Arts. 60 and 62), those temporarily absent retain the rights and continue to bear the obligations under the contract for the lease of the living accommodations.

Living space if the right to use such is retained by the temporarily absent lessee shall not be considered excessive.

ARTICLE 67. *The Exchange of Living Accommodations*

The lessee of living accommodations shall have the right

with the written consent of members of his family who live together with him, including those temporarily absent, to exchange the living accommodations with another lessee or a member of a house-building cooperative, including those resident in another locality.

Living accommodations may be exchanged only with the mutual transfer of rights and obligations which follow from the relevant contract for the lease of these living accommodations, and when the exchange involves a member of a house-building cooperative, exchanging parties shall meet the requirements stipulated by Art. 119 of this Code.

*ARTICLE 68. The Exchange of Living Accommodations Without Family Members' Consent*

If agreement has not been reached between members of the family on the exchange, any one of them shall have the right to demand through the court the compulsory exchange of the accommodations occupied for accommodations in different houses (apartments). The court shall take into consideration the arguments and interests of parties living in the accommodations to be exchanged which are worthy of its attention.

*ARTICLE 69. The Exchange of Living Accommodations in Houses Belonging to Enterprises, Institutions and Organisations*

Exchanges of living accommodations in houses belonging to enterprises, institutions, and organisations shall be permitted only with their consent. Refusal to give consent to an exchange may be appealed through the court, except in cases of exchange of living accommodations in houses belonging to collective farms.

*ARTICLE 70. The Exchange of Living Space by One of the Lessee's Family Members*

A member of the lessee's family at or over the age of 18 shall have the right, with the written consent of the lessee and the other members of the family (including those temporarily absent who retain the right to living space), to exchange his share of the living space with some other person, on the condition that the person moving into the living accommodations as a result of the exchange is settled in the living accommodations as a member of the family of the lessee of the living accommodations.

ARTICLE 71. *Processing Documents on the Exchange of Living Accommodations*

Agreement on an exchange of living accommodations shall come into force from the moment of receipt of the accommodation assignment documents issued by the executive committees of local Soviets of People's Deputies (Art. 47). Refusal to issue such a document may be appealed against through the court within six months of the date of refusal.

ARTICLE 72. *The Procedure for Exchanging of Living Accommodations*

The procedure for exchanging living accommodations shall be established by the legislation of the USSR, this Code, and by other legislation of the RSFSR.

The rules governing the exchange of living accommodations shall be established in the manner specified by the RSFSR Council of Ministers.

ARTICLE 73. *Conditions Under which the Exchange of Living Accommodations Is Not Permitted*

The exchange of living accommodations shall not be permitted:

1) if the lessee is being sued for the dissolution of his contract for the lease or for some change in it;

2) if the exchange is for profit or bears some fictitious character;

3) if the house or living accommodations are threatened by imminent collapse, or are subject to be razed or reconstructed for use for other purposes, or are to be transferred for state or public needs;

4) if the house is about to undergo major repairs with reconstruction or replanning of the living accommodations;

5) if the accommodations are official or located in a hostel;

6) if one of the accommodations to be exchanged is in a house belonging to an enterprise, institution or organisation in one of the most important branches of the national economy, e.g. in a house from which eviction is permitted in accordance with the procedure stipulated in Art. 95 of this Code, and the lessee of the other accommodation to be exchanged (a member of a house-building cooperative) has no labour relations with the given enterprise, institution or

organisation, except in cases when the lessee and members of his family cannot be evicted; and

7) if, in connection with the exchange of accommodations, the living conditions of one of the parties to the exchange deteriorate so that the citizen(s) become needy of an improvement of living conditions.

Other conditions under which exchange of living accommodations is not permitted shall be established by the legislation of the USSR and the RSFSR.

*ARTICLE 74. Invalidation of an Exchange of Living Accommodations*

An exchange of living accommodations may be invalidated by the court in the following cases:

(1) if it was made with a violation of requirements stipulated by this Code;

(2) on grounds established by civil legislation for the invalidation of any deal.

In the event the exchange is invalidated, both parties shall be subject to be moved to those living accommodations which they occupied prior to the exchange.

In those cases, when an exchange is invalidated as a result of the illegal actions of one of the parties to the exchange, the guilty party shall be obliged to make restitution to the other party for the losses arising from the exchange.

*ARTICLE 75. The Right of the Lessee to Be Allocated Living Accommodations Smaller in Size than Those Occupied by Him*

A lessee who has extra floor space above the established norms shall have the right, with the consent of his family members, to demand from the executive committee of the local Soviet of People's Deputies, or from the enterprise, institution or organisation (depending on which one the house belongs to) to allocate him in the stipulated manner living accommodations smaller in size than those which he occupies.

*ARTICLE 76. Subleasing Living Accommodations*

The lessee of living accommodations shall have the right with the consent of the members of his family who reside with him and with the consent of the lessor, to sublease living accommodations in the cases and in the manner established by this Code and other RSFSR legislation,

The lessee may sublease part of the living accommodations he occupies or, in the event of his temporary absence, all of the living accommodations (for the period during which he has the right to use such). Should he sublet all of the living accommodations, the lessee shall remain responsible before the lessor according to the lease contract.

Persons occupying premises in the accommodations of a lessee on the basis of a sublease contract shall not have an independent right to such premises.

The rules governing the sublease of accommodations shall be established in the manner defined by the RSFSR Council of Ministers.

*ARTICLE 77. Conditions under Which Sublease of Living Accommodations Is Not Permitted*

Sublease of living accommodations shall not be permitted in the following cases:

1) if, as a result of the sublease arrangement, the share of living space for each resident turns out to be less than the established norm;

2) if persons suffering from serious forms of certain chronic ailments live in such accommodations (Point 3, Art. 36);

3) without the agreement of other lessees and family members 18 years of age and over living in one apartment; and

4) in other cases established by the rules of subleasing living accommodations.

*ARTICLE 78. Payment for the Use of Living Accommodations According to the Sublease Contract*

The amount of payment for the use of living accommodations and utility services according to the sublease contract shall be established by the two parties to the agreement, but such payment may not exceed the rent for such living accommodations and public utility payments paid by the lessee.

In the event living accommodations are sublet for excessive sublease payments, the illegally received sums shall be collected for the benefit of the state.

*ARTICLE 79. The Impounding of Living Space Used to Derive Unearned Income*

If the lessee of living accommodations systematically

sublets living space in order to derive unearned income, the separate living space which he sublets shall be impounded through the courts.

*ARTICLE 80. The Termination of Sublease Contracts*

When a sublease contract expires, the sublessee shall not have the right to demand the renewal of the contract, and should he refuse to vacate the living accommodations he occupies he may be evicted at the request of the lessee without the allocation of alternative living accommodations by the court's decision. In the same way, the sublessee shall be subject to eviction without allocation of alternative living accommodations in the event of the termination of the lease contract.

If the sublease contract is concluded without an expiration date, the lessee shall be obliged to give the sublessee three months' notice of the termination of the contract.

Sublease contracts may also be terminated on the grounds stipulated in Arts. 65 and 98 of this Code.

*ARTICLE 81. Temporary Tenants*

The lessee of living accommodations and those family members 18 years of age and over residing with him may, by mutual consent, permit other citizens (temporary tenants) to live temporarily in the living accommodations they occupy without payment for the use of such accommodations.

Such temporary establishment shall be permitted for more than 45 days only on the condition that the established living space norm is observed.

Temporary tenants shall be obliged to vacate premises immediately upon the lessee's demand or upon the demand of those of his family members 18 years of age and over residing with him. Should temporary residents refuse to vacate premises, the lessee or members of his family shall have the right to demand the eviction of such temporary tenants without the allocation of alternative living accommodations by the court's decision. In the same way, temporary tenants shall be subject to eviction without allocation of alternative living accommodations in the event of the termination of the relevant lease contract.

*ARTICLE 82. Allocation of Living Accommodations to Citizens in Connection with Major Repairs of a House*

When state- or socially-owned housing facilities undergo

major repairs which cannot be carried out while tenants occupy living accommodations the lessor shall be obliged to allocate the lessee and members of his family some alternative living accommodations for the duration of the major repairs. In this case, the contract for the lease of the living accommodations under renovation shall not terminate. Should the lessee refuse to move to such living accommodations as proposed by the lessor, the latter may demand that he be removed to these accommodations by the court's decision.

Living accommodations, allocated to citizens for the duration of major repairs, shall meet the standard sanitary and technical requirements.

The resettling of a lessee and members of his family from one living accommodation to another and back (at the end of renovation) shall be effected by the housing management organisation responsible for the building undergoing major repairs at the expense of this organisation.

During the time the lessee lives in other living accommodations in connection with major repairs of his permanent home, he shall be responsible for the payment of rent only for those accommodations allocated to him for the duration of major repairs of his permanent home.

Instead of the allocation of temporary accommodations for the lessee and his family for the duration of major repairs, with their agreement, the lessee and his family may be allocated alternative permanent living accommodations in another well-appointed house.

*ARTICLE 83. Allocation of Alternative Living Accommodations for the Lessee in the Event of a Significant Change in the Size of the Living Space as a Result of Major Repairs*

In those cases, where living accommodations occupied by a lessee and the members of his family, as a result of major repairs, cannot be preserved or significantly increase in size, creating a surplus of living space for the lessee, the lessee and his family members shall be allocated alternative well-appointed living accommodations before the renovation is begun. If, as a result of the major repairs, the living accommodations are significantly reduced in size, at the request of the lessee, he and his family members shall be allocated alternative well-appointed living accommodations before renovation is begun.

ARTICLE 84. *Reconstruction or Replanning of Living Accommodations*

Reconstruction and replanning of living accommodations and subsidiary premises may be effected only in order to improve living space and shall be permitted only with the consent of the lessee and his family members 18 years of age and over, of the lessor, and with the permission of the executive committee of the local Soviet of People's Deputies.

Disputes arising over the refusal of the lessor, the lessee or members of his family to permit the reconstruction or replanning of living accommodations shall be resolved according to court procedure, if the reconstruction or replanning has already been approved by the executive committee of the local Soviet of People's Deputies.

A lessee who permits unwarranted reconstruction or replanning of living accommodations or subsidiary premises shall be obliged to return such accommodations to their prior condition at his own expense.

ARTICLE 85. *The Revision of a Contract for the Lease of Living Accommodations*

A contract for the lease of living accommodations may be revised only with the consent of the lessee, members of his family, and the lessor, with the exception of those cases provided for by the Fundamentals of Housing Legislation of the USSR and the Union Republics, other legislative acts of the USSR, and this Code.

ARTICLE 86. *The Revision of a Contract for the Lease of Living Accommodations at the Request of a Lessee's Family Member*

An adult member of the lessee's family shall have the right to demand that a separate lease contract be concluded with him if he has the consent of the other adult family members living with him, and in accordance with his share of the living space or with due account of the agreement reached on the use of living accommodations he may be granted accommodations which meet the requirements listed in Art. 52 of this Code.

The rules established in the first part of this Article shall not be applicable to the lease of living accommodations in houses which are owned by enterprises, institutions and organisations in the most important branches of the national economy and from which eviction is permitted according

to the procedure stipulated in Art. 95 of this Code, except in those cases, when the lessee and his family members may not be evicted.

Disputes arising in connection with the demand that a separate lease contract be concluded shall be resolved through the courts.

*ARTICLE 87. The Revision of a Contract for the Lease of Living Accommodations at the Request of Lessees Uniting to Form One Family*

Citizens, living in one apartment and using living accommodations according to separate lease contracts, shall have the right to demand that one lease contract be concluded with one of them for the living accommodations they occupy in the event they should unite to form one family.

Refusal by the lessor to conclude one lease contract in such a case may be protested in court.

*ARTICLE 88. The Revision of a Contract for the Lease of Living Accommodations in Consequence of the Declaration of a Different Family Member as the Lessee*

A family member of the lessee 18 years of age and over may, with the agreement of the lessee and other adult family members, demand that he be named the lessee according to the terms of the lease contract concluded earlier, in the place of the original lessee. Any adult family member of the lessee shall have this right in the event of the death of the lessee.

The rules, established in the first part of this Article, shall not be applicable to the lease of living accommodations in houses which are owned by enterprises, institutions, and organisations in the most important branches of the national economy and from which eviction is permitted according to the procedure stipulated by Art. 95 of this Code, except in those cases when the lessee and his family members may not be evicted.

Disputes arising in connection with the declaration of another member as the lessee shall be resolved in court.

*ARTICLE 89. The Dissolution of a Contract for the Lease of Living Accommodations*

The lessee of living accommodations shall have the right, with the consent of his family members, to dissolve a lease contract at any time.

In the event of the departure of the lessee and his family members for permanent residence in another locality, the lease contract shall be considered dissolved from the date of such departure.

A contract for the lease of living accommodations in state- and socially-owned homes may be dissolved at the request of the lessor only on grounds established by the law and only through the courts, except in cases of eviction from the houses in danger of collapsing.

*ARTICLE 90. Eviction from Living Accommodations*

Eviction from living accommodations in a state- or socially-owned house shall be permitted only on grounds established by the law.

Eviction shall be effected through the courts. Eviction shall be permitted in administrative proceedings with the sanction of a procurator only of persons who have occupied the living accommodations arbitrarily or who live in houses in danger of collapsing.

Citizens evicted from living accommodations shall be simultaneously allocated alternative living accommodations, with the exception of those cases stipulated in this Code in accordance with the Fundamentals of Housing Legislation of the USSR and the Union Republics.

*ARTICLE 91. Eviction with Allocation to Citizens of Alternative Well-Appointed Living Accommodations*

Citizens shall be evicted from state- or socially-owned houses with the allocation of alternative well-appointed living accommodations if:

- 1) the house in which they live is due to be demolished;
- 2) the house (living accommodations) is in danger of collapsing; and/or
- 3) the house (living accommodations) is due to be re-equipped as a non-residential building.

*ARTICLE 92. The Allocation of Living Accommodations in Connection with the Demolition or Re-Equipment of a House (Living Accommodations)*

If a house, in which living accommodations are located, is due to be demolished in connection with the allotment of the plot of land to meet state or social needs, or if the house (living accommodations) is going to be re-equipped as a non-residential building, citizens evicted from the house

shall be allocated alternative well-appointed living accommodations by the enterprise, institution or organisation which has been allotted the plot of land or has received the house that is subject to re-equipment.

In other cases of demolition, citizens evicted from such building shall be allocated alternative well-appointed living accommodations by the enterprise, institution, or organisation which owns the building or by the executive committee of the local Soviet of People's Deputies.

*ARTICLE 93. Allocation of Living Accommodations in Connection with Eviction from Houses Threatened by Collapse*

If a house (living accommodations) is in danger of collapse, citizens, evicted from this building (living accommodations) shall be allocated alternative well-appointed living accommodations by decision of the executive committee of the local Soviet of People's Deputies at the expense of the housing stock of the local Soviet of People's Deputies or by the corresponding enterprise, institution or organisation.

*ARTICLE 94. Eviction from Living Accommodations in Cantonments with the Allocation of Alternative Well-Appointed Living Accommodations*

Officers, warrant officers and ensigns, servicemen in the re-engagement list in the Armed Forces of the USSR and persons of equivalent status who have been dismissed from active military service for retirement or transferred to the reserve and persons residing together with them may be evicted from living accommodations occupied by them in cantonments with the allocation of alternative well-appointed living accommodations. Persons who have lost their connection with the Armed Forces of the USSR shall also be subject to eviction from cantonments according to the same procedure.

*ARTICLE 95. Eviction with the Allocation of Alternative Living Accommodations*

The following categories of citizens may be evicted with allocation of alternative living accommodations:

1) industrial and office workers (together with persons residing with them) who have ceased their labour relations with the enterprises, institutions or organisations in major branches of the national economy that allocated them liv-

ing accommodations in connection with their dismissal at their own will without good reason, or for a breach of labour discipline or for the commission of a crime. In accordance with the Fundamentals of Housing Legislation of the USSR and the Union Republics, lists of such enterprises, institutions, and organisations shall be approved by the USSR Council of Ministers and the RSFSR Council of Ministers;

2) citizens who have received living accommodations in houses belonging to collective farms, if they have been expelled from membership of the collective farm or have left the collective farm at their own will.

The legislation of the USSR may provide for other cases of the eviction of citizens with the allocation of alternative living accommodations.

ARTICLE 96. *The Allocation of Well-Appointed Living Accommodations in Connection with Eviction*

Alternative well-appointed accommodations allocated to citizens in connection with eviction shall meet the requirements of Arts. 40 and 41 of this Code, shall be located within the boundaries of the given populated locality, and shall be no smaller than those accommodations which the citizens occupied prior to eviction.

If the lessee occupied a separate apartment or more than one room, he shall be allocated a separate apartment or living accommodations consisting of the same number of rooms.

If the lessee had surplus living space, the living accommodations allocated to him shall be no smaller than the established norm for one person (Art. 38), and the lessee and his family members who have the right to additional living space and used such living space de facto, shall be allocated living accommodations in accordance with the norm of additional living space.

Accommodations allocated to evicted persons shall be indicated in the court decision that evicted the lessee or, in the case of administrative eviction, in the procurator's decision.

ARTICLE 97. *The Allocation of Alternative Living Accommodations in Connection with Eviction*

Alternative living accommodations allocated to citizens in connection with their eviction shall meet the standard sanitary and technical requirements and shall be located within the boundaries of the given population locality. In the

case of eviction in rural areas from houses belonging to collective farms and state farms, alternative living accommodations shall be located within the boundaries of the township or the territory of the rural Soviet, or within the boundaries of the collective or state farm, if it occupies grounds under the jurisdiction of several rural Soviets.

Living accommodations allocated to evicted citizens shall be indicated in the court decision regarding the eviction of the lessee.

ARTICLE 98. *Eviction without the Allocation of Alternative Living Accommodations*

If the lessee, members of his family, or other persons residing together with him systematically damage or spoil the living accommodations, or use them for improper purposes, or by their systematic violation of the rules of socialist community life make it impossible for others to reside with them in the same apartment or the same house, while warnings and measures of public influence have proven to be unsuccessful, the eviction of the guilty persons at the request of the lessor or other interested persons shall be effected without the allocation of alternative living accommodations. Persons deprived of parental rights may also be evicted without the allocation of alternative living accommodations if their joint residence with the children, regarding whom they have been deprived of parental rights, has been recognised as impossible.

Persons subject to eviction without the allocation of alternative living accommodations for the impossibility of joint habitation may be obliged by the court, instead of being evicted, to exchange the accommodations occupied by them for alternative living accommodations indicated by the party interested in the exchange.

ARTICLE 99. *The Eviction of Citizens Arbitrarily Occupying Living Accommodations*

Persons who occupy living accommodations arbitrarily shall be evicted without the allocation to them of alternative living accommodations according to the procedure provided for by the second part of Art. 90 of this Code.

ARTICLE 100. *Consequences of the Invalidation of an Accommodation Assignment Document*

In the event an accommodation assignment document is

invalidated as a result of the illegal actions of the persons who obtained the document, such persons shall be liable to eviction without the allocation of alternative living accommodations. If the citizens indicated in the document previously had the use of living accommodations in a state- or socially-owned house, they shall be allocated the living accommodations which they occupied earlier or alternative living accommodations.

In the event that an accommodation assignment document is declared invalid for other grounds, the citizens indicated in the document shall be liable to eviction with the allocation of alternative living accommodations or accommodations they occupied earlier.

### *Chapter III*

#### **The Use of Official Accommodations**

##### *ARTICLE 101. Official Accommodations*

Official accommodations shall be intended for occupation by citizens who, in connection with the nature of their labour relations, must reside at or near their place of employment. Living accommodations shall be counted as official by decision of the executive committee of a district, town, or ward Soviet of People's Deputies. As a rule, individual apartments shall be designated as official accommodations.

Living accommodations in houses belonging to house-building cooperatives may be included in the number of official living accommodations only with the consent of the general meeting of cooperative members.

##### *ARTICLE 102. List of Categories of Workers Who May Be Allocated Official Accommodations*

A list of the categories of workers who may be allocated official accommodations shall be established by USSR legislation and the RSFSR Council of Ministers.

##### *ARTICLE 103. Official Accommodations in Housing Belonging to Collective Farms*

In houses belonging to collective farms, the designation of living accommodations as official and the listing of categories of workers who may be allocated such accommodations shall be decided by a general meeting of the members

of the collective farm or at a meeting of their authorised representatives and approved by the executive committee of the district, town, or ward Soviet of People's Deputies.

*ARTICLE 104. Official Accommodations for Certain Categories of Servicemen*

In accordance with the Fundamentals of Housing Legislation of the USSR and the Union Republics, in cases laid down by the USSR Council of Ministers, official accommodations may be allocated to certain categories of servicemen.

*ARTICLE 105. The Procedure for the Allocation and Use of Official Accommodations*

The procedure for allocation of official accommodations and the use thereof shall be established by USSR legislation, this Code, and other RSFSR legislative acts.

Official accommodations shall be allocated by decision of the management of the enterprise, institution, organisation, the board of the collective farm, or management board of the cooperative or other social organisation responsible for these accommodations. On the basis of the decision adopted by the executive committee of the corresponding local Soviet of People's Deputies, the given citizen shall be issued an official accommodations assignment document.

The form of the official living accommodations assignment document shall be established by the RSFSR Council of Ministers.

*ARTICLE 106. A Contract for the Lease of Official Accommodations*

A written lease contract shall be concluded with the citizen, in whose name the official living accommodation assignment document is issued, for the duration of the lessee's employment, in connection with which he has been allocated the given official accommodations.

The rules of Arts. 50-61, 66, 75, 81-84, 89-93, 96, 97, the first part of Art. 98, and Arts. 99 and 100 of this Code shall be applicable to the use of official accommodations.

*ARTICLE 107. Eviction from Official Accommodations without Allocation of Alternative Accommodations*

Industrial and office workers who have ceased their labour relations with enterprises, institutions or organisations, and citizens who have been expelled from membership in

a collective farm or left the collective farm at their own will shall be liable to eviction from official accommodations with all the persons residing with them without the allocation of alternative living accommodations.

ARTICLE 108. *Eviction from Official Accommodations with the Allocation of Alternative Living Accommodations*

The following persons may not be evicted from official living accommodations without the allocation of alternative living accommodations, as indicated in Art. 107 in this Code:

1) war invalids and other servicemen who became invalids as a result of a wound, concussion or mutilation received in the defence of the USSR or in the performance of other military duties or as the result of diseases connected with being at the front;

2) participants in the Great Patriotic War who were in active service;

3) families of servicemen and partisans who perished or disappeared in the defense of the USSR or in the performance of other military duties;

4) families of servicemen;

5) invalids from the junior or senior ranks of the bodies of the Ministry of the Interior of the USSR who became invalids as a result of a wound, concussion, or mutilation received in the performance of their official duties;

6) persons who have worked for not less than ten years at the enterprise, institution or organisation that has allocated them the official accommodations;

7) persons relieved of the post in connection with which they were allocated living accommodations, but who have not ceased their labour relations with the enterprise, institution, or organisation that allocated this accommodation;

8) persons dismissed in connection with the liquidation of an enterprise, institution, or organisation or due to reductions in the staff;

9) old-age pensioners and recipients of special pensions;

10) members of the family of the deceased employee to whom the official accommodation was allocated;

11) labour invalids of groups I and II, invalids of groups I and II representing servicemen and persons of equivalent status; and

12) single persons with minors who reside with them.

Citizens who fall into the categories listed above shall be allocated living accommodations which meet the requirements of Art. 97 of this Code.

#### *Chapter IV*

#### **The Use of Hostels**

##### ARTICLE 109. *Hostels*

For the residence of industrial and office workers, students and pupils and other citizens, hostels may be used during their period of work or study. A hostel may be housed in a residential building which has been specially built or re-equipped for this purpose. Hostels are equipped with furniture and other items of daily use essential for life, work or studies, and leisure of the citizens living in them.

The procedure for the allocation of living space in hostels and the use of such living space shall be determined by the legislation of the USSR and the RSFSR Council of Ministers.

##### ARTICLE 110. *Eviction from a Hostel*

At the end of their work seasonal and temporary workers and persons who have been working on a labour contract for a fixed period, and persons who have been studying at an educational establishment and have left it, shall be liable to eviction without the allocation of alternative living accommodations from the hostel which was allocated to them in connection with their work or study.

Other employees of enterprises, institutions and organizations that reside in hostels in connection with their work may be evicted without the allocation of alternative living accommodations in the event of dismissal at their own will without good reason or for a breach of labour discipline or for the commission of a crime. Persons who have finished working for other reasons, and persons listed in Art. 108 of this Code may be evicted only with the allocation to them of alternative living accommodations (Art. 97 of this Code).

## Chapter V

### Provision of Citizens with Living Accommodations in Houses Belonging to House-Building Cooperatives and the Use of Such Accommodations

ARTICLE 111. *The Right to Receive Living Accommodations in Houses Belonging to House-Building Cooperatives*

Citizens in need of improved housing conditions may join a house-building cooperative and receive an apartment in this cooperative's house.

ARTICLE 112. *The Procedure for the Registration of Citizens Wishing to Enter House-Building Cooperatives*

The procedure for the registration of citizens wishing to join house-building cooperatives shall be established by the legislation of the USSR, this Code, and other legislative acts of the RSFSR.

The registration of citizens joining house-building cooperatives shall be effected at the citizen's place of residence by decision of the executive committee of the local Soviet of People's Deputies, or at the citizen's place of employment, by the joint decision of the management and trade union committee of the enterprise, institution or organisation which sets up the cooperative.

Citizens who leave work at an enterprise, institution, or organisation in connection with retirement on a pension shall be registered on the same basis as those workers and other employees of the enterprise, institution, or organisation who are still actively working.

ARTICLE 113. *Conditions for the Admission of Citizens as Members of a House-Building Cooperative*

Conditions for the admission of citizens as members of a house-building cooperative shall be established by the legislation of the USSR, this Code, and other legislation of the RSFSR.

Citizens 18 years of age or older who permanently reside in the given populated locality (if the legislations of the USSR and the RSFSR do not establish otherwise) who are in need of an improvement in housing conditions (according to Art. 29 of this Code) may be admitted as members of a house-building cooperative.

ARTICLE 114. *The Organisation and Activity of House-Building Cooperatives*

House-building cooperatives shall be organised under the auspices of executive committees of local Soviets of People's Deputies, enterprises, institutions, and organisations, and under the auspices of collective farms and other cooperative and social organisations. Recommendations of work collectives shall be taken into consideration when decisions are made to organise house-building cooperatives.

The procedure for the organisation and activity of house-building cooperatives shall be established by USSR legislation, Model Rules of the House-Building Cooperatives, and other legislation of the RSFSR.

Model Rules of the House-Building Cooperatives shall be approved by the RSFSR Council of Ministers.

House-building cooperatives shall function on the basis of the rules which are adopted in accordance with the Model Rules of the House-Building Cooperatives by the general meeting of citizens who have joined the cooperative and which are registered according to the established procedure.

House-building cooperatives shall effect the management and repair of housing facilities belonging to them so that such facilities pay for themselves.

ARTICLE 115. *Control by Executive Committees of Local Soviets of People's Deputies Over the Activity of House-Building Cooperatives*

The executive committee of the local Soviet of People's Deputies shall supervise the activity of house-building cooperatives and the management and repair of the houses belonging to them. The executive committee of a district, town, or ward Soviet of People's Deputies may rescind a decision of the general meeting or the board of a cooperative, if it is contrary to legislation.

ARTICLE 116. *State Assistance to House-Building Cooperatives*

The state shall render house-building cooperatives assistance in the maintenance and repair of houses belonging to them, and in the provision of living accommodations for members of these cooperatives during major repairs, when the repairs cannot be carried out without the eviction of citizens residing in these houses.

ARTICLE 117. *Transfer of a House of Equal Value to a House-Building Cooperative in the Event of Demolition*

If a house belonging to a house-building cooperative is liable for demolition in connection with the withdrawal of a plot of land for state or public needs, the cooperative shall be given ownership of a house of equal value in return for the house that is demolished.

ARTICLE 118. *The Allocation of Living Accommodations to a Member of a House-Building Cooperative*

A person admitted to membership of a house-building cooperative, by decision of a general meeting of cooperative members approved by the executive committee of the district, town, or ward Soviet of People's Deputies shall be allocated a separate apartment consisting of one or more rooms in accordance with the number of his family members, the amount of his initial share and the maximum amount of living space allowed by the Model Rules of the House-Building Cooperatives.

Occupation of apartments in a house belonging to a house-building cooperative shall be in accordance with accommodation assignment documents issued by the executive committee of the district, town, or ward Soviet of People's Deputies. A refusal to issue a document may be appealed in court.

ARTICLE 119. *The Exchange of Living Accommodations by a Cooperative Member*

A member of a house-building cooperative shall have the right, with the consent of the family members living with him, and with the permission of the executive committee of the local Soviet of People's Deputies, to exchange the living accommodations he occupies with some other member of a cooperative or with a tenant leasing living accommodations in a state- or socially-owned house, including those residing in other localities, on the condition that the cooperative accept the person exchanging living accommodations as a new member. The rules established by this Code and all the house-building cooperative rules shall be observed during an exchange of living accommodations.

If a cooperative member and his family members cannot come to an agreement about the exchange of living accommodations, the cooperative member and his family member who has the right to a part of the share in the

cooperative, shall have the right to demand the forcible exchange of the living accommodations they occupy for accommodations in separate houses or apartments, through the courts.

The exchange of living accommodations shall not be permitted in the cases indicated in Art. 73 of this Code.

ARTICLE 120. *The Division of Living Accommodations in a House Belonging to a House-Building Cooperative*

The division of living accommodations in a house belonging to a house-building cooperative shall be permissible between a cooperative member and his or her spouse in the event that the marriage between them is dissolved, and if the share in the cooperative is the joint community property of the formerly married partners, and if each of the spouses can be provided with separate living accommodations in the apartment they jointly occupy.

If the living accommodations consist of adjoining rooms, the division may be effected on the condition of the re-planning of these rooms into separate rooms, if the executive committee of the local Soviet of People's Deputies has granted permission for the reconstruction or replanning of these living accommodations.

Disputes concerning the division of living accommodations shall be resolved by the court.

ARTICLE 121. *The Renting out of Living Accommodations in Houses Belonging to House-Building Cooperatives*

A member of a house-building cooperative may rent out part of the living accommodations or all of these accommodations, if he and his family are leaving them temporarily, on the condition that the cooperative board grants its consent to such renting.

ARTICLE 122. *Payment for Living Accommodations Rented in a House Belonging to a House-Building Cooperative*

The size of payment for living accommodations rented out in a house belonging to a house-building cooperative shall not exceed the lessor's expenses in connection with the maintenance of the living accommodations he is renting out.

ARTICLE 123. *Expulsion from a House-Building Cooperative*

A member of a house-building cooperative may be expelled from the cooperative in the following cases:

1) if the member provided false or inaccurate information on the basis of which he was allowed to register as a cooperative member and in the event of unlawful actions on the part of officials who made the decision permitting this person to register as a cooperative member;

2) the systematic destruction or spoilage of the living accommodations, the use of such accommodations in violation of their designated use, or the systematic violation of the rules of socialist community life making it impossible for others to live with this person in one apartment or in one house, when warnings and measures of public influence have proven to be fruitless; and

3) the systematic renting of these living accommodations by the member in order to derive unearned income.

Other cases which may call for the expulsion of a member from a cooperative may be stipulated by the rules of the house-building cooperative.

The procedure of expulsion from a cooperative shall be established in the Model Rules of the House-Building Cooperatives.

The decision of the cooperative's general meeting to expel a cooperative member may be appealed in court.

#### ARTICLE 124. *Eviction from a House Belonging to a House-Building Cooperative*

A member of a house-building cooperative who has been expelled from the cooperative shall be subject to eviction, according to court procedure, from the house belonging to the cooperative, along with all those persons who reside with him, without the allocation of alternative living accommodations.

The rules of the house-building cooperative may provide for cases in which the expelled person's family members may be permitted to retain the use of the living accommodations in the house belonging to the cooperative on the condition that one of these family members join the cooperative.

Other persons may be evicted from living accommodations in the house belonging to a house-building cooperative in cases provided for by the rules of the given house-building cooperative and the first part of Art. 98 of this Code.

ARTICLE 125. *The Rights and Duties of a Member of a House-Building Cooperative. The Use of Living Accommodations*

The rights and duties of the member of a house-building cooperative and his family members, and the conditions for the use and grounds for ending the use of living accommodations shall be determined by the rules of the cooperative.

ARTICLE 126. *Termination of the Activity of a House-Building Cooperative*

The activity of a house-building cooperative shall be terminated in cases stipulated by the Model Rules of the House-Building Cooperatives and by other RSFSR legislation.

### *Chapter VI*

#### **The Use of Living Accommodations in Individual Houses**

ARTICLE 127. *The Use of a House Owned by a Citizen on the Basis of the Right to Personal Property*

Citizens who own a house or part of a house on the basis of their right to personal property shall use it for their personal residence and the residence of members of their family. They shall have the right to allow other citizens to move into the house and to rent it out on the conditions and in the manner established by USSR legislation, this Code, and other RSFSR legislation.

Family members of a citizen who owns a house (Art. 53) living with him shall have the same right as the home-owner to use the living accommodations in the house, unless otherwise provided for when they moved into such accommodations. Such family members shall also retain their right to use these living accommodations in the event that their family relations with the home-owner should be terminated. The rules established in Arts. 131-137 of this Code shall be applicable to the use of living accommodations by the home-owner and former members of his family.

Houses owned by citizens may not be withdrawn from them. An owner may not be deprived of his right to use the house, except in cases established by USSR and RSFSR legislation.

ARTICLE 128. *The Obligation of the Home-Owner to Provide for the Maintenance of His Home and Its Grounds*

Citizens who own homes shall be obliged to provide for the upkeep of their homes, minor and major repairs, and maintenance of the grounds.

Permission of the executive committee of the district, town, or ward Soviet of People's Deputies shall be required for major repairs of a home which entail the reconstruction or replanning of the house.

The home-owner shall not be obliged to allocate alternative living accommodations to a lessee for the duration of the major repairs of his home.

Citizens who do not take care of their homes properly shall be liable to suffer the consequences stipulated in the RSFSR Civil Code.

ARTICLE 129. *State Assistance for the Repair of Houses Owned by Individual Citizens and the Provision of Amenities*

The state shall render citizens who own their homes assistance with repairs and provision of amenities. The repair of houses belonging to individual citizens may, at their will, be effected by public utility enterprises. Such repairs and replanning may also be effected by repair and building organisations by contract with such organisations.

ARTICLE 130. *Control over the Maintenance of Homes Belonging to Individual Citizens*

The executive committees of the local Soviets of People's Deputies shall supervise the maintenance of houses belonging to individual citizens.

ARTICLE 131. *The Renting out of Living Accommodations in Houses Belonging to Individual Citizens*

A contract for the lease of living accommodations signed by a home-owner and a tenant may be concluded with respect to a house belonging to a citizen on the basis of his right to own personal property. The form of the lease contract, its term, and other conditions of the lease shall be determined by the two parties to the contract, unless legislation provides otherwise.

Should a home-owner systematically rent his home or part of his home violating the established rent limits in order to derive unearned income, he shall be liable to

suffer the consequences stipulated by the RSFSR Civil Code.

ARTICLE 132. *The Lessee's Right to House His Family Members in Rented Accommodations and the Retention of His Right to Use These Accommodations*

The lessee of living accommodations in a house belonging to a citizen on the basis of his right to own personal property shall have the right to house his underage children in these rented accommodations with or without the consent of the home-owner. If he occupies separated accommodations, he shall also have the right to house his spouse and disabled parents without the consent of the home-owners.

The housing of other persons shall be allowed only with the home-owner's consent.

Should the lessee or members of his family leave their rented accommodations temporarily, they shall retain their right to use such accommodations in cases stipulated in Art. 60 of this Code.

ARTICLE 133. *The Rights of the Lessee's Family Members*

The lessee's family members (Art. 53) living with him in accommodations rented in a home belonging to the lessor on the basis of his right to own personal property shall have the same rights and duties as the lessee as determined by the lease contract.

Other persons housed by the lessee in these living accommodations as members of his family shall acquire rights to use these living accommodations on the same basis as the lessee and his family members, unless there was an agreement between the lessee and such persons to the contrary.

ARTICLE 134. *Rent for Living Accommodations in Houses Belonging to Individual Citizens*

Rent for the use of living accommodations in houses belonging to individual citizens on the basis of their right to own personal property shall be determined by the lessee and the lessor, but in no case may such rent exceed the limits established by the RSFSR Council of Ministers.

ARTICLE 135. *Renewal and Retention of a Contract for the Lease of Living Accommodations*

The lessee of living accommodations in a house belonging to a citizen on the basis of his right to own personal property shall have the right to renew the contract upon the expiration of its term.

The lessee shall not have the right to renew the lease contract:

1) when he lives in the accommodations according to a lease contract concluded for one year with a clause obliging him to vacate the premises when the term expires; and

2) when it is established by the court that the accommodations are essential for the personal use of the home-owner and his family members.

If a home or part of a home including rented living accommodations is transferred from one owner to another, the lease contract shall remain effective for the new home-owner.

ARTICLE 136. *Eviction of a Lessee or Members of His Family without the Allocation of Alternative Living Accommodations*

In a home which belongs to a citizen on the basis of his right to own personal property, the lessee of living accommodations or members of his family may be evicted without being allocated alternative living accommodations on the grounds stipulated in the first part of Art. 98 and the second part of Art. 135 of this Code.

The home-owner shall have the right to demand the dissolution of the lease contract and the eviction of the lessee and his family members without allocating them alternative living accommodations if they are absent for more than the term indicated in Art. 60 of this Code and in cases in which the lessee systematically fails to pay the rent for the living accommodations.

ARTICLE 137. *Provision of Living Accommodations to Citizens Whose Houses Are Due for Demolition in Connection with the Withdrawal of Plots of Land*

In the event of the demolition of houses owned by citizens in connection with the withdrawal of plots of land for state or public needs, the citizens in question, members of their families, and other citizens permanently residing in these houses shall be allocated apartments in state- or

socially-owned houses according to the established norms. Moreover, home-owners may, at their own choice, either receive compensation at the value of the houses, structures and fixtures being demolished, or may use the materials from the dismantling of these houses, structures and fixtures at their own discretion. At the request of citizens, the executive committees of the Soviets of People's Deputies shall provide them with the possibility of emergency admission to membership in house-building cooperatives and acquiring apartments in such cooperatives, instead of allocating apartments to them.

In accordance with the Fundamentals of Housing Legislation of the USSR and the Union Republics, the procedure for the allocation of apartments, the size of and procedure for the compensation of the cost of demolished houses, structures and fixtures shall be established by the USSR Council of Ministers.

*ARTICLE 138. Removal of Homes and Structures Scheduled for Demolition*

At citizens' request, the houses and structures belonging to them which are scheduled for demolition may be removed and set up in another location.

In accordance with the Fundamentals of Housing Legislation of the USSR and the Union Republics, the conditions under which houses, structures, and fixtures may be moved to other locations, shall be established by the USSR Council of Ministers.

*ARTICLE 139. The Construction of Homes, Structures and Fixtures in New Locations for Citizens Whose Homes Are Scheduled for Demolition*

In cases provided for by the USSR Council of Ministers, at the request of citizens whose houses are scheduled for demolition, the houses, structures and fixtures shall be erected in a new place and transferred into the ownership of these citizens. In this case, there shall be no reimbursement of the value of houses, structures, and fixtures demolished.

## *Section IV*

### **The Upkeep, Exploitation and Repair of Housing**

#### *ARTICLE 140. Provision for the Upkeep of Housing*

Government and non-government bodies, enterprises, institutions, organisations, and officials shall be obliged to see to the upkeep of housing and to increase its amenities.

#### *ARTICLE 141. The Lessor's Obligations to Provide for the Upkeep of Housing*

The lessor shall be obliged to repair houses in good time, to ensure the continuous operation of the engineering equipment of the houses and living accommodations and the proper maintenance of entrance halls and other public places in houses and their grounds.

#### *ARTICLE 142. Citizens' Duties in the Upkeep of Housing*

Citizens shall be obliged to ensure the upkeep of living accommodations, to take good care of sanitary, technical, and other equipment and amenities, to observe the rules for the upkeep of the house and its grounds, the fire safety rules, and to keep the entrance halls, lifts, stairways and other public places clean and neat.

Lessees shall renovate their living accommodations at their own expense; when vacating them, citizens shall hand over living accommodations in good condition.

The conditions and procedure for the minor repairs of living accommodations shall be determined by the contract for the lease of the accommodations, the rules of the use of living accommodations, and other legislative acts of the RSFSR.

ARTICLE 143. *Assistance Rendered Individual Citizens in Minor Repairs of Living Accommodations*

The executive committees of the local Soviets of People's Deputies shall render individual citizens assistance in minor repairs of living accommodations.

Enterprises, institutions, and organisations, to which such houses belong, shall also render assistance to individual citizens in the minor repairs of living accommodations located in such houses.

ARTICLE 144. *Organisation of the Exploitation and Repair of Housing*

The exploitation and repair of state- and socially-owned houses and cooperative housing shall be carried out with strict observance of the uniform rules and standards for the exploitation and repair of housing.

The standards for the service of housing facilities shall be approved according to the procedure determined by the RSFSR Council of Ministers.

ARTICLE 145. *The Exploitation and Repair of State-Owned Housing in Cities, Townships, Resort and Country House Settlements*

In accordance with the Fundamentals of Housing Legislation of the USSR and the Union Republics, the exploitation and repair of state-owned housing (regardless of the department to which such housing belongs) in cities, townships, resort and country house settlements shall be effected by integrated housing exploitation and repair-building services in the manner established by the USSR Council of Ministers and the RSFSR Council of Ministers.

ARTICLE 146. *The Exploitation and Repair of Houses Located in Rural Areas*

The exploitation and repair of houses belonging to collective farms, state farms, and other enterprises, institutions and organisations situated in rural areas shall be carried out by their housing exploitation and repair-building services. In the absence of such services, the exploitation and repair of the housing in question shall be carried out by the housing exploitation and repair-building organisations of the local Soviets of People's Deputies.

ARTICLE 147. *The Technical Servicing and Repair of Socially-Owned Houses and Houses Belonging to House-Building Cooperatives*

State housing exploitation and repair-building services shall carry out, by contract, the technical servicing and repair of socially-owned and cooperative housing.

Payment for technical services and repairs for such housing shall be made according to the rates or on the conditions established for the services and repair of state-owned housing.

ARTICLE 148. *Planned Housing Repairs*

Assignments for the major repair of state-owned housing shall be established by the State Plan for the Economic and Social Development of the RSFSR for the Councils of Ministers of the Autonomous Republics, the executive committees of territory, regional, and Moscow and Leningrad city Soviets of People's Deputies, and for the ministries, state committees and departments of the RSFSR.

ARTICLE 149. *Financing of Expenditures on the Exploitation and Repair of State-Owned Housing*

Expenditures on the exploitation and repair (minor and major) of the housing of local Soviets of People's Deputies shall be financed with the funds of the housing exploitation organisations, and when these funds prove to be insufficient, at the expense of the State Budget.

The financing of expenditures related to the exploitation and minor repairs of departmental housing shall be carried out with the funds of the housing exploitation organisations subordinate to the enterprises, institutions, and organisations and when such funds should prove to be insufficient, at the expense of the respective enterprises, institutions or organisations. Major repairs of departmental housing shall be carried out with the funds of the respective enterprises, institutions, or organisations allocated for these purposes.

ARTICLE 150. *Financing Expenditures Related to the Exploitation and Repair of Socially-Owned Housing*

Expenditures related to the exploitation and repair of socially-owned housing shall be financed with the funds of the owners of this housing.

ARTICLE 151. *Financing of Expenditures Related to the Exploitation and Repair of Houses Belonging to House-Building Cooperatives*

Expenditures related to the exploitation and repair of cooperative housing shall be financed with the funds of the respective cooperative.

The size of the contributions by the members of house-building cooperatives for the major repairs of cooperative housing shall be established by the RSFSR Council of Ministers.

ARTICLE 152. *The Financing of and Material-Technical Provision for the Exploitation and Repair of Non-Residential Buildings and Non-Residential Quarters in Residential Buildings*

Expenditures related to the exploitation and repair of non-residential buildings and non-residential quarters in residential buildings, intended for commercial, everyday, and other needs of a non-industrial nature, which are on the balance sheet of housing exploitation organisations, and the material and technical provision of their exploitation and repair shall be taken into account in planning the economic activity of housing exploitation organisations.

ARTICLE 153. *Material and Technical Provision for the Exploitation and Repair of Housing*

In accordance with the Fundamentals of Housing Legislation of the USSR and the Union Republics the material and technical resources necessary for the exploitation and repair of state- and socially-owned housing and cooperative housing shall be allotted in accordance with their expenditure norms to the RSFSR Council of Ministers, and to ministries, state committees, and departments of the USSR, in the manner prescribed by the Council of Ministers of the USSR.

## *Section V*

### **Responsibility for Breaches of Housing Legislation**

#### *ARTICLE 154. Responsibility for Improper Use of Housing and Other Breaches of Housing Legislation*

Persons found guilty of:

breaches of the procedure for registering citizens in need of improved living conditions, for removal from the register and allocation of living accommodations to citizens;

non-observance of the fixed periods for taking occupation of housing and other living accommodations;

breaches of the rules for the use of living accommodations, the sanitary upkeep of public places, stairways, lifts, entrance halls, and grounds;

arbitrary re-equipment and replanning of houses and other living accommodations and their use for purposes for which they were not designated;

breaches of the rules for the exploitation of houses, other living accommodations and engineering equipment, and their uneconomic upkeep; and

damaging houses, other living accommodations and their equipment and amenities

shall bear criminal, administrative or other responsibility in accordance with USSR and RSFSR legislation.

The legislation of the USSR and RSFSR may establish responsibility for other breaches of housing legislation as well.

#### *ARTICLE 155. Making Good the Damage Caused to Housing*

Enterprises, institutions, organisations and individual cit-

izens who have damaged houses, other living accommodations, engineering equipment, amenities and plants on grounds adjacent to the houses shall be bound to make good the damages incurred.

Officials and other employees responsible for the expenses incurred by enterprises, institutions, and organisations in making good the damages shall bear material liability in the prescribed manner.

## *Section VI*

### **The Settlement of Housing Disputes**

#### ARTICLE 156. *Procedure for the Settlement of Housing Disputes*

Housing disputes shall be settled in accordance with the legislation of the USSR and the RSFSR by a court, arbitration board, arbitration tribunal and comrades' courts, and other competent bodies.

## *Section VII*

### **Concluding Provisions**

#### ARTICLE 157. *Provision of Living Accommodations for Citizens Sent Abroad*

In accordance with the Fundamentals of Housing Legislation of the USSR and the Union Republics, citizens sent to work abroad shall be provided with living accommodations in their place of stay in the manner and on the conditions determined by the USSR Council of Ministers.

#### ARTICLE 158. *International Treaties*

If an international treaty of the USSR lays down rules different from those in Soviet housing legislation, the rules of the international treaty shall be applicable.

The same procedure shall be applied in relation to RSFSR housing legislation, if an international treaty signed by the RSFSR lays down rules different from those provided by RSFSR housing legislation.

Adopted on June 24, 1983

*Gazette of the  
RSFSR Supreme Soviet,*  
No. 26, 1983, Item 883;  
No. 4, 1985, Item 117

## INTRODUCTORY NOTE TO THE RSFSR CODE ON MARRIAGE AND THE FAMILY

The Fundamentals of Legislation of the USSR and the Union Republics on Marriage and the Family<sup>1</sup> treat the most important issues of marital and family relations in the Soviet state. This act reflects all the experience gathered by courts, state registrar's offices, and trusteeship and guardianship agencies in the regulation of family relations. In accordance with the Fundamentals, the RSFSR adopted its own Code on Marriage and the Family which is included in this volume.

Art. 51 of the RSFSR Constitution<sup>2</sup> states: "The state shall protect the family. Marriage shall be based on the willing union of a woman and a man; spouses shall be entirely equal in family relations."

The free and willing character of marriage in the Soviet Union is predetermined by the Soviet state's nature and is guaranteed by the equality of men and women stipulated in the RSFSR Constitution (Art. 33). Any union created by means of the coercion of one of the parties cannot be considered a marriage regardless of who the compelling party is: one of the persons marrying, the parents, or relatives of those involved, and so forth.

Compliance with the requirement for the genuineness of marriage is guaranteed by the fact that the marriageable age coincides with the age of civil majority established in

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<sup>1</sup> See: *Legislative Acts of the USSR*, Book 3, Moscow, Progress Publishers, 1983, pp. 69-87.

<sup>2</sup> See: *Legislative Acts of the USSR*, Book 1, Moscow, Progress Publishers, 1981, pp. 71-118.

the RSFSR at 18 years of age.<sup>1</sup> Upon reaching this age, a person becomes sufficiently mature, both physically and psychologically, in order to understand the importance of such a step as marriage, to provide for a family, and secure the performance of its social functions.

In certain exceptional cases, for example, when a couple has *de facto* marital relations and a child is expected, it is permissible to lower the marriageable age, but not by more than two years.

The Code establishes obstacles to marriage (Art. 16) in order to promote a durable family, one capable of bearing healthy children, from both a physical and psychological point of view, and raising these children in the spirit of society's moral needs. It is illegal for a person to marry before dissolving a preceding marriage. Marriages between direct ascending and descending relatives, full and half-brothers and sisters, between adopted children and their foster parents are not permitted. The marriage of a person recognised by court as lacking active civil capacity due to mental illness or feeble-mindedness is also not permitted.

Violation of the requirements for marriage and disrespect for the marriage prohibitions entail the annulment of the given marriage according to court procedure. Fictitious marriages, that is, marriages registered without an intention on the part of those marrying to form a family, but in order to acquire some property or other advantages such as pension rights, housing and so forth, are also null and void.

Questions relevant to the genuineness of a marriage or the absence of obstacles to a marriage are resolved at the time the marriage is registered in the state registrar's office under the executive committee of the district, town or ward Soviets or in the executive committee of the township or rural Soviet in rural areas (Art. 142). The law recognises and protects only registered marriages and the registration of marriage is accorded a legal significance as it becomes the basis for the acquisition and exercising of many subjective rights (housing, inheritance, and other rights).

Based on the constitutional principle, the Code states that men and women are not only equal in society, but also equal in their marital relations (Art. 3). This refers to the

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<sup>1</sup> The Ukrainian and Uzbek Union-Republican Codes on Marriage and the Family establish the marriageable age for men at 18 years and for women at 17 years.

regulation of their personal and property relations, the resolution of all questions concerning family life, and each spouse's free choice of his place of residence, occupation, and profession (Art. 19). Spouses' equality manifests itself in the right to choose a surname: each spouse has the right to adopt the other's surname or retain his or her own at the time their marriage is registered.

The rules for the distinction of property acquired before the marriage and common property acquired by the couple while married (Arts. 20 and 22) promote spouses' equality in property rights when they have different incomes due to differences in their professions or qualifications.

Spouses enjoy equal rights of possession, use, and disposal of property. This right also belongs to them in the event that one of them (more often the woman) takes care of the household and/or children or for other good reason has no income of his or her own (due to illness or studies, for instance). Accordingly, the work of the spouse taking care of the household and the children is equivalent to the work of the spouse receiving a wage or salary. This rule is of great significance in the resolution of property disputes and, specifically, disputes concerning the division of property.

Alimony relations between spouses are also based on the full equality of spouses. Under the conditions established in the Code, alimony may be recovered for the wife or the husband if one spouse does not willingly offer the other means for livelihood.

The Code regulates in great detail relations connected with the dissolution of marriage. In the Soviet Union there exists freedom of divorce; but divorce is controlled by the state and granted only in the procedure established by the law. A marriage may be dissolved in court and, in certain cases, by a state registrar's office (*e.g.*, for the uncontested divorce of spouses who have no underage children). However, should a dispute arise between the spouses (concerning the division of property, alimony, and so forth), the divorce case must be transferred to and decided by the court alone.

Protecting the interests of mothers and children, the Code states that a husband, without his wife's consent, does not have the right to sue for divorce during the period of his wife's pregnancy or for one year following the birth of their child.

In order to secure the parents' constitutional duty to raise their children, the Code allows the voluntary recognition of children born out of wedlock and provides for the possibility of establishing paternity in court in cases when the father refuses to recognise his own child born out of wedlock (Arts. 47 and 48). The Code also regulates parents' duties to support their children. When for one reason or another children are deprived of their parents' protection, the state takes measures to secure their upbringing, establishing the institutions of adoption, guardianship and trusteeship.

*A. Belyakova*

## THE RSFSR CODE ON MARRIAGE AND THE FAMILY

One of the most important tasks of the Soviet state is concern for the Soviet family, in which citizens' public and personal interests are harmoniously blended.

The most favourable conditions for the consolidation and prosperity of the family have been created in the Soviet Union, which is comprised of the Russian Soviet Federative Socialist Republic and the other Union Republics united on a voluntary and equal basis. The material welfare of citizens is steadily rising and housing, cultural and other amenities of family life are improving. Socialist society pays great attention to protecting and encouraging motherhood and promoting a happy childhood.

The communist upbringing of the younger generation and their physical and cultural development is the family's primary duty. The state and society render every kind of assistance to the family in raising children by extending the network of nurseries, kindergartens, boarding schools and other children's institutions.

Soviet women are assured all the necessary social and living conditions for combining a happy maternity with an increasingly active and creative participation in production and socio-political life.

Soviet legislation on marriage and the family is designed to promote the final delivery of family relations from materialistic considerations, the elimination of remnants of women's unequal position in everyday life, and the creation of a communist family in which people's deepest personal aspirations are realised.

*Section I*  
**General Provisions**

*Chapter I*

**Basic Provisions**

**ARTICLE 1.** *The Tasks of the RSFSR Code on Marriage and the Family*

The tasks of the RSFSR Code on Marriage and the Family shall be:

the further consolidation of the Soviet family based on the principles of communist morality;

the building of family relations on a voluntary marital union of man and woman, on sentiments of mutual love, free from materialistic considerations, on friendship and respect for all family members;

the raising of children by the family and society in the spirit of dedication to the Motherland, a communist attitude to work, and the preparation of children for active participation in building communist society;

every protection of the interests of mothers and their children and promotion of a happy childhood for every child;

the final elimination of harmful survivals and old-fashioned customs in family relations;

the fostering of a sense of responsibility to the family.

**ARTICLE 2.** *Relations Regulated by the RSFSR Code on Marriage and the Family*

This Code, in accordance with the Fundamentals of Legislation of the USSR and the Union Republics on Marriage and the Family<sup>1</sup> shall establish the procedure and conditions for marriage, regulate personal and property

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<sup>1</sup> See: *Legislative Acts of the USSR*, Book 3, Moscow, Progress Publishers, 1983, pp. 69-87.—Ed.

relations which arise in the family between spouses, between parents and children, and between other members of the family, relations pertinent to the adoption of children, trusteeship, guardianship, and foster family arrangements, procedure and conditions for the dissolution of marriage, and the procedure for issuing certificates of registration.

ARTICLE 3. *The Equality of Men and Women in Family Relations*

In accordance with the equality of the rights of men and women in the RSFSR, as laid down in the Constitution of the USSR<sup>1</sup> and the Constitution of the RSFSR<sup>2</sup>, they shall enjoy equal personal and property rights in family relations.

ARTICLE 4. *Citizens' Equality in Family Relations*

All citizens shall enjoy equal rights in family relations. No direct or indirect restriction of rights or establishment of direct or indirect advantages in contracting marriage and in family relations shall be allowed with respect to origin, social and property status, race, nationality, sex, education, language, attitude to religion, type and nature of occupation, domicile, or other circumstances.

ARTICLE 5. *The State's Protection of the Family and Its Protection and Encouragement of Motherhood*

In accordance with the Constitution of the USSR<sup>3</sup> and the Constitution of the RSFSR<sup>4</sup>, the family in the RSFSR shall be protected by the state.

The state shall show concern for the family by setting up and developing an extensive network of maternity homes, nurseries and kindergartens, boarding schools and other children's institutions, organising and improving public services and catering, paying allowances for the birth of a child, granting allowances and other privileges to unmarried mothers and families with many children, and other types of allowances and assistance to the family.

<sup>1</sup> See Constitution of the USSR, Art. 35 in *Legislative Acts of the USSR, 1977-1979*, Book One, Moscow, Progress Publishers, 1981, pp. 36-37.—*Ed.*

<sup>2</sup> See Constitution of the RSFSR, Art. 33, *Legislative Acts of the USSR, 1977-1979*, Book One, p. 81.—*Ed.*

<sup>3</sup> See Constitution of the USSR, Art. 53, *Legislative Acts of the USSR, 1977-1979*, Book One, pp. 41-42.—*Ed.*

<sup>4</sup> See Constitution of the RSFSR, Art. 51, *Legislative Acts of the USSR, 1977-1979*, Book One, p. 86.—*Ed.*

Maternity in the RSFSR shall be held by the people in high esteem and protected and encouraged by the state. The protection of the interests of mothers and their children shall be ensured by special measures to protect women's work and health, creating conditions enabling women to combine work and motherhood; legal protection, material and moral support of mothers and their children, including granting women maternity leaves and preserving earnings and other benefits to expectant mothers and mothers.

ARTICLE 6. *State Legal Regulation of Matrimonial and Family Relations*

In the RSFSR, only the state can legally regulate matrimonial and family relations.

Only a marriage duly registered at a state registrar's office shall be considered valid. Any religious ceremony of marriage, as well as other religious ceremonies, shall have no legal validity.

This rule shall not be applicable to religious ceremonies conducted prior to the establishment or restoration of Soviet registrars' offices and to the corresponding certificates of birth, conclusion and/or dissolution of marriage, and death.

ARTICLE 7. *Legislation on Marriage and the Family*

Legislation on marriage and the family consists of the Fundamentals of Legislation of the USSR and the Union Republics on Marriage and the Family and other legislative acts of the USSR, this Code, and other legislative acts of the RSFSR promulgated in accordance with these Fundamentals.

This Code and other legislation of the RSFSR on marriage and the family, in accordance with the Fundamentals, deal with questions referred to the jurisdiction of the Union Republics by the Fundamentals and questions of matrimonial and family relations not directly provided for in the Fundamentals.

ARTICLE 8. *Application of Legislation on Marriage and the Family in the RSFSR*

In the RSFSR, the conclusion of marriage, relations between spouses, between parents and their children, adoption, the establishment of paternity, the recovery of alimony

and child support payments, trusteeship and guardianship, the dissolution of marriages, and the registration of other civil status records shall be regulated by the legislation of the RSFSR.

The validity of a marriage, act of adoption, establishment of guardianship or trusteeship and the validity of other civil status records shall be determined by the legislation of the Union Republic on the territory of which said marriage, act of adoption, or establishment of trusteeship or guardianship was concluded or other civil status record was registered.

## *Chapter II*

### The Statute of Limitations and the Calculation of the Period of Limitation

#### ARTICLE 9. *The Statute of Limitations*

To claims arising from marital and family relations the statute of limitations shall not be applicable, with the exception of those cases when the term for the defence of a violated right shall be established by the legislation of the USSR and this Code. In such cases the statute of limitations shall be applied by the court in accordance with civil legislation, unless the law provides otherwise.

#### ARTICLE 10. *The Commencement of the Period of Limitation*

The period of limitation shall commence to run from the date indicated in the relevant article of this Code; should this time not be indicated, the period of limitation shall commence to run from the day when the person concerned learned or should have learned that his right had been violated.

#### ARTICLE 11. *The Procedure for the Application of the Statute of Limitations*

In the application of norms which establish the statute of limitations the court shall be guided by the rules in Arts. 80-82 and 85-87 of the RSFSR Civil Code.

#### ARTICLE 12. *The Calculation of the Period of Limitation*

The period of limitation stipulated by this Code shall be calculated according to Chapter 5 of the RSFSR Civil Code.

## *Section II*

### **Marriage**

#### *Chapter III*

##### **The Procedure and Conditions for Concluding Marriage**

###### **ARTICLE 13. *Concluding Marriage***

Marriage shall be concluded in the state registrar's office.

Marriage shall be registered both in the interests of the state and society, and in order to safeguard the personal and property rights and interests of spouses, and children.

###### **ARTICLE 14. *The Procedure for Concluding Marriage***

A marriage shall be concluded one month after the couple intending to marry has submitted its application to the state registrar's office.

In individual cases for sound reasons the one-month period may be reduced or prolonged, but not longer than three months, by the chief of the state registrar's office of the executive committee of the district, town, or ward Soviet of People's Deputies, and in townships and rural population centres, by the chairman of the executive committee of the township or rural Soviet of People's Deputies.

Marriage shall be contracted in a ceremony. The registrar's office shall ensure a ceremonial occasion for the registration of marriages with the consent of the parties to the marriage.

###### **ARTICLE 15. *Conditions for Concluding Marriage***

In order to conclude marriage, the parties involved shall express mutual consent and shall be of marriageable age.

The statutory age shall be established at 18 years.

In individual exceptional cases, the executive committee of a district, town or ward Soviet of People's Deputies may

lower the marriageable age, but not by more than two years.

ARTICLE 16. *Obstacles to the Conclusion of Marriage*

Marriages may not be entered into:

between persons of whom one is already married;

between persons who are relatives in direct ascending or direct descending line, full and half-brothers and sisters, or

between adopted children and their adopters or foster parents;

between persons either of whom has been declared by a court of law to be lacking active civil capacity due to mental illness or feeble-mindedness.

*Chapter IV*

**The Rights and Duties of Spouses**

ARTICLE 17. *The Accrual of Rights and Duties of Spouses*

The spouses' rights and duties shall arise upon the registration of a marriage in a state registrar's office.

ARTICLE 18. *The Right of Spouses to Choose a Surname Upon Marrying*

Upon marrying, the spouses shall be entitled to choose the surname of either as their common surname, or either of the spouses may retain his or her premarital surname.

ARTICLE 19. *Spouses' Rights to Decide Jointly Questions Involving the Life of the Family, to Choose Occupation, Trade or Profession, or Place of Residence*

Questions pertinent to raising children and other questions of family life shall be decided by the spouses jointly.

Each spouse shall be free to choose his or her occupation, trade or profession, or place of residence.

ARTICLE 20. *Spouses' Community Property*

Property acquired by spouses during their marriage shall be their community property. The spouses shall enjoy equal rights to own, use and dispose of such property.

The spouses shall also have equal rights to property

if one of them has been engaged in running the household, taking care of the children, or has had no earnings of his or her own for valid reasons.

ARTICLE 21. *Determining Each Spouse's Share of Community Property During Its Division*

In case of a division of the spouses' community property their shares shall be recognized as equal. In certain cases the court may depart from this principle of equality in order to protect the interests of underage children or the reasonable interests of either spouse. The share of one of the spouses may be increased especially if the other spouse evaded socially productive work or wasted the family's common property in such a way as to damage the family's interests.

During a division of the spouses' community property the court shall determine which items are to be transferred to each of them. In certain cases, when one of the spouses is given items, the cost of which exceeds his share of community property, the other spouse may be granted a corresponding financial compensation.

The period of limitation shall run for three years with reference to claims concerning the division of community property of divorced spouses.

ARTICLE 22. *Spouses' Personal Property*

Property that belonged to either spouse prior to marriage or received by the spouses during marriage either as a gift or by inheritance shall be the property of the spouse concerned.

Items used personally by each spouse, such as clothing or footwear, with the exception of gems and other luxuries, shall be considered the personal property of that spouse who used such items, even though they may have been acquired during the period of the marriage with jointly-held funds.

The property of each of the spouses may be declared community property if it is established that during the period of their marriage significant investment was made in this property greatly to increase its value (such as major repairs, reconstruction, re-equipment, and so forth).

ARTICLE 23. *Recovery of Spouses' Property*

Under the obligations of one of the spouses recovery

may be made only with his or her individual property and his or her share of the spouses' community property which he or she would receive were the property to be divided.

Compensation for damages incurred due to a crime committed by one of the spouses shall also be made with funds derived from the community property of the spouses if the court, in a criminal case, establishes that such property was acquired with criminally obtained funds, i.e., according to the procedure stipulated in Art. 368 of the RSFSR Civil Procedure Code.

*ARTICLE 24. The Property Rights of Spouses Who Are Collective-Farm Household Members*

The rules established in Arts. 20-23 of this Code shall be applicable only to that property of the spouses who are members of a collective-farm household which is considered to be their personal property, according to Art. 113 of the RSFSR Civil Code.

Spouses' rights to own, use and dispose of property belonging to a collective-farm household are specified in Arts. 126-133 of the RSFSR Civil Code.

The rules of this Article shall be equally applicable to the spouses who are members of the small-holding engaged in individual agricultural labour activity.

*ARTICLE 25. The Duties of Spouses with Respect to Mutual Maintenance*

The spouses shall be obliged to support each other materially. In the event one spouse should refuse to provide such support to the other, a disabled spouse in need of financial assistance, a wife during pregnancy, or a mother during the course of one and a half years after her child's birth shall be entitled to receive maintenance payments (alimony) from the other spouse, so long as the latter is able to provide such maintenance.

*ARTICLE 26. Retention of Maintenance Rights After Divorce*

A needy, disabled spouse shall retain his or her right to receive maintenance from his or her spouse after their marriage has been dissolved, if he or she was disabled before the divorce or within one year from the date of the divorce.

If the spouses were married for a long time the court

shall also have the right to recover alimony for one of the spouses in the event that this spouse has already reached retirement age not later than five years from the date of the divorce.

The wife shall retain the right to receive maintenance payments from her husband during the course of pregnancy and one and a half years after her child's birth if she became pregnant before the divorce.

*ARTICLE 27. Relieving a Spouse of His or Her Obligation to Make Alimony Payments or Limiting This Obligation*

The court, by taking into consideration the short term of a marriage or the unworthy behaviour of one of the spouses, demanding maintenance payments, may relieve the other spouse of making such payments or may limit such obligation to a definite term.

*ARTICLE 28. The Size of Alimony Payments*

Alimony payments shall be calculated on the basis of the financial and family status of each of the spouses in a fixed amount of money to be paid monthly.

Should the financial or family status of one of the spouses change, he or she shall have the right to sue in court in order to change the size of the alimony payments.

*ARTICLE 29. Spouse's Loss of the Right to Alimony*

A spouse shall lose his or her right to receive alimony payments from his or her former spouse if the conditions which were the grounds for such payments, according to Article 25 of this Code, have ceased to exist, or if the divorced spouse who receives such payments remarries.

If maintenance payments were recovered by the court's decision, the spouse who is obliged to make such payments, in the cases stipulated in this Article, shall have the right to bring in an action in court that he or she should be released from making such payments in the future.

## *Chapter V*

### **The Dissolution of Marriage**

*ARTICLE 30. The Dissolution of Marriage*

A marriage shall cease with the death of one of the

spouses or with a court declaration that one of the spouses is dead.

While both spouses are alive the marriage may be dissolved by divorce granted according to a petition of one or both of the spouses.

ARTICLE 31. *Limitation on the Husband's Right to File for Divorce*

The husband shall not have the right, without his wife's consent, to suit for divorce while she is pregnant or before the end of one year after the child's birth.

ARTICLE 32. *Procedure for Dissolution of a Marriage*

Marriages shall be dissolved in court and, in the cases stipulated by Arts. 38 and 39 of this Code, in the state registrar's office.

ARTICLE 33. *Dissolution of Marriage by the Court*

Courts shall hear divorce cases according to the procedure for suits established in the RSFSR Civil Procedure Code.

The court shall take steps to reconcile the spouses and shall have the right to postpone the hearing of a case in order to give the spouses time for reconciliation for up to six months.

Marriage may be dissolved if the court establishes that the spouses involved cannot live together in the future and that it has become impossible to preserve the family.

While deciding divorce cases the court, where necessary, shall take steps to protect the interests of underage children and/or a disabled spouse.

ARTICLE 34. *Settlement of Disputes over the Upbringing of Children*

If the spouses do not agree who will retain custody of their children after divorce and what the size of children support payments will be, the court shall be obliged, when it decides the divorce case, to determine which of the parents will retain custody of the children, which of the children will be brought up by one of them, which parent will be obliged to pay and what amount of children support payment will be.

ARTICLE 35. *Recovery of Maintenance Payments*

At the request of a spouse who has the right to receive alimony from the other spouse, the court shall be obliged,

when it decides a divorce case, to determine the amount of maintenance payments to be made.

*ARTICLE 36. The Division of Spouses' Community Property*

At the request of both or one of the spouses, the court shall be obliged, while deciding a divorce case, to divide the community property which is jointly held by both spouses.

If such a division of property involves the rights of third parties, the dispute involving the division of such property may not be resolved simultaneously with the divorce case.

*ARTICLE 37. The Court's State Fee for the Issue of a Divorce Certificate*

While deciding a divorce case, the court shall determine the fee to be paid for issuing the certificate on the dissolution of the marriage by one or both of the spouses, from 100 to 200 roubles. If the court determines that each spouse must pay the state fee, it shall also determine which of them pays what amount of the total.

*ARTICLE 38. Dissolution of Marriage by Mutual Consent of Spouses Who Have No Underage Children*

Should the spouses who have no underage children agree to dissolve their marriage, the state registrar's office shall grant them the divorce.

Divorces shall be registered and divorce certificates shall be issued after three months from the day the spouses file for such a divorce.

The state fee for the registration of such a divorce shall be 100 roubles.

Should there arise a dispute between the spouses, their divorce case shall be transferred to a court of law.

*ARTICLE 39. Divorce by the State Registrar's Office When One Spouse Files for Divorce*

The state registrar's office may grant a divorce when petitioned by one of the spouses involved if the other spouse:

is declared to be missing without a trace according to the established legal procedure;

is declared to be lacking active civil capacity, according to the established legal procedure, as a result of mental illness or feeble-mindedness; or

is convicted for some crime and sentenced to the deprivation of liberty for no less than three years.

The state fee due from the petitioner for the registration of such a divorce shall be 50 kopecks.

If an imprisoned spouse or trustee of a spouse lacking active civil capacity raises a dispute concerning children, the division of community property, or the payment of maintenance to a needy disabled spouse, the marriage shall be dissolved in court.

ARTICLE 40. *The Date of the Validity of Divorce*

A marriage shall be considered dissolved from the date of the registration of the divorce in the civil status register.

ARTICLE 41. *The Spouse's Right to Retain or Change His or Her Surname After a Divorce*

A spouse who has changed his surname upon entering a marriage shall have the right, after dissolving this marriage, to retain this surname or to change it to his or her premarital surname at his or her request at the time that the state registrar's office registers the divorce.

ARTICLE 42. *Restoration of a Marriage in the Event of the Appearance of a Spouse Declared Deceased or Missing*

In the event a spouse who had been declared deceased according to the established legal procedure appears and the court's decision to declare him deceased is annulled, the marriage shall be deemed restored, unless the other spouse has remarried.

If one of the spouses had been declared missing according to the established legal procedure and on such basis the other spouse dissolved this marriage, should the missing spouse appear, and the court annul its decision to declare his or her missing, the marriage may be restored by the state registrar's office at the joint request of the spouses. The marriage may not be restored if the spouse of the person who had been declared missing has concluded another marriage.

*Chapter VI*

*Invalidation of Marriage*

ARTICLE 43. *Grounds for the Annulment of a Marriage*

A marriage may be declared null and void in cir-

cumstances when there is a violation of the requirements established in Arts. 15 and 16 of this Code and in the event that the marriage was contracted without the intention to create a family (a fictitious marriage).

A marriage may not be declared fictitious if the persons who have concluded it have in fact created a family before the case is heard by the court.

If by such time as the court hears the invalidation case, the circumstances which were obstacles to the conclusion of the marriage cease to exist, the marriage may be declared valid from such moment as these aforementioned circumstances ceased to exist.

*ARTICLE 44. The Procedure for Declaring Marriage Null and Void*

Marriages shall be declared null and void through the courts.

Spouses and persons whose rights are violated by the given marriage, and also trusteeship and guardianship agencies, and/or the procurator shall have the right to demand the invalidation of a marriage.

Trusteeship and guardianship agencies shall be required to participate in hearings on the invalidation of a marriage concluded by a person recognised as lacking active civil capacity due to mental illness or feeble-mindedness.

At the moment the court's decision invalidating a marriage comes into legal force a copy of the decision shall be sent to the state registrar's office which registered the marriage.

*ARTICLE 45. Invalidity of a Marriage Due to a Violation of the Marriageable Age Rule*

A marriage contracted by a minor without special permission for a reduced marriageable age (according to Art. 15 of this Code) may be declared invalid if this is necessitated by the interests of the spouse who has entered this marriage before reaching the marriageable age.

The underage spouse, his or her parents or trustee (guardian) as well as trusteeship and guardianship agencies and/or the procurator shall have the right to demand the invalidation of a marriage on these grounds.

Trusteeship and guardianship agencies shall be required to participate in the proceedings in all such cases.

If at the moment such a case is being heard by the court

the underage spouse has achieved his or her majority, the marriage may be declared invalid only at his or her request or at the request of the procurator.

**ARTICLE 46. *Consequences of the Invalidation of a Marriage***

A marriage which has been declared invalid shall be considered such from the date it was contracted.

Persons whose marriage has been invalidated shall have no spouses' rights and obligations, with the exception of those cases stipulated in the fourth and fifth parts of this Article.

The rules stipulated in Arts. 116-125 of the RSFSR Civil Code shall be applicable to the property acquired jointly by persons whose marriage has been declared invalid.

If one spouse concealed from the other the fact that he or she was still legally married to another person, when recognising the second marriage as invalid, he or she may be obliged by the court in accordance with Arts. 25-29 of this Code to support the person to whom he or she was falsely married. Moreover, the court may apply the rules stipulated in Arts. 20-22 of this Code to the property acquired jointly by persons whose marriage was declared invalid.

A spouse who did not know of the existence of legal obstacles to his or her marriage shall have the right to retain the surname which he or she chose at the time the marriage was registered.

The invalidation of a marriage shall in no way affect the rights of the children who were born of this marriage.

## *Section III*

### **The Family**

#### *Chapter VII*

##### **Establishing the Origin of Children**

###### *ARTICLE 47. Grounds for the Accrual of Parents' and Children's Rights and Duties*

Mutual rights and duties of parents and children shall be based on the origin of children certified in a statutory manner.

The child's origin from parents in wedlock shall be certified by a record of the parents' marriage.

The child's origin from parents not in wedlock shall be established by the submission of a joint statement by the child's father and mother to a state registrar's office.

###### *ARTICLE 48. Establishment of Paternity According to Court Procedure*

When a child is born to parents not in wedlock and in the absence of a joint statement from the parents, paternity may be established by the court when petitioned by one of the parents, the child's trustee or guardian, or any party who supports the child as a dependent, or the child itself when it reaches its majority.

When determining paternity the court shall take into consideration whether or not the persons in question lived together or ran a joint household before the child's birth, shared in the upbringing or support of the child, as well as other evidence which would authoritatively confirm the respondent's paternity of the child.

###### *ARTICLE 49. Registration of Parents in Birth Registers* The mother and the father of a child who are in wedlock

shall be registered as the child's parents in a birth register following a statement by either of the two.

When the parents are not in wedlock, the child's mother shall be registered on the basis of a statement by the mother, and the child's father on the basis of a joint statement by the child's father and mother or by the decision of the court.

Should the mother die or should she be recognised as lacking active civil capacity, deprived of parental rights, or should it be impossible to establish her place of residence, the child's father shall be registered on the basis of his own statement.

When a child is born to an unwed mother and there is no joint statement made by the parents or court decision establishing paternity, the entry about the child's father in the birth register shall be made in the mother's surname; the name and patronymic of the child's father shall be registered according to her statement.

The person registered as the child's father or mother may challenge the entry within one year from the time he or she learned or should have learned about this entry. If at that time the person registered as a parent was a minor, the one-year term shall be calculated from the time such person achieves his or her majority.

*ARTICLE 50. The Rights and Duties of Children Born Out of Wedlock When Paternity Is Established*

When paternity is established in the procedure stipulated in Arts. 47 and 48 of this Code, children shall have the same rights and duties with respect to their parents and relatives as children born in wedlock.

*ARTICLE 51. The Child's Surname, Given Name, and Patronymic*

The child's surname shall be determined by the surname of his parents. When the parents have different surnames the child shall be conferred the surname of his mother or father at their discretion. Should the parents fail to agree, the child shall be conferred a surname by decision of the trusteeship and guardianship agency.

The child's given name shall be conferred at the discretion of its parents and its patronymic shall be formed from its father's given name or, in the case stipulated in Art. 49 of this Code, from the name of the person registered as the child's father.

Dissolution of the parents' marriage shall not affect the child's surname.

If a parent with custody of a child after divorce or marriage invalidation wishes to give the child his or her surname, the trusteeship and guardianship agency shall have the right to permit a change in the child's surname on the basis of the underage child's own interests.

### *Chapter VIII*

#### **The Rights and Duties of Parents in Raising Children**

##### *ARTICLE 52. Parents' Duties in Raising Children*

Parents shall be obliged to raise their children, to take care of their physical development and education, to prepare them for socially productive work and to raise them as worthy members of the socialist society.

Parental rights may not be exercised against the child's own interests.

##### *ARTICLE 53. Parents' Duties to Defend the Rights and Interests of Their Children*

Parents shall be responsible for the defence of their underage children's rights and interests.

Parents shall be the legal representatives of their underage children and shall be entitled to speak out in the defence of their rights and interests without any special power of attorney in all establishments, including the courts.

##### *ARTICLE 54. Equality of Both Parents' Rights and Duties*

Fathers and mothers shall have equal rights and duties with respect to their children.

Parents shall also have equal rights and bear equal duties with respect to their children in the cases when their marriage has been dissolved.

All questions relevant to the raising of children shall be decided by both parents according to their mutual agreement.

Should parents fail to come to agreement with respect to some dispute, such dispute shall be resolved by a trustee-

ship and guardianship agency with the parents' participation.

ARTICLE 55. *Children's Place of Residence When Parents Live Separately from Each Other*

If, due to divorce or some other reason, parents do not live together, their underage children's place of residence shall depend on their mutual agreement.

Should they fail to agree on the children's place of residence, this question shall be resolved by the court in the children's interests.

ARTICLE 56. *Non-Custodial Parent's Participation in His or Her Child's Upbringing*

A parent who lives separately from his or her children shall have the right to visit them and shall be obliged to participate in their upbringing. The parent who has custody of the children shall have no right to prevent the other parent from visiting his or her children and participating in their upbringing.

The trusteeship and guardianship agency may deprive a parent who lives separately from his children of his parental visitation rights for some period of time if this agency decides that such visiting disturbs the normal upbringing of the child and has a bad influence on the child.

If the parents fail to agree on the procedure for the non-custodial parent's participation in the upbringing of their children, the trusteeship and guardianship agency, in consultation with the parents, shall determine such procedure.

In those cases where parents do not obey the decision of the trusteeship and guardianship agency, the latter shall have the right to apply to the court to resolve the given dispute.

ARTICLE 57. *Grandparents' Visitation Rights*

Grandparents shall have the right to visit their underage grandchildren. Should parents refuse to permit grandparents to visit their grandchildren, the trusteeship and guardianship agency may oblige the given parents to do so in the procedure established by this agency if such visitation does not disturb the normal upbringing of the children and does not exert a bad influence on them.

#### ARTICLE 58. *Defence of Parental Rights*

Parents shall be entitled to demand the return of their children from any person who has detained them without legal permission or a court decision.

While hearing such cases the court shall have the right to refuse to find for the parents if it comes to the conclusion that the return of the children to the parents is not in the children's own interests.

#### ARTICLE 59. *Deprivation of Parental Rights*

Either or both parents may be deprived of parental rights if it is established that they have neglected their duties in raising their children or have abused their parental rights, maltreated their children, exerted a harmful influence on them by their immoral, anti-social behaviour, and if the parents are chronic alcoholics or drug addicts.

Cases involving deprivation of parental rights shall be heard only in court.

The following persons and agencies may file actions for deprivation of parental rights: state or social organisation, one of the parents, the given child's trustee or guardian, and the procurator.

The procurator shall participate in cases concerning the deprivation of parental rights.

When the court decides on the deprivation of a parent's parental rights it shall simultaneously resolve the question of child support to be recovered from this person.

#### ARTICLE 60. *Consequences of the Deprivation of Parental Rights*

Parents deprived of parental rights shall lose all rights based on the fact of the relationship with the child or children with respect to whom they were deprived of their parental rights including the right to receive maintenance from their children.

Deprivation of parental rights shall not release parents from their duty to maintain their children.

If a parent who has been deprived of his or her parental rights systematically violates the rules of socialist community life making it impossible for a child to live with him and warnings and measures of public influence prove to be resultless, this parent may be evicted in accordance with Art. 333 of the RSFSR Civil Code without being provided alternative living accommodations.

ARTICLE 61. *The Placement of Children of Parents Deprived of Parental Rights*

When both parents of a child or children have been deprived of parental rights, the child or children shall be placed with a trusteeship and guardianship agency.

ARTICLE 62. *Visitation Rights of Parents Who Have Been Deprived of Parental Rights*

At the request of parents who have been deprived of their parental rights, trusteeship and guardianship agencies may permit them to visit their children if such visitation does not exert a harmful influence on the children.

ARTICLE 63. *Restoration of Parental Rights*

Restoration of parental rights shall be permitted if such is in the interests of the given children and shall be effected only by the court on an action brought by a procurator or the parent who has been deprived of his parental rights.

Parental rights may not be restored for parents whose children have already been adopted by other persons.

ARTICLE 64. *Removal of a Child from the Home Without the Deprivation of the Parents' Parental Rights*

The court may decide to remove a child from the home and place it with a trusteeship and guardianship agency without depriving the given parents of their parental rights if the court determines that leaving the child with such persons is dangerous for it.

If the reasons on the basis of which the child was removed cease to exist, the court, on an action brought by the parents or a procurator and proceeding in the child's interests, may decide to return it to its parents.

ARTICLE 65. *Participation of Trusteeship and Guardianship Agencies in Disputes Involving the Upbringing of Children*

The trusteeship and guardianship agencies shall participate in the court's hearing of disputes involving the upbringing of children.

ARTICLE 66. *Execution of the Courts' Decisions to Transfer or Remove Children*

The courts' decisions to transfer or remove children from their parents or other persons shall be executed by officers

of justice with the mandatory participation of trusteeship and guardianship agencies.

In those cases where a parent or another person who takes care of a child prevents the execution of a court's decision, the measures stipulated in Art. 406 of the RSFSR Civil Procedure Code shall become applicable.

## *Chapter IX*

### **Parents' and Children's Duties to Maintain One Another**

#### *ARTICLE 67. Parents' Duties to Maintain Their Children*

Parents shall be obliged to maintain their underage children and non-able-bodied adult children who are in need of maintenance.

#### *ARTICLE 68. The Amount of Maintenance Recovered from Parents for Their Underage Children*

Maintenance for minor children shall be recovered from their parents in the following amounts: for one child, one quarter of their earnings (income); for two children, one third; and for three or more children, one half of their earnings (income).

The amount of these shares may be reduced by the court when a parent paying child support has other underage children who, if maintenance is exacted in the proportion as established in this Article, would be worse off materially than the children receiving such maintenance, and in cases where the parent paying child support is an invalid of groups I or II, or if the children themselves are working and have sufficient earnings.

The court shall be entitled to decrease the size of child support payments or exempt a parent altogether from making them, if the children are fully maintained by the state or by a social organisation.

#### *ARTICLE 69. Child Support for Children Placed in Children's Institutions*

Expenses connected with supporting children placed in children's institutions may be exacted for these institutions from the children's parents in the proportion established in Art. 68 of this Code. In these cases child support shall be

recovered from each parent as long as they are not released by the law from making such payments for the support of their children. Child support payments recovered for another parent (a trustee or guardian) of the child according to an earlier court decision shall be terminated in such cases.

Taking into account the financial status of the parents, the court may exempt them fully or partially from making such child support payments.

ARTICLE 70. *The Types of Earnings (Income) Subject to Be Counted When Determining Maintenance Payments*

In accordance with the Fundamentals of Legislation of the USSR and the Union Republics on Marriage and the Family, the types of earnings (income) to be counted while determining maintenance payments shall be specified in the procedure established by the USSR Council of Ministers.

ARTICLE 71. *Child Support Payments as a Fixed Sum of Money*

In certain cases where a parent obliged to make child support payments has an irregular or unstable earnings (income) or where this parent receives part of his earnings (income) in kind as well as in other cases where the recovery of child support payments as a percentage of this parent's earnings (income) is impossible or difficult, at the request of the person demanding the payment of such maintenance, child support may be paid monthly as a fixed sum of money.

This fixed sum shall be determined on the basis of the presumed earning (income) of the parent conformably to the rules of Art. 68 of this Code.

If each parent retains custody of some children, the amount of child support payments made by one parent to the other, less prosperous, parent shall be determined as a fixed sum of money to be paid monthly as specified by the court depending on the financial and family status of each of the parents within the limits established by Art. 68 of this Code.

ARTICLE 72. *The Recovery of Child Support Payments from Persons with Income Derived from a Subsidiary Personal Holding*

If a parent who pays child support for underage children has supplementary income from a subsidiary personal hold-

ing, aside from the corresponding share of his or her earnings (income) which he or she must pay as child support according to Art. 68 of this Code, he or she may also be obliged to pay a fixed sum of money monthly.

The sum of child support payments shall be determined by the court on the basis of his or her income from the subsidiary personal holding which becomes this parent's share according to the provisions of Art. 68 of this Code.

*ARTICLE 73. Parents' Participation in Meeting Additional Expenses*

Parents who make child support payments for underage children may be obliged to participate in meeting additional expenses incurred due to exceptional circumstances (serious illness or mutilation of a child, etc.)

The amount of such parents' contribution shall be determined by the court which takes into consideration the financial and family status of each parent.

*ARTICLE 74. Temporary Child Support Payments Prior to the Court's Hearing of the Case*

The court or the judge, prior to the hearing of a case, shall have the right to determine in its rider the amount of child support payments to be made temporarily by the respondent registered as the parent of the child in accordance with Arts. 48 and 49 of this Code.

The sum to be recovered temporarily may be determined as a percentage of the respondent's earnings (income) or as a fixed sum of money.

*ARTICLE 75. Changes in the Amount of Child Support Payment Made by Parents for Their Underage Children*

Under the circumstances stipulated in the second part of Art. 68 of this Code, a parent who makes child support payments for his or her underage children shall have the right to sue in court for a reduction of the amount of such payments as established by the court's decision or by the judge's. In cases stipulated in the third part of Art. 68 of this Code, a parent who makes child support payments shall have the right to sue for a reduction of the amount of such payments or to be released from making such payments.

Should such circumstances cease to exist, the person who receives child support payments for underage children shall have the right to sue in court for the recovery of such pay-

ments in the share of the respondent's earnings (income) as stipulated in the first part of Art. 68 of this Code.

Should the financial or family status of the parent who makes child support payments for underage children as a fixed monthly sum change (Art. 71 of this Code) the court shall have the right, if sued by an interested party, to change the amount of the child support payments.

*ARTICLE 76. The Amount of Maintenance Paid to Support Disabled Children Who Have Reached Their Majority*

The amount of maintenance recovered from parents to support their disabled adult children who are in need of support shall be determined by the court on the basis of the financial and family status of the parents and their needy children. Such maintenance shall be paid monthly as a fixed sum of money.

*ARTICLE 77. Children's Duties in Regard to Their Parents*

Children shall be obliged to care for their parents and help them.

Children who have attained their majority shall be duty-bound to maintain their disabled parents in need of support.

The amount that each child shall pay in support of his or her needy, disabled parent(s) shall be determined by the court on the basis of the financial and family status of the parent(s) and the children as a fixed amount of money to be paid monthly.

When the court determines the amount of this sum it shall take into consideration all of the given parent's children who have reached their majority, regardless of whether or not the parent's demand was made with reference to all the children, to one of them, or to some of them.

*ARTICLE 78. Exemption of Children from Their Duty to Support Their Parents*

Children may be exempted from their duty to support their parents, provided the court establishes that the parents evaded their parental duties.

*ARTICLE 79. Changes in the Amount of Support Payments Paid by Parents for Adult Children or by Children for Their Parents*

If after the court has established the amount of the pay-

ments to be made by parents to support their disabled adult children who are in need of support or by children to support their disabled needy parents, the financial or family status of the given parents or children changes, the court shall have the right, when sued by any of these parties, to change the established amount of support payments.

### *Chapter X*

#### **Duties of Other Family Members in Respect to Maintenance Payments**

##### *ARTICLE 80. Step-Parents' Duties to Support Their Step-Children*

Step-parents shall be obliged to support their underage step-children if they brought up or maintained such children provided they have lost their parents or cannot receive sufficient support from them.

##### *ARTICLE 81. Step-Children's Duty to Support Their Step-Parents*

Step-children shall be obliged to support their disabled needy step-parents, if the latter brought up or supported the step-children.

The court shall have the right to relieve step-children of their duty to support their step-parents, if the latter raised them or supported them for less than five years and/or if they did not properly fulfil their obligations in this regard.

##### *ARTICLE 82. Siblings' Duty to Support Their Underage or Disabled Adult Brothers and Sisters*

Brothers and sisters who have sufficient income shall be obliged to support their needy underage brothers and sisters if the latter cannot receive any maintenance from their parents. Brothers and sisters shall bear the same responsibility with respect to their disabled adult siblings in need of their help, if such disabled siblings cannot receive any support from their parents, spouses, or children.

##### *ARTICLE 83. Grandparents' Duty to Support Their Grandchildren*

Grandparents who have sufficient means shall be obliged to support their needy underage grandchildren, if the latter

cannot receive support from their parents. Grandparents shall bear the same responsibility in respect to their disabled adult needy grandchildren, if the latter cannot receive support from their parents or spouses.

*ARTICLE 84. Grandchildren's Duty to Support Their Grandparents*

Grandchildren who have sufficient means shall be obliged to support their disabled needy grandparents, if the latter cannot receive support from their children or spouses.

*ARTICLE 85. Actual Foster Parents' Duty to Support Their Wards*

Persons who have taken permanent custody of children to bring them up, should their maintenance cease, shall be obliged to support underage children or disabled adult needy wards if the latter have no parents or cannot receive support from them.

The duties stipulated in this Article shall not apply to persons who bring up children as official guardians or trustees.

*ARTICLE 86. Wards' Duty to Support Their Actual Foster Parents*

Persons who were raised and supported by actual foster parents shall be obliged to support them, if the latter are disabled and need help and cannot receive support from their children or spouses.

*ARTICLE 87. The Amount of Support Payments Recovered for Family Members*

The amount of maintenance for family members listed in this Chapter shall in each case be established by the court depending on the financial and family status of the person responsible for making support payments and the person entitled to receive them, in a fixed monthly sum of money.

If several parties are obliged to support the given person simultaneously, the court, depending on their financial and family status, shall determine the amount each person shall pay in fulfilment of his or her duty. In doing so the court shall take into consideration all persons who are responsible for making support payments, regardless of whether or not the suit referred to all such persons, some of them, or just one among them.

ARTICLE 88. *Changes in the Amount of Support Payments*

In cases where, after the establishment by the court of the sum to be paid in support of needy persons listed in this Chapter, the financial or family status of the person making such payments, or the person receiving such payments changes, the court shall have the right, when sued by either of these parties, to change the established support payments.

*Chapter XI*

**The Procedure for the Payment  
or Recovery of Maintenance**

ARTICLE 89. *Payment of Maintenance on a Voluntary Basis*

Maintenance payments shall be made willingly by the person obliged to make such payments personally or through the management at his place of employment or the institution where he receives a pension or scholarship.

The voluntary payment of maintenance shall not preclude the right of the person receiving such maintenance to apply to the court of law at any time for the recovery of maintenance.

ARTICLE 90. *The Responsibility of the Management of Enterprises, Establishments and Organisations to Deduct Maintenance Payments*

On the basis of the written statement of the person obliged to make maintenance payments or a writ of execution the management of an enterprise, institution or organisation shall be obliged to deduct maintenance payments from the subject's monthly earnings (or pension, allowance, scholarship, etc.) and remit or transfer them, within three days from such time as the wage, salary, pension or allowance was paid, to the person indicated in the written statement or the writ of execution.

When a citizen from whom maintenance payments are withheld on the basis of a written statement changes a job or a place of residence, maintenance payments shall be

deducted on the basis of a new written statement which he submits to the appropriate body. Arrears for the time when such maintenance payments were not made may be withheld from the debtor according to his written statement or they may be recovered through the court.

The management of the relevant enterprise, institution, or organisation shall keep written statements concerning the deduction of maintenance payments, changes in the amount of maintenance, or the termination of maintenance payments in the manner established for the filing of documents of execution. An official found guilty of the loss of a statement concerning the deduction of maintenance payments may be subject to a fine in the manner and amount established by Art. 344 of the RSFSR Civil Procedure Code.

*ARTICLE 91. Cases When Maintenance Payments Are Not Deducted According to Written Statements*

Maintenance payments may not be deducted on the basis of a written statement if the sum to be withheld according to the statement or the documents of execution exceeds 50 per cent of the subject's earnings or other income or if maintenance is already being recovered from the debtor for children of another mother according to the court's decision or the judge's ruling.

In such cases the question of recovery of maintenance shall be resolved in court, of which both the applicant and the person in whose favour maintenance is recovered shall be informed accordingly.

*ARTICLE 92. The Obligation to Inform about Changes in the Place of Employment of a Person Who Makes Maintenance Payments*

The management of an enterprise, institution, or organisation which withholds maintenance for child support according to the court's decision or the judge's ruling shall inform the officer of the court which issued the writ of execution and the person receiving such maintenance that the person from whom maintenance is withheld has changed his place of employment and indicate his new place of employment or residence (if this is known to the management) within three days of such a change.

The person obliged to make maintenance payments shall also inform the officer of the court about a change in his place of employment or residence, or any supplementary

income (including income received for working at a second job) within three days of the time that such changes are made.

Officials and ordinary citizens failing to supply the proper authorities with the information indicated above without good reason may be subject to a fine in the manner and amount established by Art. 394 of the RSFSR Civil Procedure Code.

*ARTICLE 93. Entry in the Passport on the Recovery of Maintenance from a Person Maliciously Declining to Pay Such*

The bodies of the interior shall make an entry in the passport of a person convicted of malicious evasion of payment of maintenance or one found by the bodies of the interior in connection with evasion of maintenance payments to the effect that the bearer of the passport is obliged to make maintenance payments in accordance with the court's decision or the judge's ruling.

*ARTICLE 94. The Deduction of Maintenance Payments from the Earnings of Persons Evading Such Payments*

The management of an enterprise, institution or organization employing a person whose passport bears an entry made by the bodies of the interior to the effect that this person, in accordance with the court's decision or the judge's ruling, is obliged to make maintenance payments, shall deduct such payments from the person's wage, salary or other earnings, pensions or scholarships until such time as it receives the corresponding writ of execution in accordance with the passport entry in the manner established for deductions according to writs of execution and shall inform the officer of the people's court of the given district (town); if the address of the person to whom such maintenance is to be remitted is unknown, the monies withheld shall be deposited in an escrow account held by the people's court. In the event officials are found guilty of failing to fulfil this obligation they may be subject to a fine in the manner and amount established in Article 394 of the RSFSR Civil Procedure Code.

*ARTICLE 95. The Terms During Which Claims May Be Made and Satisfied with Regard to the Recovery of Maintenance*

A person entitled to receive maintenance may apply to

the court to recover maintenance payment at any time after the moment he or she acquires the right thereto.

Maintenance may be adjudged for recovery for the future from the moment the person applies to the court. Maintenance for previous periods may be recovered for up to three years if it is established by the court that before plaintiff applied to the court measures had been taken towards receiving means for support, but such payments were not received because the person obliged to make them evaded payment and in cases stipulated in the second part of Art. 90 of this Code.

*ARTICLE 96. Determination of Maintenance Arrears and Release from the Obligation to Pay Them*

Maintenance payments according to a writ of execution for previous periods shall be recovered for up to three years prior to the time the writ of execution for recovery was issued.

In those cases when maintenance was not withheld according to the writ of execution for recovery because the debtor could not be located, maintenance shall be recovered for the entire period of claim regardless of the established three year limit.

Maintenance arrears shall be determined on the basis of the actual earnings or income received by the debtor for the time during which maintenance payments were not made.

If the debtor did not work in this period or if there are no documents confirming his earnings or income at this time, maintenance arrears shall be determined on the basis of the earnings or income he is receiving by the time arrears are recovered.

Should the person entitled to receive arrears or the debtor disagree with the size of the arrears as determined by the officer of the court, either may appeal the officer's decision in the manner stipulated in Art. 428 of the RSFSR Civil Procedure Code.

Only the court shall have the authority to decide to release a debtor from his obligation to pay maintenance arrears or to reduce the amount of such arrears.

With reference to the suit of a person paying maintenance the court shall have the right to release him fully or partially from the obligation to pay the arrears that have accumulated if it establishes that this person was unable to

make maintenance payments due to illness or to some other valid reasons and his financial and family status does not enable him to pay the debt.

*ARTICLE 97. The Inadmissibility of Setting Off Maintenance or of Making a Counter-Claim for Recovery*

Maintenance subject to be paid may not be set off by the debtor's counter-claim.

Maintenance payments, once paid, may not be recovered back with the exception of those cases where the court's decision or the judge's ruling later overruled, was based on false information or documents supplied by the claimant.

## *Chapter XII*

### **Adoption**

*ARTICLE 98. Children Who May Be Adopted*

Adoption shall be permitted only with respect to underage children and in their interests.

Adoption shall be effected by decision of the executive committee of the district, town or ward Soviet of People's Deputies at the request of the person wishing to adopt a child in the place of residence of the adopter or the adopted child.

Adoption shall come into legal force from the moment the executive committee of the district, town or ward Soviet of People's Deputies makes its decision on the adoption.

*ARTICLE 99. Citizens Who Have the Right to Adopt*

Citizens who have reached their majority may adopt children with the exception of persons who have been deprived of parental rights and persons deemed to be lacking active capacity or having limited active capacity in the procedure established by the law.

*ARTICLE 100. The Consent of the Child's Parents to Adoption*

For the purpose of adoption the consent of the parents of the child to be adopted shall be required if those parents have not been deprived of parental rights.

Parental consent shall not be required if the parents have

been declared lacking active civil capacity or missing without a trace in the procedure established by the law.

Parents may consent to the adoption of their child by a specific person or persons or, having consented to adoption, they may permit trusteeship and guardianship agencies to choose the adopters.

Parental consent to adoption shall be granted in writing.

Parents shall have the right to revoke their consent, if the decision on adoption has not yet been made.

#### ARTICLE 101. *Adoption without Parental Consent*

In cases where parents evade their duties in bringing up a child, adoption may, as an exception, be effected without their consent, if it is established that they have not lived together with their child for over a year and, despite the warnings of trusteeship and guardianship agencies, did not participate in the raising of their child or its support and did not devote parental attention and care to the child.

#### ARTICLE 102. *The Adoption of Children Who Are Wards of Guardians or Trustees and Children Who Reside in State Child-Welfare Establishments*

The permission, in writing, of a child's trustee or guardian shall be required for the adoption of a child who is a ward of such a guardian or trustee and who has no parents. The consent of the administration of the relevant child welfare establishment shall be required for the adoption of children placed in their care.

When a child is placed in a child welfare establishment, the administration of this institution shall inquire of the child's parents if they consent to its adoption in the future.

#### ARTICLE 103. *Consent of the Adopted Child to the Act of Adoption*

The child's consent to the act of adoption shall be required if it has reached 10 years of age.

If prior to the submission of the petition to adopt a child, the latter lived in the family of the person intending to adopt him or her and considered this person his or her parent, adoption may be effected without the child's consent as an exception.

Trusteeship and guardianship agencies shall inquire as to the child's consent to his or her adoption.

ARTICLE 104. *The Consent of an Adopter's Spouse to the Act of Adoption*

When a child is adopted by a married person, and when it is adopted by only one spouse, the consent of the other spouse shall be required for adoption.

The spouse shall not be required to give his or her consent if this spouse has been declared lacking active civil capacity in the procedure established by the law, or if the spouses have terminated their marital relations, have not resided together for over one year, and the other spouse's whereabouts are unknown.

ARTICLE 105. *Changes in the Surname, Given Name and Patronymic of the Adopted Child*

At the request of the adopter, when the decision of adoption is made, the adopted child shall be conferred the surname of its adopter and a patronymic formed from his name. In those cases where the adopter is a woman, information about the child's father shall be recorded in the procedure stipulated in Art. 49 of this Code, with the exception of those instances when the child's father retains his rights and duties with respect to his child. At the request of the adopter, the child's given name may also be changed.

With the exception of cases stipulated in the second part of Art. 103 of this Code, the consent of an adopted child over the age of 10 shall be required for changes in the child's surname, patronymic, and given name.

Changes in the adopted child's surname, patronymic, and given name shall be indicated in the decision of adoption.

ARTICLE 106. *Conditions Under Which Adopters May Be Registered as the Child's Parents*

At the request of adopters, they may be listed in the birth register as their adopted child's parents.

The consent of a child who was adopted after he or she has reached the age of 10 shall be required for such an entry, with the exception of those cases stipulated in the second part of Art. 103 of this Code.

Such an entry shall be indicated in the decision on adoption.

ARTICLE 107. *The Registration of Adoption*

Adoption shall be subject to mandatory registration in

the state registrar's office in the place where the decision to permit the adoption was made.

The guardianship and trusteeship agency in the place where the decision to permit the adoption was made shall be obliged to send for registration a copy of the decision of the executive committee of the district, town or ward Soviet of People's Deputies concerning the adoption to the state registrar's office within one month.

ARTICLE 108. *Equivalence of Adopted Children and Other Relatives of the Adopter and the Retention of Legal Relations with One Parent*

Adopted children and their descendants, with respect to adopters and their relatives, and adopters and their relatives with respect to adopted children and their descendants, shall be accorded equal personal and property rights and duties to relatives by birth.

Adopted children shall lose their personal and property rights and shall be freed from all duties with respect to their parents and their relatives.

When a child is adopted by one person, such rights and duties may be retained at the mother's request, if the adopter is a man, or at the father's request, if the adopter is a woman.

If one of the child's parents has died, at the request of the child's grandparents, the child's rights and duties with respect to the relatives of the deceased parent may be preserved, if the adopter does not object thereto.

The preservation of legal relations with one of the parents or with the relative of a deceased parent shall be indicated in the decision of adoption.

ARTICLE 109. *The Preservation of Pension or Allowance Rights in the Event of the Death of the Parents*

Underage children who, at the moment of their adoption, have the right to receive a pension or allowance from state or social organisations in connection with the death of their breadwinner, shall retain this right even after they are adopted.

ARTICLE 110. *Guaranteeing the Secrecy of Adoption*

The law shall protect the secrecy of adoption.

In order to guarantee the secrecy of adoption, at the request of the adopter, the birth record of the place of birth

of the adopted child and, in exceptional cases, its date may be changed, but not by more than six months. Changes in the place and date of the child's birth shall be indicated in the decision on the given adoption.

It shall be forbidden to make public certain information pertinent to adoption or to give out excerpts from the birth registers which offer proof that the adopter is not actually the biological parent, without the consent of the adopters, and, in the event of their death, without the consent of the guardianship and trusteeship agencies.

Persons who have disclosed the act of adoption against the wishes of the adopter(s) may be called to account in the procedure established by the law.

#### ARTICLE 111. *Procedure for the Invalidation or Cancellation of an Act of Adoption*

Only a court may declare an adoption invalid or cancel an act of adoption.

Claims to invalidate or cancel an adoption shall be presented to the adopters, with the exception of the cases stipulated in Art. 114 of this Code.

#### ARTICLE 112. *The Grounds for and the Consequences of the Invalidation of an Act of Adoption*

An act of adoption may be invalidated in the cases where the court establishes that the decision to permit the adoption was based on false documents or where the adopter turned out to be himself deprived of parental rights, or declared lacking active civil capacity or with limited active capacity in the procedure established by the law, or if the adoption was fictitious.

Any person whose rights were infringed upon by the act of adoption, and also guardianship and trusteeship agencies, and the procurator shall have the right to demand the invalidation of an act of adoption.

An act of adoption, once declared invalid, shall be considered such from the moment the decision to permit the adoption was made. In this case, no rights or duties arising from the act of adoption shall exist between the adopter, his or her relatives, and the adopted child.

When an act of adoption is invalidated, the child's rights and duties with respect to its parents and their relatives shall be restored.

Pursuant to the court decision, the child shall be returned

to its parents or, if this is not in the child's best interests, to the guardianship and trusteeship agency.

ARTICLE 113. *The Grounds for the Revocation of an Act of Adoption and the Time of the Termination of Adoption*

An act of adoption may be cancelled, if this is required by the child's interests or in the cases where the adoption was effected in violation of the requirements of Arts. 100, 103, or 104 of this Code, unless this is in conflict with the child's best interests.

The adoption shall be terminated from the moment the court decision revoking the act of adoption comes into legal force.

ARTICLE 114. *The Cancellation of an Act of Adoption at the Parents' Request*

An act of adoption effected without the consent of the parents when their consent was required may be cancelled by the court in the case of the parents' claim, if the court establishes that the return of the child to its parents is in the child's best interests.

Revocation of an act of adoption at the parents' request in the cases where the adopted child has reached 10 years of age shall be permissible only with the child's consent.

In the cases where the parents do not know who has adopted their child, the claim for the revocation of the act of adoption shall be filed with the guardianship and trusteeship agency in the place where the decision to permit the adoption was made.

When the guardianship and trusteeship agency receives the statement of the claim, the adopter shall be informed thereof and he or she may participate in the court's hearing of the case.

ARTICLE 115. *Revocation of an Act of Adoption at the Request of the Guardianship and Trusteeship Agency or the Procurator*

The guardianship and trusteeship agency and the procurator may, at any time, file claims for the cancellation of an act of adoption on the grounds stipulated in Art. 113 of this Code.

State and social organisations as well as individual citizens who consider that the act of adoption should be sub-

ject to revocation shall inform the guardianship and trusteeship agency or the procurator thereof and the latter decide on filing an appropriate suit with the court.

ARTICLE 116. *The Inadmissibility of the Revocation of an Act of Adoption After the Adopted Child Has Attained His or Her Majority*

The revocation of an act of adoption shall not be permitted, if by such time the appropriate claim is filed the adopted child has attained his majority, with the exception of the cases where the child's parents, his adopters, and the adopted person himself (or herself) have mutually consented to such a revocation.

ARTICLE 117. *The Consequences of the Court's Revocation of an Act of Adoption*

When the court cancels an act of adoption, the mutual rights and duties which existed between the adopted, on the one hand, and his or her adopters and their relatives, on the other, shall terminate, although the court shall have the right to oblige the former adopter(s) to pay child support.

When an act of adoption is revoked the mutual rights and duties between a child and his biological parents and their relatives shall be restored.

When the court revokes an act of adoption, it shall determine, in the child's best interests, whether the child is to be returned to his parents or to be given over to trusteeship and guardianship agencies. The court shall also resolve the question of whether or not the child retains the new given name, patronymic, and surname he or she was given in connection with the adoption, taking into account the child's wishes, if he or she has reached 10 years of age.

ARTICLE 118. *The Court's Obligation to Inform the State Registrar's Office about the Invalidation or Revocation of an Act of Adoption*

When the court's decision to invalidate an act of adoption or to revoke it comes into legal force, copies of the court's decision shall be sent by it to the executive committee of the district, town or ward Soviet of People's Deputies which decided to permit the adoption and to the state registrar's office in which the adoption was registered.

## Chapter XII

### Guardianship and Trusteeship

#### ARTICLE 119. *The Goals of Guardianship and Trusteeship*

Guardianship and trusteeship shall be established for the upbringing of minor children who, in consequence of the death of their parents, the deprivation of their parents of parental rights, illness of their parents or for other reasons have been left without parental care and for the defence of the personal and property rights and interests of these children.

Guardianship and trusteeship shall also be established for the defence of the personal and property rights and interests of adults whose state of health prevents them from exercising their rights and fulfilling their duties independently.

#### ARTICLE 120. *Guardianship and Trusteeship Agencies*

The executive committees of district, town, ward, township or rural Soviets of People's Deputies shall be guardianship and trusteeship agencies.

Guardianship and trusteeship shall be instituted by the executive committee of the district, town, ward, township or rural Soviet of People's Deputies in the place of residence of a person to be the ward of the guardian or trustee or in the place of residence of the guardian or trustee.

The guardianship and trusteeship functions shall be exercised by educational departments with respect to minor children, by health departments with respect to persons declared by the court to be fully or partially legally unfit, and by social security departments with respect to those persons with active civil capacity who require trusteeship due to their poor health.

The Statute on Guardianship and Trusteeship Agencies shall be approved by the RSFSR Council of Ministers.

#### ARTICLE 121. *Persons for Whom Guardianship and Trusteeship Shall Be Established*

Guardianship shall be established over children who have not yet reached the age of 15 years and over persons who have been declared by the court to be legally unfit due to

mental illness or feeble-mindedness (Art. 15 of the RSFSR Civil Code).

Trusteeship shall be established for minors between 15 and 18 years of age.

Trusteeship shall also be established for adults who have active civil capacity if they cannot exercise their rights and fulfil their duties independently due to poor health and for persons who have been declared by the court to have limited active civil capacity due to alcohol or narcotics abuse (Article 16 of the Civil Code of the RSFSR).

ARTICLE 122. *The Duties of Guardianship and Trusteeship Agencies with Respect to the Temporary Settlement of Affairs of Minor Children to be Placed Under Guardianship or Trusteeship*

Establishments and persons who become aware of minors who have been left without parental care shall be obliged to inform immediately guardianship and trusteeship agencies thereof in the actual location of the children who need to be placed under guardianship or trusteeship.

Having received information about minors who have been left without parental care, the guardianship and trusteeship agencies shall be obliged to investigate the situation immediately; should the agencies determine that there is in fact no parental care, they shall settle the children's affairs on a temporary basis until such time as the question of the establishment of guardianship or trusteeship is resolved.

ARTICLE 123. *The Establishment of Guardianship or Trusteeship Over a Child Whose Parents Refuse to Bring It Up*

When a child does not live together with its parents and the latter evade their duties to raise the child, the child shall be placed under guardianship or trusteeship. In this case the guardianship and trusteeship agency shall have the right to demand that the court deprive the given parents of their parental rights.

ARTICLE 124. *The Court's Duty to Inform the Guardianship and Trusteeship Agency of the Need to Establish Guardianship or Trusteeship*

Within three days of the time its decision to declare a person lacking active civil capacity or limited in this capacity comes into legal force, the court shall be obliged to

inform the guardianship and trusteeship agency in the place of residence of the person who has been declared fully or partially legally unfit about such declaration for guardianship or trusteeship to be established over him or her.

ARTICLE 125. *The Establishment of Trusteeship for Adults at Their Request*

Trusteeship may be established for adults who have active civil capacity but are unable, due to poor health, to defend their rights and fulfil their duties independently, only at their own request.

ARTICLE 126. *The Appointment of a Guardian or a Trustee*

The guardianship and trusteeship agency shall appoint a guardian or a trustee to exercise its duties.

A guardian or a trustee may be appointed only with his consent thereto.

A guardian or a trustee shall be appointed within one month from the time when the guardianship and trusteeship agency has learned of the need to establish guardianship or trusteeship.

Persons who have not reached 18 years of age, who have been deprived of parental rights, or who have been declared by the court to be fully or partially legally unfit may not be appointed guardians or trustees.

While choosing a guardian or a trustee, the agencies shall take into consideration a candidate's personal qualities, his or her capacity to fulfil the duties, the relationship which exists between the candidate and the person who needs to be placed under guardianship or trusteeship, and, if possible, the wishes of the ward.

The trustee of an adult who has active civil capacity, but who does not have the opportunity to defend his or her rights and fulfil his or her duties independently due to poor health may be chosen only with the consent of the ward.

The duties of guardianship and trusteeship shall be performed free of charge.

ARTICLE 127. *Guardianship and Trusteeship for Persons Brought Up or Cared for by State Institutions or Social Organisations*

Guardians and trustees shall not be appointed for children who are being brought up by child welfare establishments

and for adults who are in need of guardianship or trusteeship and are placed in corresponding establishments. The duties of guardians and trustees with respect to such persons shall be fulfilled by the administration of the establishments in which such wards reside.

For the protection of the property interests of such persons (such as the receipt of pensions, the management of property, and so forth) a guardian may be appointed to manage the ward's property if necessary.

*ARTICLE 128. Guardianship Over Property Located in a Place Other Than the Ward's Place of Residence*

If a person for whom a guardianship or trusteeship has been established owns property which is situated in another locality, this property shall be protected by the guardianship and trusteeship agency of the area where the property is located. If necessary, the guardianship and trusteeship agency may appoint a guardian over this property.

*ARTICLE 129. Guardians' and Trustees' Duties to Bring Up Their Underage Wards and to Protect Their Rights and Interests*

Guardians and trustees shall be obliged to bring up their underage wards, to take care for their physical development and education, prepare them to do socially productive work, help them grow into worthy members of socialist society, and protect their rights and interests.

Guardians and trustees shall be obliged to live together with their underage wards.

In individual cases, permission may be granted by guardianship and trusteeship agencies for a trustee and his ward of and over the age of 16 to live separately from each other if such separate habitation would not lead to unfortunate consequences for the upbringing of the ward or the protection of his or her rights and interests.

Guardians and trustees shall inform the appropriate guardianship and trusteeship agency of every move they and their wards may make from one place of residence to another.

*ARTICLE 130. Guardians' and Trustees' Right to Demand the Return of Children to Them from Persons Unlawfully Detaining Such Children*

Guardians and trustees shall have the right to demand the return to them of children who are in their custody

from any persons who detain such children without lawful grounds to do so.

ARTICLE 131. *Guardians' and Trustees' Duty to Protect the Person and Health of Adult Wards and to Protect Their Rights and Interests*

Guardians and trustees shall be obliged to take care to support their adult wards, to create for such persons the requisite living conditions, to provide for the care and treatment of such persons, and to protect their rights and interests.

Guardians charged with the custody for mentally ill persons shall be furthermore obliged to see to it that their wards are under constant medical observation. In the event that such a ward should recover, the guardian shall be obliged to file a petition for the declaration by the court that his ward now has active civil capacity, thus ending the guardianship.

Trustees for persons restricted by the court in their active civil capacity due to alcohol or drug abuse shall not be charged with the duties stipulated in this Article.

ARTICLE 132. *The Civil Law Duties of Guardians and Trustees*

Guardians shall be lawful representatives of their wards and in the name of their wards shall make all necessary transactions in their behalf and interests.

Trustees shall render their wards assistance while the latter exercise their rights and fulfil their duties and shall protect their wards from abuse by third parties.

Trustees for minors between 15 and 18 years of age shall give their consent to transactions which, according to the law, a minor has no right to make independently.

Trustees for wards with limited active civil capacity shall give their consent for the receipt by such wards of monies owed to them and for the use of all monies and other property received by such wards in accordance with the second part of Article 16 of the RSFSR Civil Code.

ARTICLE 133. *Transactions Which Guardians and Trustees May Not Make and Transactions Which Require the Prior Permission of the Guardianship and Trusteeship Agencies*

A guardian or trustee and his or her spouse and close

relatives may not conclude transactions with a ward; nor shall such persons have the right to represent this ward during the conclusion of transactions or the hearing of court cases between the ward and the spouse of the guardian or trustee and their close relatives.

It shall not be permitted for a contract of bestowal to be made in the name of a ward.

A guardian may not make any transactions beyond the domestic kind of such and a trustee may not give his consent to such transactions in the name of the ward without the prior permission of the guardianship and trusteeship agencies.

Specifically, the prior permission of guardianship and trusteeship agencies shall be required for the conclusion of a contract, subject to certification by a notary public, the surrender of any of the ward's rights, the division of his or her property, the exchange of living accommodations, and the assignment of property.

The guardianship and trusteeship agencies may, if necessary for the defence of the ward's interests, limit the right of one of the parents or the guardian to dispose of the ward's savings bank deposits.

The rules of this Article shall also be applicable to transactions concluded by the parents or adopters acting as guardians or trustees of their minor children.

*ARTICLE 134. The Support of Wards and the Disposal of Their Current Income and Property*

Guardians and trustees shall not be obliged to support persons placed in their custody.

Sums which the ward receives in the form of pensions, benefits, support payments and other current receipts shall be placed at the disposal of the guardian or trustee and shall be used by the latter to support the ward.

If such sums should prove to be insufficient to cover all the essential expenses, such expenses may be met with the use of other property belonging to the ward, so long as the rules established in Art. 133 of this Code are observed.

When there are insufficient means for the support of the ward, the guardianship and trusteeship agencies shall grant an allowance for this purpose.

Minor wards between the ages of 15 and 18 shall independently receive and dispose of their earnings or scholarships, make small everyday transactions and independently

exercise their rights as authors and inventors. The guardianship and trusteeship agencies may, on their own initiative or on the initiative of social organisations or other interested parties, limit or deprive minor wards between the ages of 15 and 18 of the right to dispose of their earnings and scholarships independently, should there be sufficient grounds therefor.

The expenditure of sums due to an adult ward who has attained his or her majority and has active civil capacity but who is under trusteeship due to poor health, may be effected by the trustee only with his ward's consent.

The procedure for the management of property belonging to a ward, the conditions and procedure for the preservation and assignment of such property, as well as the form for guardians and trustees to account for the management and storage of such property shall be established by the Ministry of Education of the RSFSR and the Ministry of Health of the RSFSR in agreement with the Ministry of Finance of the RSFSR.

*ARTICLE 135. Guardians' and Trustees' Defence of Their Wards' Rights*

Guardians and trustees shall defend the rights and interests of their wards in all institutions, including courts, without any special authorisation thereto.

*ARTICLE 136. Supervision of Guardians' and Trustees' Activities*

Supervision of the guardian's and trustee's activities shall be exercised by the guardianship and trusteeship agencies in the ward's place of residence. Any person, including a ward, may appeal against any action committed by a guardian or trustee to these agencies.

*ARTICLE 137. Relieving Guardians and Trustees of Their Duties*

The guardianship and trusteeship agencies shall relieve guardians and trustees of performing their duties in the event when children are returned to their parents' custody, when the children are transferred for adoption or when persons in their custody are placed in state or social institutions (Art. 127 of this Code).

Guardians and trustees may also be relieved of their duties at their own request, if the guardianship and trustee-

ship agencies agree that this request is well grounded (illness of a guardian or a trustee, a change in his or her financial conditions, the absence of the necessary contact with the ward, and so forth).

The trustee for an adult who is in need of trusteeship due to poor health shall be subject to being relieved of his duties at the request of his ward.

*ARTICLE 138. Removal of Guardians and Trustees in the Event of Inappropriate Performance of Their Duties*

In the event that a guardian or trustee fails to fulfil his duties in the proper way, the guardianship and trusteeship agency may relieve him or her of these duties.

Should a guardian or a trustee use his or her position for personal profit or fail to provide his or her ward with adequate supervision and the essential assistance, the guardianship and trusteeship agency shall be obliged to send the requisite materials to the procurator for bringing the guilty person to account in the procedure established by the law.

*ARTICLE 139. Termination of Guardianship and Trusteeship*

When the ward of a guardian reaches 15 years of age, the guardianship shall be terminated and the person who exercised the duties of the guardian shall automatically become the ward's trustee.

When the ward reaches 18 years of age the trusteeship shall terminate automatically.

Trusteeship shall also terminate when a minor ward marries if, in accordance with Article 15 of this Code, the marriageable age is lowered for him by the executive committee of the district, town or ward Soviet of People's Deputies.

## *Section IV*

### **Civil Status Records**

#### *Chapter XIV*

##### **General Provisions**

#### **ARTICLE 140. *The Registration of Civil Status Records***

The registration of civil status records shall be effected both in the interests of the state and society and to protect citizens' personal and property rights.

Births, deaths, marriages, divorces, adoptions, the establishment of paternity, changes of names, patronymics, and surnames shall be subject to registration at state registrar's offices.

#### **ARTICLE 141. *Agencies Which Register Civil Status Records***

In towns and district centres, civil status records shall be registered by state registrar's offices that are under the jurisdiction of the executive committees of district, town or ward Soviets of People's Deputies; in townships and rural populated areas, civil status records shall be registered by the executive committees of the township and rural Soviets of People's Deputies.

#### **ARTICLE 142. *The Jurisdiction of Agencies Registering Civil Status Records***

The registrar's offices of the executive committees of the district, town or ward Soviets of People's Deputies shall register births, deaths, marriages, divorces, adoptions, the establishment of paternity, changes in surnames, names and patronymics, change, supplement, correct and annul

civil status records previously registered, restore lost records, keep the register books, and issue duplicate certificates.

The executive committees of township and rural Soviets of People's Deputies shall register births, deaths, marriages, divorces, and the establishment of paternity.

ARTICLE 143. *Register Books and the Rules of Registration*

The basic provisions which determine the procedure for changing, restoring and annulling the registration of civil status records, the forms for register books and certificates issued on the basis of the entries therein and the procedure for and terms of keeping register books shall be established by the USSR Council of Ministers in accordance with the Fundamentals of Legislation of the USSR and the Union Republics on Marriage and the Family.

The procedure for the registration of civil status records shall be established by the Instruction approved by the Council of Ministers of the RSFSR.

ARTICLE 144. *Making Entries in the Register*

To make entries in the registration of civil status records, documents which confirm the facts subject to registration and documents which prove the identity of the claimant(s) shall be presented to the registrar's office.

A list of documents necessary for the registration of civil status records shall be established in the Instruction on the Procedure for the Registration of Civil Status Records.

Every entry in the register shall be read to the claimants and signed by them and by the official making the entry; the entry shall then be sealed with a stamp.

A certificate shall be issued to the claimants certifying the registration of the civil status record.

ARTICLE 145. *The Procedure for Disputing Registry Entries*

Errors shall be rectified and changes introduced in the registry, given sufficient grounds and in the absence of a dispute between the persons concerned, by the registrar's office in the claimants' place of residence.

The refusal of the registrar's office to rectify or change an entry may be appealed against in court.

Should a dispute between the persons concerned arise, entries shall be rectified on the strength of a court decision.

ARTICLE 146. *The Annulment of Civil Status Records*

On the strength of a court decision, the registrar's offices shall annul previous registry records.

In cases stipulated by the second part of Art. 42 of this Code, the annulment of the record of the dissolution of a marriage shall be effected by the registrar's office in which the marriage was dissolved.

Restored or duplicate civil status records, in the event that the original registry entries are found, may be annulled on the basis of a court decision or by the conclusion of the Department of the Registration of Civil Status Records of the Council of Ministers of the Autonomous Republic, the executive committee of the territory, regional, Moscow or Leningrad City Soviets of People's Deputies in the place where the restored or duplicated record was found.

ARTICLE 147. *The State Fee*

The registration of births, deaths, adoptions, and the establishment of paternity by registrar's offices, the issue of certificates regarding a change, supplement or correction of registry entries concerning births in cases where paternity is established or a person is adopted, and in connection with mistakes made during the registration of civil status records shall be performed free of charge, in accordance with USSR legislation.

A state fee shall be charged in the amount established by the USSR Council of Ministers for the registration of marriages, the dissolution of marriages, changes of surname, given name and patronymic, and for the issue of certificates in connection with a change, supplement, and correction or restoration of a registry entry concerning births, marriages, dissolution of marriages, or deaths and duplicate certificates of registration.

**Chapter XV**

**Registration of Civil Status Records**

ARTICLE 148. *The Registration of Births*

Births shall be registered by the registrar's office according to the place where the child was born or the place of residence of the parents or one of them.

The registrar's office shall provide for a ceremonial atmosphere for the registration of a birth.

Statements about birth shall be made either orally or in writing by both parents or by one of them and, in the event of illness or death of the parents or their inability for some other reasons to make such a statement, by relatives, neighbours, or the administration of the medical institution in which the mother gave birth to the child, or other persons.

Statements concerning birth shall be made not later than one month from the date of the child's birth and, in the case of stillbirths, not later than three days from the day of delivery.

#### ARTICLE 149. *Birth Registration Records*

The birth registration records shall include the child's given name, patronymic, and surname, as well as information relevant to the child's parents, in accordance with Arts. 49-51 of this Code.

In those cases where the child's paternity is not established (Art. 49 of this Code) the nationality of the child's father shall be registered according to the mother's specification.

If a child was born after the death of a person who was married to his mother, the birth registration record may indicate the deceased as the child's father if no more than 10 months separate his death and the child's birth.

The registration of the birth of a child conceived in wedlock but born after the dissolution or invalidation of his or her parents' marriage shall be made in the same way as the registration of a child born in wedlock, if no more than 10 months separate the dissolution or invalidation of the marriage from the date of the birth.

#### ARTICLE 150. *The Registration of Marriages*

Marriages shall be registered in the presence of those persons who are marrying in the registrar's office at the place of residence of one of them or their parents.

Those wishing to marry shall personally make written statements to that effect in a registrar's office among those indicated in the first part of this Article according to their own discretion.

In their statement, those wishing to marry shall confirm that there are no obstacles to their marriage, i.e., obstacles stipulated in Art. 16 of this Code, and shall indicate whether

or not either of them was ever married and has children.

The registrar's office, accepting the statement, shall acquaint those wishing to marry with the conditions and procedure for the registration of marriage and shall ascertain that these persons are mutually informed about each other's health and family status; furthermore, the registrar's office shall explain to them the rights and duties of spouses and parents and warn them of the responsibility they should bear for hiding obstacles to their marriage.

Entries about the registration of marriage shall be made in the passports or other documents identifying the marrying persons; these entries shall indicate the surname, given name and patronymic, as well as the year of birth of the spouse, and the time and place of the registration of the marriage.

ARTICLE 151. *The Registration of the Dissolution of a Marriage*

The dissolution of a marriage shall be registered by the registrar's office in the place of residence of the spouses or one spouse.

ARTICLE 152. *The Registration of the Dissolution of a Marriage on the Strength of a Court Decision*

The registrar's office shall register the dissolution of a marriage on the strength of a decision by the court and according to a statement made by one or both spouses.

In the event of the registration of a divorce according to the statement of only one spouse a marriage shall be considered terminated; nevertheless, the other spouse may not have the right to have a new marriage registered until he or she receives a certificate on the dissolution of the previous marriage.

ARTICLE 153. *The Registration of the Dissolution of a Marriage by Mutual Consent of the Spouses*

By mutual consent of the spouses (Art. 38 of this Code), the registrar's office shall register the dissolution of a marriage on the basis of the spouses' joint declaration of divorce.

In the divorce declaration the spouses shall confirm their mutual consent to the dissolution of their marriage and the fact that they have no underage children.

The dissolution of a marriage may be registered in the

absence of one of the spouses, if this spouse, for some valid reason, cannot appear in the registrar's office and there is a certified statement on his behalf which confirms his consent to the dissolution of the marriage.

*ARTICLE 154. The Registration of the Dissolution of a Marriage According to the Statement of One of the Spouses*

A spouse who files for divorce on the grounds stipulated by Art. 39 of this Code shall attach to his or her statement a copy of the decision or an extract of the decision of the court in which the other spouse was declared missing or lacking active civil capacity as a consequence of mental illness or feeble-mindedness or a copy of the sentence or an extract of the judgement convicting the other spouse to deprivation of liberty for a term of not less than three years.

An imprisoned spouse or the guardian of a legally unfit spouse shall be informed of the statement. In the notification, the spouse or guardian shall be informed of a deadline for any communication relevant to whether or not there are disputes about children, the division of property which is jointly owned by the spouses, or disputes about the payment of alimony to a needy spouse lacking active civil capacity. The deadline for response cannot be more than three months later than the date of the notification.

After having received notification of the lack of any disputes or after the deadline established in the notification has expired without any response from the other spouse, the registrar's office shall register the dissolution of the marriage.

*ARTICLE 155. A Spouse's Return to His or Her Pre-Marriage Surname when the Marriage Is Dissolved*

A spouse who wishes to take his or her pre-marriage surname shall declare this in the registrar's office during the registration of the dissolution of the marriage. The registrar's office shall make an appropriate entry to this effect.

*ARTICLE 156. The Registration of an Act of Adoption*

Adoptions shall be registered on the strength of decisions made by the executive committee of a district, town or ward Soviet of People's Deputies.

Adoptions shall be registered in the registrar's office of

the executive committee of a district, town or ward Soviet of People's Deputies at the place where the decision on the adoption was made according to the statement of the adopters or one of them or according to information supplied by the guardianship and trusteeship agency.

In the event the court invalidates an act of adoption, the registrar's office shall annul the registration entry about the adoption and restore the registration of the birth of the adopted child with all the information as recorded prior to the adoption.

In the event the court revokes an act of adoption, the registrar's office shall make an entry about the revocation of the adoption and restore the registration entry about the birth of the adopted child with the information that was recorded before the adoption. The surname, given name and patronymic of the child shall be indicated in accordance with the court's decision.

ARTICLE 157. *The Registration of the Establishment of Paternity*

The registrar's office shall register the establishment of paternity in the place of residence of one of the parents or in the place where the court delivered its decision on the establishment of paternity. Paternity shall be registered on the strength of the court decision, or a joint declaration of the parents, or, in the event of the mother's death, the declaration of the mother as lacking active civil capacity, or of her deprivation of parental rights, or in the event that it is impossible to determine her whereabouts, by the father's declaration.

The registration of paternity with respect to persons who have reached their majority shall be permitted only with their consent.

On the basis of the registration of paternity the registrar's office shall enter information about the father into the child's birth entry and certificate.

ARTICLE 158. *The Registration of Changes in One's Given Name, Patronymic, and Surname*

The registration of changes in the given names, patronymics, and surnames of citizens of the USSR who have reached their majority shall be effected in the registrar's office of the executive committee of a district, town or ward Soviet of People's Deputies according to such citizens' place of permanent residence.

When a father registers a change in his given name, the patronymic of his underage children shall change. The patronymic of children who have reached their majority shall change only in cases where these children themselves make declarations to the registrar's office.

The surname of underage children shall change when both parents change their surname. If one parent changes his or her surname, the question of changing the surname of the minor children shall be decided by the parents together; should they fail to come to an agreement this question shall be decided by the guardianship and trusteeship agency.

11, in connection with the registration of a change in the given name, patronymic and surname, changes were introduced into the registration of civil status records, the registrar's office shall annul previously issued certificates and issue new ones which take into account the changes introduced into the records.

#### ARTICLE 159. *Death Registration*

Death shall be registered by the registrar's office in the place where the deceased lived or in the place where he died on the basis of the conclusions of a medical establishment.

The registration of a death on the basis of a court decision establishing the fact of death or declaring a citizen as deceased shall be effected by the registrar's office in the place where the court which delivered the decision is located.

Declarations concerning death may be made by relatives of the deceased, his or her neighbours, workers of a housing management office, the administration of the establishment in which the death occurred, and other persons.

The declaration about the death shall be made not later than three days from the moment death occurred or from the time the corpse was found.

## *Section V*

### **The Application of Soviet Legislation on Marriage and the Family to Foreign Nationals and Stateless Persons.**

### **The Application of Foreign States' Laws on Marriage and the Family and International Treaties**

#### *ARTICLE 160. The Rights and Duties of Foreign Nationals and Stateless Persons in Matrimonial and Family Relations*

In accordance with the Fundamentals of Legislation of the USSR and the Union Republics on Marriage and the Family, foreign nationals, while staying in the RSFSR, shall enjoy the same rights and have the same duties in matrimonial and family relations as Soviet citizens. Some exceptions may be established by a USSR law.

Stateless persons living permanently in the RSFSR shall enjoy the same rights and have the same duties in matrimonial and family relations as Soviet citizens.

#### *ARTICLE 161. Marriage Between Soviet Citizens and Foreign Nationals and Between Foreign Nationals in the RSFSR*

Marriages between Soviet citizens and foreign nationals and marriages between foreign nationals shall be concluded in the RSFSR according to Soviet legislation.

Marriages between foreign nationals concluded in the USSR in embassies or consulates of foreign states shall be recognised as valid in the RSFSR on a reciprocity basis if, at the moment of marriage, these persons were nationals of the state which has appointed the ambassador or consul.

#### *ARTICLE 162. Marriages Between Soviet Citizens at USSR Consular Institutions. Recognition of Marriages Concluded Outside the USSR*

In accordance with the Fundamentals of Legislation of the USSR and the Union Republics on Marriage and the

Family, marriages between Soviet citizens living outside the USSR shall be concluded in consular institutions of the USSR.

In those cases when marriages between Soviet citizens and marriages between Soviet citizens and foreign nationals were concluded outside the USSR according to the law established in the place where the marriage was concluded, such marriages shall be considered valid in the RSFSR, if there were no obstacles to such marriages as stipulated in Arts. 15, 16 and 43 of this Code.

The marriages of foreign nationals concluded outside the USSR according to the laws of corresponding states shall be considered valid in the USSR.

ARTICLE 163. *The Dissolution of Marriages Between Soviet Citizens and Foreign Nationals and of Marriages Between Foreign Nationals in the RSFSR. Recognition of Divorces Granted Outside the USSR*

Marriages between Soviet citizens and foreign nationals and between foreign nationals in the RSFSR shall be dissolved according to Soviet legislation.

The dissolution of marriages between Soviet citizens and foreign nationals performed outside the USSR in accordance with the laws of the states in question shall be recognised as valid in the RSFSR, provided that at the moment of the dissolution of the marriage at least one spouse resided outside the USSR.

The dissolution of marriages between Soviet citizens performed outside the USSR in accordance with the laws of the states in question shall be recognised as valid in the RSFSR, if both spouses lived outside the USSR at the time of the dissolution of the marriage.

The dissolution of a marriage between foreign nationals effected outside the USSR according to the laws of the states in question shall be recognised as valid in the RSFSR.

In accordance with the Fundamentals of Legislation of the USSR and the Union Republics on Marriage and the Family, a Soviet citizen residing outside the USSR shall have the right to dissolve his or her marriage with a spouse resident outside the USSR, irrespective of this spouse's nationality, in a Soviet court. In those cases, where the dissolution of a marriage in the registrar's office is permitted according to Soviet legislation, the marriage may be dissolved in consular institutions of the USSR.

On the instructions of the USSR Supreme Court the RSFSR courts may hear cases involving the dissolution of a marriage between Soviet citizens who permanently reside abroad.

*ARTICLE 164. Establishment of Paternity in the RSFSR. Recognition of Paternity Established Outside the USSR*

In the RSFSR, paternity shall be established according to Soviet legislation, regardless of the nationality of the parents and the child or their place of residence.

In accordance with the Fundamentals of Legislation of the USSR and the Union Republics on Marriage and the Family in those cases, where Soviet legislation permits the establishment of paternity in registrar's offices, the parents resident outside the USSR, at least one of whom is a citizen of the USSR, may apply for establishment of paternity to consular institutions of the USSR.

*ARTICLE 165. The Adoption of Children Who Are Soviet Citizens Residing Outside the USSR. Adoption of Children by Foreign Nationals in the RSFSR and the Adoption of Children Who Are Foreign Nationals*

In accordance with the Fundamentals of Legislation of the USSR and the Union Republics on Marriage and the Family, the adoption of a child who is a Soviet citizen and resides outside the USSR shall be effected at consular institutions of the USSR.

Permission from the RSFSR Ministry of Education shall be mandatory for the adoption of a child who is a citizen of the RSFSR by an adopter who is not a Soviet citizen.

The adoption of a child who is a citizen of the RSFSR, and its registration by agencies of the state on the territory of which the child lives, shall be valid in the RSFSR, provided that the RSFSR Ministry of Education has granted permission in advance for such an adoption.

In the RSFSR, the adoption by foreign nationals of children who are Soviet citizens and the adoption of children who are foreign nationals and reside in the RSFSR shall be effected according to Soviet legislation.

The adoption of children who are Soviet citizens by foreign nationals on the territory of the RSFSR shall be effected on the general grounds as established by the Chapter 12 of this Code, provided that permission has been granted

in each individual case by the Council of Ministers of the Autonomous Republic or the executive committee of the territory, regional, Moscow or Leningrad City Soviets of People's Deputies.

*ARTICLE 166. The Establishment of Guardianship (Trusteeship) for Soviet Citizens Residing Outside the USSR and for Foreign Nationals Residing in the RSFSR. The Recognition of Guardianship (Trusteeship) Established Outside the USSR*

In accordance with the Fundamentals of Legislation of the USSR and the Union Republics on Marriage and the Family, guardianship (trusteeship) for minors, persons who are lacking active civil capacity or have limited active civil capacity, all of whom are Soviet citizens residing outside the USSR, and for foreign nationals residing in the RSFSR, shall be established according to Soviet legislation.

Guardianship (trusteeship) established for Soviet citizens who reside outside the USSR under the laws of the states in question shall be recognised as valid in the RSFSR, if an appropriate consular institution of the USSR has not objected to the establishment or recognition of such guardianship (trusteeship).

Guardianship (trusteeship) established for foreign nationals outside the USSR according to the laws of the respective states shall be recognised as valid in the RSFSR.

*ARTICLE 167. The Registration of Civil Status Records of Soviet Citizens Resident Outside the USSR*

In accordance with the Fundamentals of Legislation of the USSR and the Union Republics on Marriage and the Family, the registration of civil status records of Soviet citizens resident abroad shall be performed in consular institutions of the USSR.

The legislation of the USSR and the RSFSR shall apply in the registration procedure in consular institutions of the USSR when the interested persons are citizens of the RSFSR. If the interested parties are citizens of different Union Republics or if it is not established which Republic they are citizens of, the legislation of one of the Union Republics shall apply according to their agreement; in the event they fail to come to an agreement, the choice of a Republic is at the discretion of the consul who registers the civil status record.

ARTICLE 168. *The Recognition of Documents Issued by Agencies of Foreign States to Certify Registry Records*

Documents issued by competent bodies of foreign states to certify the registration of civil status records made outside the USSR in accordance with the laws of the states in question with respect to citizens of the USSR, foreign nationals, and stateless persons shall be recognised as valid in the RSFSR, provided there has been a consular certification.

ARTICLE 169. *The Application of Foreign Laws and International Treaties*

Foreign laws on marriage and the family or the recognition of civil status records based on such laws may not be applied if their application or recognition contradicts the principles of the Soviet system.

In accordance with the Fundamentals of Legislation of the USSR and the Union Republics on Marriage and the Family, where an international treaty to which the USSR is a party establishes rules other than those contained in Soviet legislation on marriage and the family, the rules of the international treaty shall apply.

The same procedure shall be applied with respect to the legislation of the RSFSR on marriage and the family, if the international treaty to which the RSFSR is a party has established rules other than those provided for by RSFSR legislation on marriage and the family.

Adopted on June 30, 1969.  
The text is given with later additions and amendments.

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