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LEGISLATIVE INITIATIVE OF LOCAL ACTS FOR THE ESTABLISHMENT OF A PATRON OF THE LOCAL GOVERNMENT UNIT

Abstract. The local self-government, in the course of its sovereign activities, adopts acts of local law on a wide range of issues. One of such scopes is the issue of establishing a patron of a particular local government unit, which is gaining popularity, although the current legislation does not explicitly provide for the possibility to establish a patron of a local government unit. The issue to be analysed in the course of this article is the question of the circle of entities authorised to exercise the initiative for the establishment of a patron. The article analyses which entities exercise the legislative initiative for the subject resolutions in practice and how it relates to the legal regulations contained in acts and statutes regulating the functioning of local government units. The analysis allows conclusions to be drawn indicating that the circle of entities exercising the legislative initiative in the scope of a patron of a local government unit is wide and not always overlapping with the circle of entities indicated by law or statutes.

Keywords: local government units, patron, legislative initiative, resolutions.

1. Introduction

Pursuant to Article 163 of the Constitution of the Republic of Poland¹, the territorial self-government performs public tasks not reserved by the Constitution or laws for the bodies of other public authorities. This means that all tasks not assigned to other organs of state authority are performed by local government units, taking into account the principles of territorial division and the tasks assigned to the individual levels of the state's territorial division.

Publication subsidized by the state budget as part of the "Science for Society" program of the Minister of Science and Higher Education, project no. NdS/551622/2022/2022; grant amount PLN 55,200; total project value PLN 602,500.00, Poland (Polska).

However, in accordance with Article 169(1) of the Constitution of the Republic of Poland, local government units perform their tasks through their constituting and executive bodies. The formula for the operation of the constituting and executive bodies is specified by acts of statutory rank – the Act of 8 March 1990 on municipal self-government² (m.a.), the Act of 5 June 1998 on county self-government³ (c.a.) and the Act of 5 June 1998 on provincial self-government⁴ (p.a.). Pursuant to the statutory regulations, the constituent bodies of local government units take decisions by virtue of acts of local law (Article 40 m.a., Article 40 c.a., Article 89 p.a.), which are then subject to execution by the executive bodies of these units. The scope of entities entitled to exercise the legislative initiative is limited by law and by the statutes of individual units, which makes it difficult to create a single, complete catalogue of such entities.

One of the areas covered by local acts of local government units is the establishment of a patron of these units. Admittedly, still local government units with a patron are a minority, however, the concept of establishing a patron is becoming more and more popular and the number of local government units with a patron is increasing.

This article deals with the issues related to the legislative initiative of local law acts concerning the establishment of a patron of local government units. In this context, the question of what is the circle of entities entitled to exercise the initiative for a resolution in the scope in question remains important. This issue constitutes the research question for this article. The article also hypothesises that the circle of entities entitled to direct a legislative initiative of local law acts concerning patrons of local government units includes entities related to the origin or connection of the patron covered by the legislative initiative. In order to verify the thesis put forward, this article will use a formal-dogmatic research method.

2. Local acts adopted by the local authority

The considerations in the context of the present article should begin with an analysis of the very concept of local law acts, which are passed by the legislative bodies of local government units. The issue of local law acts has gained particular significance in view of the restoration of local self-government under the 1997 Constitution of the Republic of Poland, and the consequent inclusion of local law acts as sources of universally binding law (Article 87 Paragraph 2 of the Constitution of the Republic of Poland).

In order to speak of acts of local law, such acts shall fulfil two cumulative conditions: they shall be issued by an authority whose territorial competence extends only to a part of the state's territory and it has the competence to issue generally binding provisions⁵. Moreover, generally binding acts of local law are characterised by: a) the possibility to regulate the behaviour of any category of addressees, b) the indispensability of an explicit statutory authorisation to issue a normative act, c) the obligation to submit the issued act of local law to the supervisory authority, d) the obligation to lawfully promulgate the act of local law⁶.

The Constitution of the Republic of Poland explicitly statutes local law acts as a source of universally binding law, albeit limited to a specific area (the area of jurisdiction of the body that enacted the act). Local law acts are also widely recognised as sources of law in the doctrine of administrative law. Thus, local law is an integral part of the law system in force in the state and possesses the basic features characterising the concept and essence of Polish law, corresponding to the conditions of a democratic state ruled by law⁷. Thus, the acts of local law constitute an important element of the system of sources of law located in a specific time and place, thus co-creating a set of sources of law sanctioned by the will of the state, remaining in mutual, ordered relations, ensuring in particular: unity, coherence and completeness of this system⁸. The consequence of recognising local law acts as sources of universally binding law is their normative character. According to the judgment of the Constitutional Tribunal of 26 May 2015. (Kp 2/13)⁹, acts of local law shall indicate circumstances in which the legal norms contained therein may be repeatedly applied, which means that they will not be consumed by a single application. Legal rules therefore take the form of prohibitions, orders, introduce restrictions, confer powers, impose obligations. The content of local laws must not merely express a desire to solve a problem, but should in fact contain solutions to it, which means that the content shall not be descriptive or evaluative¹⁰.

Thus, if a law-making act such as a resolution of a decision-making body of a local self-government unit contains at least one norm of conduct of a general and abstract nature, it is an act of local law¹¹.

Referring to the circle of entities appointed to issue the acts of local law, it should be indicated that these are the organs of territorial self-government and field organs of government administration, on the basis and within the limits of authorisations contained in dedicated acts (Article 94 of the Constitution of the Republic of Poland) – that is, the already indicated Act on municipality self-government, the Act on county self-government and

the Act on province self-government. This means that acts of local law are generally binding acts of lawmaking, specific due to the fact that they are issued by bodies of public administration and not by bodies of legislative authority¹².

In particular, Article 40(1) of the m.a. stipulates that on the basis of statutory authorisations, a municipality has the right to enact acts of local law binding on the territory of the municipality. An analogous regulation is contained in Article 40, par. 1 of the c.a. (on the basis of and within the limits of the authorisations provided for in the acts, the county council constitutes acts of local law binding on the territory of the county), as well as in Article 89, par. 1 of the p.a. (on the basis of this act and on the basis of the authorisations granted in other acts and within their limits, the province assembly constitutes acts of local law binding on the territory of the province or a part thereof).

Irrespective of the type of local law act issued, the power to enact these regulations is not self-contained and absolute. This is because they shall be issued on the basis of statutory authorisations and be consistent with laws and the Constitution. The constituting body of a territorial self-government unit or government administration must each time refer to a specific legal basis (a specific provision containing a legal norm) contained in the laws regulating the system of particular self-government units themselves or in special laws regulating particular areas of administration¹³. This has been confirmed by the jurisprudence, e.g. the Provincial Administrative Court in Wrocław in the judgment of 24 January 2012, II SA/Wr 786/11¹⁴, stated that the act of local law of the local government authority is created on the basis of statutory authorisation and should be drawn up in such a way that its regulation does not go beyond any statutory norms, does not make exceptions to the generally accepted statutory solutions and does not repeat issues regulated in hierarchically higher legal acts. The local law act must contain clear, exhaustive wording, preventing the application of impermissible, contrary to the law, leeway in interpretation.

3. Problems of resolutions to establish a patron of a local authority unit

One of the areas regulated by local acts is the issue of establishing a patron of a particular local government unit. This issue is a familiar one in practice, but the number of local government units deciding to establish their own patron is a minority of all units¹⁵.

An important issue related to the establishment of patrons is the lack of a direct statutory basis in individual laws regulating the functioning of local government units. However, in the literature, it is recognised that the basis for the enactment of such acts of local law are the provisions on the performance of public tasks in the field of promotion of individual local government units, and it seems that this position is justified¹⁶. The possibility to undertake such an acts by local government units is also confirmed by the administrative court judicature¹⁷.

Despite the lack of any explicit statutory basis for doing so, local authorities decide to adopt patronage resolutions, so it is legitimate, in the context of the analysis contained in this article, to ask what range of entities are entitled to request the adoption of a local authority patronage resolution, and whether it is in any way defined or determined by the specifics of the person proposed as a patron.

4. Legislative initiative for local legislation

Pursuant to the provision of Article 118 of the Constitution of the Republic of Poland, the right of legislative initiative is understood as the right of specified entities to submit a draft law to parliament. Similarly, in the case of local governments, the right of legislative initiative can be understood as the right of specified entities to submit a draft resolution to the constituting bodies of the local governments, which, upon meeting certain conditions, are obliged to consider it. The burden of drafting a draft resolution rests with the initiator. The citizens' resolution initiative is of a non-obligatory nature and results only from the will of the inhabitants of the local government unit¹⁸.

Individual statutes of local government units only indirectly indicate the catalogue of entities having the legislative initiative, so it may be concluded that it is not a closed catalogue. At the same time, the acts indicate that the statutes of individual local government units will define the scope of tasks and powers of, inter alia, committees appointed by the regional parliament and councillor clubs. Among the powers of the board, committee and club, the legislative initiative is mentioned more than once¹⁹.

This means that the issue of the scope of entities entitled to exercise the legislative initiative is regulated by the statutes of the individual local government units. The basis for regulating the system of local government units in the form of statutes is provided by Article 169(4) of the Constitution of the Republic of Poland, according to which the internal system of local

government units is determined, within the limits of laws, by their governing bodies. The statutes of the local government unit are the most important act of local law, which not only determines the system of the individual local government units, but also defines, *inter alia*, the catalogue of entities having the initiative for a resolution and the principles and procedure for handling a draft resolution. It should also be borne in mind that the provisions of the statute not only cannot be contrary to the Act, but also should not repeat the matters already regulated by the Acts²⁰. This was the position adopted by the Supreme Court when it stated that “the municipal statute may not contain provisions contradictory to the constitutional act, nor may its provisions be interpreted in a manner contradictory to the provisions of this act, nor should it repeat its provisions”²¹. By analogy, this interpretation can also be applied to the statutes of other local government units – districts and provinces.

However, not every subject area of resolutions may be subject to the initiative of any entity defined by the statute. Indeed, in accordance with Article 233 of the Act of 27 August 2009 on public finance²², the initiative on drawing up a draft budget resolution, on a provisional budget and on amending the budget resolution is vested exclusively in the management board of a local government unit, *i.e.* in a municipality – to mayor, in a county – to a county’s council, and in a province – to a province council.

In addition, the *m.a.*, *c.a.* and *p.a.* provide for the institution of a citizens’ legislative initiative. Pursuant to Article 41a, para. 2 of the *m.a.*, a citizen’s legislative initiative in a municipality is entitled to: in a municipality with up to 5,000 inhabitants – at least 100 persons; in a municipality with up to 20,000 inhabitants – at least 200 persons; in a municipality with over 20,000 inhabitants – at least 300 persons. In turn, Article 42a para. 2 of the *c.a.* provides that in a county, a citizens’ legislative initiative is entitled: in a county with up to 100,000 inhabitants – at least 300 persons; in a county with over 100,000 inhabitants – at least 500 persons. On the other hand, in the case of a province, in accordance with Article 89a para. 2 of the *p.a.*, a citizens’ legislative initiative is entitled to a group of at least 1,000 inhabitants.

In view of the above, in order to determine the circle of entities entitled to exercise the right of legislative initiative, the statutes of individual local government units should be analysed. Their analysis²³ shows that the right of legislative initiative is most often granted:

- a. to the chairman of the constituent body of the local self-government unit – this concerns in particular the organisation and functioning of this body; the catalogue of matters covered by this competence may be

- exhaustively indicated in the statutes, taking into account the exclusive competence of the bodies of the relevant local self-government unit;
- b. to an individual councillor or a group of councillors (e.g. representing a certain fraction of the statutory membership of the council);
 - c. council committees (standing and ad hoc) – statutory regulations often limit the right to initiate resolutions only to ad hoc committees, which is due to the fact that such a limitation with respect to standing committees would be inconsistent with the law (e.g. Article 18a(1) and (3) of the m.a.); the statutes also contain provisions that a committee may initiate a resolution on the motion of a problem group or a group of councillors appointed within its framework;
 - d. clubs of councillors – in this case, it is important that the statute specifies who will act on behalf of the club during the entire process of the project submitted under this procedure (e.g. the president of the club, the deputy or another councillor belonging to the club, indicated by the president);
 - e. auxiliary units, if they have been established within the municipality or in towns with district rights, with regard to matters which directly affect them.

In accordance with the above, the range of entities entitled to direct a legislative initiative is broad, but not unlimited. Moreover, the statutes of individual local government units duplicate the solutions concerning the circle of entities entitled to exercise a legislative initiative, which confirms that the subjective scope is limited.

5. Legislative initiative of local acts concerning patrons of local government units

The procedure for appointing a patron of a local authority may look slightly different for each authority, depending on the initiative procedure adopted and the consultation of residents. However, always in the case of patrons who are blessed or saints, ecclesiastical bodies are involved in the procedure. Consequently, such a procedure escapes the classic administrative-legal procedure in which local government units operate and the relevant legal acts are adopted, but has a mixed character and involves a secular and a clerical procedure.

As it has already been pointed out, the adoption of resolutions establishing a patron of a local government unit, in particular in cooperation with a church, does not find its basis in the applicable legislation, which raises

a number of practical controversies²⁴. It is recognised, however, that the basis for the enactment of such acts of local law is provided by the provisions on the performance of public tasks in the field of promotion of individual local government units, and it seems that this position is justified²⁵. This is also confirmed by the administrative court judicature²⁶.

The procedure for the establishment of a patron of a local government unit is opened by a legislative initiative in this respect, which may come from a very wide range of entities – be it individual natural persons, informal associations or legal persons noticing the need for a patron of a given unit. These may be persons connected with the church, but equally well persons not connected with the church at all. The issue of the legislative initiative for the establishment of a patron of a territorial self-government unit has not been regulated in any way in the legal acts regulating the functioning of provinces, districts or communes, which constitutes a significant shortcoming in this respect²⁷. In the context of the above considerations, it should be emphasised that the lack of a specified circle of entities entitled to direct a legislative initiative coincides with the statutory regulations in the area of a legislative initiative concerning any other range of matters – as it has been left to the discretion of individual local government units.

As part of his research into the issue of establishing a patron of local government units, the author of this article sent out a questionnaire to 528 local government units of various levels from the Warmińsko-Mazurskie, Wielkopolskie and Zachodniopomorskie provinces, in which he requested, by way of public information, among other things, information on what entity was the applicant for establishing a patron of particular local government units.

Responses to the queries made were received from 505 local government units, of which 36 local government units adopted resolutions to establish a local government unit patron (has a patron). Of the units with a patron, 27 entities indicated who was the applicant for the establishment of a unit patron. A summary of the data provided by each local government unit is presented in the table below:

L.p.	Local authority	Type	Patron	Applicant
1.	Borek Wielkopolski	urban-rural municipality	Mother Mary of Consolation	Borek Wielkopolski Town Council
2.	Braniewo	municipality	Blessed Regina Protman	Tadeusz Brandys – Pastor of St Catherine Parish in Braniewo

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L.p.	Local authority	Type	Patron	Applicant
3.	Działdowo	municipality	St Catherine of Alexandria Blessed Archbishop Antoni Julian Nowowiejski, Blessed Bishop Leon Wietmański	A joint request from the Dean of the Działdów deanery, the pastor of St Adalbert Parish, the pastor of St Catherine of Alexandria Parish and representatives of local parish councils and church associations.
4.	Elbląg	city with district rights	St Nicholas of Myra	Elbląg City Council
5.	Elk	municipality	John Paul II	Citizens of the City of Elk, Elk City Council, Elk Diocesan Curia, Holy See
6.	Giżycko	municipality	St Bruno	Mayor of the City of Giżycko
7.	Jarocin	urban-rural municipality	St Martin	President of the City Council
8.	Koźmin Wielkopolski	urban-rural municipality	St Lawrence	President of the City Council
9.	Krotoszyn	urban-rural municipality	St John the Baptist	Revd. Canon Adam Modliński and Catholic Action at St John the Baptist Parish in Krotoszyn
10.	Luboń	municipality	Blessed Edmund Bojanowski	Superior General of the Congregation of the Servant Sisters of the Blessed Virgin Mary in Luboń
11.	Łobżenica	urban-rural municipality	St Anna	Łobżenica Town Council
12.	Międzyzdroje	urban-rural municipality	St Peter the Apostle	A group of residents of the Międzyzdroje Municipality and the Międzyzdroje Parish Pastoral Council represented by Monsignor Dr. Marian Jan Wittlieb
13.	Mikstat	urban-rural municipality	St Roch	Pastor of Holy Trinity Parish in Mikstat.
14.	Myslibórz	urban-rural municipality	Blessed Father Michael Sopoćko	Myslibórz Town Council
15.	Nowe Miasto Lubawskie	municipality	St Thomas the Apostle	City Council, Mayor
16.	Nowe Skalmierzyce	urban-rural municipality	MB Skalmierzycka	parish pw. St. Catherine of Alexandria Parish in Skalmierzyce

L.p.	Local authority	Type	Patron	Applicant
17.	Oborniki	urban-rural municipality	St John Paul II	parish pw. Blessed Virgin Mary of the Assumption in Oborniki
18.	Odolanów	urban-rural municipality	St Martin	Pastor of St Martin's Parish in Odolanów, Catholic Action Initiative Team
19.	Olsztynek	urban-rural municipality	St Peter	Parish Church of the Sacred Heart of Jesus in Olsztynek
20.	Orneta	urban-rural municipality	St Elizabeth of Hungary	Mayor, parish priest, residents
21.	Ostrów Wlkp.	municipality	St. Stanislaus the Bishop	local community
22.	Pleszew	urban-rural municipality	St John the Baptist	Pleszew Town Council
23.	Pniewy	urban-rural municipality	St Ursula Ledóchowska	Pniewy City Council
24.	Pogorzela	urban-rural municipality	St Michael the Archangel	Roman Catholic Parish of St Michael the Archangel in Pogorzela led by its parish priest, the late Revd Canon Hieronim Muczek
25.	Słupca	municipality	St Lawrence	Słupca City Council
26.	Stargard	municipality	St John	St Joseph's parish at St John's Church
27.	Szamocin	urban-rural municipality	St John Paul II	Mayor, President of the RM

Source: author, on the basis of questionnaires received from local government units

The above comparison confirms that the circle of entities from which applications for the establishment of a patron of a particular local government unit come is very wide – including both local government bodies (city councils, mayors, councillors), church bodies (parishes, diocesan curia, orders) and entities belonging to a broad category of society (residents, pastors, priests, religious and secular organisations).

The proposal containing the initiative for a resolution should, upon receipt and examination of formal and legal requirements, be subject to an opinion – in the case of persons recognised as blessed or saints, also by the relevant ecclesiastical authorities, bearing in mind that the administrative division of the state does not coincide with the ecclesiastical adminis-

trative division, which may make it difficult to correctly address the proposal for an opinion. An opinion on the application by the diocesan bishop allows the further stages of the ecclesiastical procedure to be launched²⁸. This does not exclude the carrying out of an opinion procedure by the relevant committees functioning within the city/municipal, county or provincial councils²⁹. It would also be reasonable to consult the inhabitants, either in the form of public consultations (also using the Internet) or perhaps in the form of a local referendum. At the same time, taking into account the still, unfortunately, low political culture of the Polish society one may fear, whether the costs of organising a local referendum will be proportional to the effects (the risk of its invalidity or non-binding character) and whether social consultations would not be a more reasonable formula. The question is whether such a formula would also be justified in a situation where the legislative initiative comes from the citizens of a given local government unit – it seems that this would be an unnecessary repetition of public consultations.

The next stage is the adoption of a resolution of intent to establish a patron of the local government unit – and this resolution is adopted under the ordinary procedure by the constituting body of the local government³⁰. After the adoption of such a resolution, the next steps are taken under the ecclesiastical procedure – as the resolution of intent is subject to approval by the bishop or other competent ecclesiastical authority³¹, but due to the noted problem with the lack of overlap between the state and church administrative divisions, approval may be required by more than one representative of the ecclesiastical authority³².

The ecclesiastical procedure ends with the issuance of a relevant decree by the Commission for Divine Worship and the Discipline of the Sacraments declaring a saint or a blessed person a patron saint of a specific local government unit³³. This is, however, only an act of ecclesiastical law and therefore, in order to be effective in state law, requires a resolution to be passed by the competent authority of the local government unit under the appropriate legislative procedure. In the case of a positive decree of the Commission, a resolution is passed to establish a patron of the local government unit, while in the case of a negative decree, the resolution is not passed, even though the legislation in force does not prevent such a resolution from being passed³⁴.

The question remains, however, whether the procedure described above must always be applied when adopting a resolution to designate a blessed or lay person as a patron of a local authority. This is because it does not have its basis in legal provisions, but is an established practice. On the

other hand, it seems that there are no contraindications for a resolution on the establishment of a patron saint to be adopted without carrying out the ecclesiastical procedure – for the ecclesiastical party also has no legal possibility to block such a resolution, as its appeal to the relevant administrative court must be based on the provisions of law.

6. Summary

Summarising the above considerations, first of all it is necessary to indicate and emphasise the specific circle of entities authorised to exercise the legislative initiative within local government units. Individual acts (m.a., c.a. and p.a.) do not in fact define the circle of such entities in a closed manner, but only allow individual units to be free in the framework of the statutes they adopt – which, by the way, is in line with the judicially protected constitutional principle of self-governance of local government units (Article 165(2) of the Constitution of the Republic of Poland).

Individual statutes, in turn, allow proposals for the adoption of a resolution of a specific content to be addressed mainly to the bodies of these units, as well as to groups of councillors, committees or organisations of a diverse nature. Finally, the legislative initiative may in any case also be exercised by the public, by statutorily defined groups of citizens (the size of which depends on the number of inhabitants of particular local government units and their level).

On the other hand, an analysis of the circle of entities exercising the legislative initiative for resolutions on the establishment of a patron of a local government unit makes it possible to state that:

- firstly, the circle of entities initiating such resolutions coincides with the circle of entities defined by statute as exercising the right of legislative initiative (representatives of executive and legislative bodies of local government units, citizens);
- secondly, the public, often associated in various types of formal and informal groups (parishes, religious and secular organisations), is widely involved in initiating such resolutions;
- thirdly, a large share is also held by individuals connected with the church (priests, pastors), who do not have the possibility to carry out a legislative initiative on their own, but do so with the participation of the faithful (citizens' initiative) or members of the constituent or executive bodies of local authorities;

- fourthly, the main participation in the initiation and adoption of a resolution on the establishment of a patron of a local government unit is held by persons and entities related to the person of the patron, and given the fact that mainly patrons are saints or blessed persons, these entities are institutions of the Church (in particular the Catholic Church).

An interesting question remains as to whether, in the case of judicial and administrative review of such resolutions, the administrative court would raise doubts as to the legitimacy in terms of the initiative of the persons and entities carrying it out – however, this issue is beyond the scope of this paper.

As a result, the analysis made on the grounds of the article allowed answering the research question posed at the outset and indicating the specific (generic as well as individual) circle of entities exercising the legislative initiative in the scope of resolutions on establishing a patron of a local government unit. Moreover, it has also verified the hypothesis and confirmed that the circle of entities entitled to direct the legislative initiative of local law acts concerning patrons of local government units includes entities related to the origin of the patron covered by the legislative initiative and, what is more, these entities constitute the basic core of entities exercising the legislative initiative in this respect.

Acknowledgement

Publication subsidized by the state budget as part of the “Science for Society” program of the Minister of Science and Higher Education, project no. NdS/551622/2022/2022; grant amount PLN 55,200; total project value PLN 602,500.00, Poland (Polska).



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¹ Constitution of the Republic of Poland of 2 April 1997, Journal of Laws of 1997, No. 78, item 483.

² Consolidated text: Journal of Laws of 2024, item 1465.

³ Consolidated text: Journal of Laws of 2024, item 107.

⁴ Consolidated text: Journal of Laws of 2024, item 566.

⁵ Kotulski M. (2001). Akty prawa miejscowego w świetle uregulowań ustrojowych. *Kwartalnik Prawa Publicznego*, 1/2001, p. 50.

⁶ Rot H., Siarkiewicz K. (1994). *Działania normodawcze radów narodowych i ich organów*. Wydawnictwo prawnicze, p. 29.

⁷ Rot H., Siarkiewicz K. (1994). *Zasady tworzenia prawa miejscowego*. Wydawnictwo prawnicze, p. 13.

⁸ Duniewska Z., Jaworska-Dębska B., Michalska-Badziak R., Olejniczak-Szałowska E., Stahl M. (2000). *Prawo administracyjne, pojęcie, instytucje, zasady w teorii i orzecznictwie*. Wolters Kluwer, p. 136.

⁹ OTK-A 2015/5/65.

¹⁰ Sikora K. (2017). Akty prawa miejscowego w ramach konstytucyjnego systemu źródeł prawa powszechnie obowiązującego. *Annales Universitatis Mariae Curie-Skłodowska, sectio G – Ius*, LXIV, 1/2017, p. 181.

¹¹ Bułajewski S. (2012). Pojęcie akty prawa miejscowego w poglądach doktryny, orzecznictwie Trybunału Konstytucyjnego i sądów administracyjnych. *Studia Prawnoustrojowe*, No. 18/2012, pp. 14–15.

¹² Dąbek D. (2005). Prawo miejscowe w konstytucyjnym systemie źródeł prawa. In A. Szmyt (ed.), *Konstytucyjny system źródeł prawa w praktyce* (p. 109). Wydawnictwo Sejmowe.

¹³ Cieślak S. (1999). Prawotwórstwo samorządowe. *Casus*, No. 12, p. 43.

¹⁴ LEX No 1114101.

¹⁵ This is confirmed by the analysis carried out by the author of this article on the basis of public information obtained from several hundred local government units (out of 528 queries made, 36 local government units confirmed the adoption of a resolution on the establishment of a patron) – about which more later in the article.

¹⁶ Article 7(1)(18) m.a.; Article 4(1)(21) c.a., and Article 11(2)(8) p.a.

¹⁷ Judgment of the Provincial Administrative Court in Warsaw of 26 November 2014, IV SA/Wa 1391/14, LEX no 1758852; judgment of the Provincial Administrative Court in Gorzów Wielkopolski of 30 June 2011, II SA/Go 83/11, LEX no 1613717.

¹⁸ Szewc A., Szewc T. (1999). *Uchwałodawcza działalność organów samorządu terytorialnego*. Wydawnictwo Difin, p. 59.

¹⁹ Chmaj M. (2013). *Prawo samorządu terytorialnego*. Wydawnictwo Difin, p. 179.

²⁰ Bułajewski S. (2011). Akty prawa miejscowego o charakterze organizacyjno-ustrojowym. *Współnota*, 2011/6, p. 20.

²¹ Judgment of the Supreme Court of 5 January 2001, III RN 40/00, OSNAPiUS 2001/13, item 424.

²² Consolidated text: Journal of Laws of 2023, item 1270.

²³ Kuśnierz-Chmiel J. (2016). Inicjatywa uchwałodawcza mieszkańców województwa. *Samorząd Terytorialny*, no. 1–2, pp. 63–74.

²⁴ In this context, it is argued that the constituting bodies do not have the competence to adopt a resolution on establishing a person considered to be a saint as a patron saint of a given local government unit, cf. e.g. supervisory decision of the Lower Silesian Voivode of 1 March 2010, no. NK-II. AL4.0911-5/10. (2012). *Nowe Zeszyty Samorządowe*, no. 6, p. 104.

²⁵ Article 7(1)(18) m.a.; Article 4(1)(21) c.a., and Article 11(2)(8) p.a.

²⁶ Judgment of the Provincial Administrative Court in Warsaw of 26 November 2014, IV SA/Wa 1391/14, LEX no 1758852; judgment of the Provincial Administrative Court in Gorzów Wielkopolski of 30 June 2011, II SA/Go 83/11, LEX no 1613717.

²⁷ Ożóg M. (2019). Współdziałanie kościoła katolickiego i organów jednostek samorządowego w sprawie ustanowienia patrona wspólnoty samorządowej. *Studia Prawa Wyznaniowego*, vol. 22, p. 292.

²⁸ Komisja ds. Kultu Bożego i Dyscypliny Sakramentów. (2018). *Instrukcja Kongregacji Kultu Bożego o rewizji kalendarzy partykularnych oraz własnych formularzy oficjów i mszy*. <https://opoka.org.pl/biblioteka/W/WE/komisje/kkbids/instrukcjakalendarz2017.html> [accessed 12.10.2024].

²⁹ Ożóg M. (2019), p. 300.

³⁰ Article 14(1) m.a.; Article 13(1) c.a., as well as Article 19(1) p.a.

³¹ Commission for Divine Worship and the Discipline of the Sacraments. (2018), paragraph 30.

³² The extent to which the organs constituting local self-government units are bound by the opinion of the ecclesiastical authority – whether it is binding or not for the organs of local self-government units – remains unresolved. Taking into account the impartiality of worldview required by the Constitution, it seems reasonable to grant a non-binding character to the opinion of church authorities – all the more so as the binding character of any opinion should result from the provisions of law (analogy to naming streets and other parts of space after saints or blessed).

³³ Interestingly, according to canon law, the patron saint of a local government unit is not chosen for the unit understood as a legal person, but for a specific place or territory – usually a town, a city, sometimes a specific place. This means that the patron becomes associated with a specific place and not with the entire territory of a given local government unit, Świdorski K. (2022). Ustanowienie świętego patrona miast, gmin, powiatów i województw. *Studia Prawa Publicznego*, no. 1(37), pp. 33–37.

³⁴ Ożóg M. (2019), pp. 310–311.

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