

Czechoslovakia: Act No. 216 of 1991 concerning Travel Documents and Travel Abroad (repealed)

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Comments This is an unofficial consolidated translation including amendment made by Law of 26 April 1996. Repealed with effect from 01/07/2000.

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The Federal Assembly of the Czech and Slovak Federal Republic has enacted the following law:

Part ONE - FUNDAMENTAL PROVISIONS

Section 1

Every citizen of the Czech and Slovak Federal Republic (hereinafter only "citizen") has the right to travel freely abroad and to return freely to the Czech and Slovak Federal Republic.

Sec. 2

(1) A citizen may travel abroad only with a valid Czechoslovak travel document.

(2) Every citizen shall be issued a travel document unless it is contrary to the provisions of this Act.

Sec. 3

State frontiers of the Czech and Slovak Federal Republic may be crossed only at frontier crossing points designated for international travel, unless differently specified by an international treaty binding for the Czech and Slovak Federal Republic.

Part TWO - TRAVEL DOCUMENTS

Sec. 4

(1) The organ competent to issue travel documents shall enter into the document data necessary for proving the identity of its holder, data concerning the territorial scope and time of the document's validity, and any other data which may be required under an international treaty binding for the Czech and Slovak Federal Republic.

(2) Travel documents shall be furnished with a text in the Czech or Slovak language and, as a rule, in two foreign languages in accordance with international usage or an international treaty binding for the Czech and Slovak Federal Republic.

(3) Details regarding the data entered in travel documents shall be determined in a Decree issued by the Government of the Czech and Slovak Federal Republic.

Sec. 5

(1) The travel documents of individual citizens are:

- (a) a passport,
- (b) a diplomatic passport,
- (c) a service passport,
- (d) a travel card,
- (e) another travel document issued on the basis of an international treaty binding for the Czech and Slovak Federal Republic.

(2) The travel documents listed under (a) to (c) in paragraph 1 shall be issued for travel to all countries in the world and shall be valid for ten years; travel documents issued to children up to the age of fifteen years shall be valid two years.

(3) The travel document of a person without any citizenship, who permanently resided on the territory of the Czech and Slovak Federal Republic (hereinafter referred to as "stateless person"), shall be a travel identity card.

Sec. 6

Passports shall be issued to citizens by organs of the Federal Ministry of Interior competent according to the place of the respective citizen's permanent or temporary residence.

Sec. 7

(1) A diplomatic passport shall be issued by the Federal Ministry of Foreign Affairs to:

- (a) the President of the Czech and Slovak Federal Republic,
- (b) members of the Federal Assembly and to members of the Czech National Council and the Slovak National Council,
- (c) the Premier, Vice-Premiers and Ministers of the Government of the Czech and Slovak Federal Republic,
- (d) the Premier, Vice-Premiers and Ministers of the Government of the Czech Republic and the Slovak Republic,
- (e) Justices of the Constitutional Courts, Chief Justices of the Supreme Court of the Czech and Slovak Federal Republic and the Supreme Courts of the Czech Republic and the Slovak Republic, and the Prosecutors General of the Czech and Slovak Federal Republic, the Czech Republic and the Slovak Republic,
- (f) the Head of the Office of the President of the Czech and Slovak Federal Republic,
- (g) diplomatic officials working at Czechoslovak diplomatic missions or consular offices, and to diplomatic officials of the Federal Ministry of Foreign Affairs.

(2) Other persons than those listed in paragraph 1 may be issued a diplomatic passport if it is in keeping with international custom

Sec. 8

(1) A service passport shall be issued by the Federal Ministry of Foreign Affairs to:

(a) deputy ministers of the Governments of the Czech and Slovak Federal Republic, the Czech Republic and the Slovak Republic, heads of central organs of state administration of the Czech and Slovak Federal Republic, the Czech Republic and the Slovak Republic and their deputies, the Assistant Chief Justices of the Supreme Courts of the Czech and Slovak Federal Republic, the Czech Republic and the Slovak Republic, the Assistant Prosecutors General of the Czech and Slovak Federal Republic, the Czech Republic and the Slovak Republic, the head of the Secretariat of the Federal Assembly, the heads of the Secretariats of the Czech National Council and the Slovak National Council, the head of the Office of the Government of the Czech and Slovak Federal Assembly, and the heads of the Offices of the Government of the Czech Republic and the Government of the Slovak Republic,

(b) officials of the Federal Ministry of Foreign Affairs and the Federal Ministry of Foreign Trade, who are not holders of a diplomatic passport, for official travel abroad,

(c) officials of Czechoslovak diplomatic missions and consular offices, who are not holders of a diplomatic passport, and their spouses and minor children.

(2) Other persons than those listed in paragraph 1 may be issued a service passport if they travel abroad to deal with matters of the Czech and Slovak Federal Republic, the Czech Republic or the Slovak Republic and the competent central organ of state administration has expressed its consent with the issue of such passport.

Sec. 9

A travel card is a travel document for a single journey, limited in its territorial and time validity by the purpose of the journey; it shall be issued to a citizen who has no other travel document in particular for return to the Czech and Slovak Federal Republic and in urgent cases also for travel to countries which recognize it as a travel document. It shall be issued by organs of the Federal Ministry of Interior competent according to the permanent or temporary place of residence of the respective citizen or by Czechoslovak diplomatic missions and consular offices in the case of travel cards issued for journey to the Czech and Slovak Federal Republic.

Sec. 10

(1) Other travel documents, based on an international treaty binding for the Czech and Slovak Federal Republic shall be issued to citizens by organs of the Federal Ministry of Interior competent according to the permanent or temporary place of residence of the respective citizen.

(2) Seaman's and boatsman's books issued by the Federal Ministry of Transport pursuant to a special regulation^[1] shall entitle their holders to travel abroad if they have been registered by organs of the Federal Ministry of Interior.

Sec. 11

A travel identity card is issued by the Ministry of Interior to individuals without citizenship, or it is set by a special law.^[1a]
(amended by Article II of Law of 26 April 1996)

Sec. 12

If a minor younger than fifteen years travels abroad together with his or her parents and has no travel documents of his or her own, he or she shall be entered in the travel document of either parent.

Sec. 13

A travel document shall not be valid if:

- (a) the time of its validity stated therein has expired,
- (b) it has been damaged so that the entries made therein are illegible or if it is not in one piece,
- (c) it contains wrong data or unauthorized changes,
- (d) the photograph therein does not correspond to the real image of its holder,
- (e) the reason for which a diplomatic or service passport was issued to the holder has passed,
- (f) the holder of the travel document died or was declared dead.

Part THREE - ISSUE OF TRAVEL DOCUMENTS

Sec. 14

(1) A travel document shall be issued on application.

(2) Applications for issue of a travel document, for extension of its validity or for a change in entries therein may be filed by any citizen older than fifteen years; a citizen who is a minor shall attach to his or her application for a travel document a written consent of his or her legal representative with such representative's authenticated signature. Absence of such consent may be replaced by a court decision. [2]

(3) The application of a citizen younger than fifteen years shall be filed in his or her place by his or her legal representative.

(4) The application of a citizen deprived of his or her legal competence or whose legal competence has been restricted shall be filed in his or her place by his or her legal representative.

(5) In the case of diplomatic or service passports or travel documents issued for the purpose of performance of work duties abroad in accordance with an international treaty binding for the Czech and Slovak Federal Republic, the application may be filed for the respective citizen by a state organ or by a legal person controlled by the State.

(6) No authentication of signature, specified in paragraph 2, shall be required if the legal representative expresses his or her consent and signs the application before the organ competent to issue the travel document or, when abroad, at a Czechoslovak diplomatic mission or consular office.

Sec. 15

(1) The application for issue of a travel document, for extension of its validity or for a change therein shall be filed on official forms with the organ competent to issue the travel document and abroad at a Czechoslovak diplomatic mission or consular office.

(2) The application shall give the data entered in the travel document and additional data serving as basis for the decision.

(3) The necessary number of photographs of the required format shall have to be attached to the application for issue of the respective travel document.

(4) The applicant shall list in the application truly and fully all the required data.

(5) The details regarding the data required for the issue of a travel document shall be specified in a Decree issued by the Government of the Czech and Slovak Federal Republic.

Sec. 16

Changes of the data entered in travel documents and extension of the validity of these documents shall be made by the organ competent to issue the documents and abroad by Czechoslovak diplomatic missions and consular offices.

Sec. 17

Issue of a travel document may be denied to or an issued travel document may be taken away from a citizen:

- (a) against whom a writ of execution has been issued for failure to meet his duty of alimony or financial obligations.
- (b) who is being prosecuted for a criminal offence or who has failed to serve a prison penalty ordered by a court unless such penalty has been suspended or its execution has come under the statute of limitations.

Sec. 18

(1) The decision to withdraw a travel document shall be made by the organ competent to issue the document.

(2) If the decision has been made, or if it may be justly expected that the decision will be made, to withdraw a travel document, the travel document concerned may be detained by an organ competent to issue travel documents, by a passport inspection organ, or by an organ active in penal proceedings.

(3) The organ which detained a travel document shall issue to its holder a certificate confirming the detention and turn the document over within 48 hours to the organ competent to issue it, stating the reasons for the detention of the travel document.

(4) The organ competent to issue the travel document shall decide on its withdrawal or its return within fifteen days of having received the report on its detention.

Sec. 19

(1) Decisions whereby travel documents are issued, changes therein are made, or their validity is extended shall not be subject to the provision of Section 47 of the Code of Administrative Procedure if the application is granted in full.

(2) An appeal against a decision to withdraw a travel document shall have no dilatory effect.

Sec. 20

Final decisions whereby the issue of a travel document has been denied or whereby a travel document was withdrawn may be reviewed by a court if all regular means of redress have been exhausted in administrative proceedings.

Part FOUR - DUTIES OF CITIZENS

Sec. 21

(1) The holder of a travel document shall:

(a) protect the travel document against loss, theft, damage or misuse,

(b) return an invalid travel document or a travel document completely filled with entries in the organ competent to issue that document.

(2) The holder of a travel document shall report without delay its loss or theft in the organ competent to issue the document or to the nearest police station.

(3) The holder of a travel document, when abroad, shall report the loss or theft of his or her travel document to the nearest Czechoslovak diplomatic mission or consular office unless an international treaty binding for the Czech and Slovak Federal Republic provides differently.

Sec. 22

Whoever obtains another person's travel document shall return it without delay to the organ competent to issue the document or to the nearest police station. This duty shall also apply to a person who possesses or has come into possession of the travel document of a person who died or was proclaimed dead.

Part FIVE - MISDEMEANORS

Sec. 23

(1) A misdemeanor under this Act shall be committed by whoever:

(a) crosses the frontier of the Czech and Slovak Federal Republic without a valid travel document,

- (b) crosses the frontier of the Czech and Slovak Federal Republic with a valid travel document elsewhere than at a frontier crossing point designated for international travel, if such crossing of the state frontier is not permissible under an international treaty binding for the Czech and Slovak Federal Republic,
- (c) unlawfully takes possession or misuses another person's travel document,
- (d) states wrong or incomplete data in an application for a travel document, extension of its validity or a change of data entered therein,
- (e) makes unauthorized changes in a travel document or has such changes made,
- (f) frustrates the execution of a decision to withdraw a travel document,
- (g) violates another obligation stated in this Act if thereby he or she hampers the realization of the tasks of state administration.

(2) The acts specified in paragraph 1 shall be considered as misdemeanors unless they constitute felonies.

(3) A person who has committed the misdemeanors defined in paragraph 1 under (a) and (b) may be fined up to the amount of 10 000 crowns. A person who has committed the misdemeanors defined in paragraph 1 under (c) to (f) may be fined up to the amount of 5 000 crowns and up to the amount of 1 000 crowns in the case of the misdemeanor defined in paragraph 1 under (g).

(4) The fines shall constitute a receipt of the State Budget of the Czech and Slovak Federal Republic.

Sec. 24

(1) Misdemeanors specified in this Act shall be considered by organs of the Federal Ministry of Interior issuing travel documents, which are competent according to the place of the respective citizen's permanent residence.

(2) Besides the organs specified in paragraph 1, fines for misdemeanor may be levied and collected in the form of fine tickets by members of the Border Police and by organs of frontier inspection.

(3) The payment of fines shall be enforced by fiscal or tax authorities competent according to the offending citizen's place of permanent residence.

Sec. 25

Misdemeanors and their consideration under the provisions of this Act shall be subject to the general regulations governing misdemeanors.[\[3\]](#)

Part SIX - JOINT, INTERIM AND FINAL PROVISIONS

Sec. 26

This Act shall apply mutatis mutandis to stateless persons.

Sec. 27

Travel documents issued pursuant to the Act No. 63/1965, concerning travel documents, shall be considered to be travel documents issued pursuant to the provisions of this Act. Their validity shall be limited to the period for which they were issued.

Sec. 28

The following regulations are hereby repealed:

1. Act No. 63/1965, concerning travel documents,
2. Government Decree No. 114/1969, specifying the cases when the issue of a travel document may be denied,
3. Ordinance of the Ministry of the Interior and the Ministry of Foreign Affairs No. 115/1969, governing the validity of exit visas,
4. Ordinance of the Ministry of the Interior of the Czechoslovak Socialist Republic and the Ministry of Foreign Affairs No. 44/1970, implementing the Travel Documents Act, as amended by Ordinance No. 142/1971 and Ordinance No. 7/1980,
5. Decree of the Minister of the Interior of the Czechoslovak Socialist Republic No. 22 of June 28, 1971, granting exemptions from the provision of Section 10, par. 1, sub-par (b), of the Ordinance of the Ministry of the Interior of the Czechoslovak Socialist Republic and the Ministry of Foreign Affairs No. 44/1970 (registered in the Collection of Laws No. 18/1971).
6. Decree of the Minister of the Interior of the Czechoslovak Socialist Republic No. 33 of August 14, 1972, granting exemptions from the provision of Section 10, par. 1, sub-par (b), of the Ordinance of the Ministry of the Interior of the Czechoslovak Socialist Republic and the Ministry of Foreign Affairs No. 44/1970 (registered in the Collection of Laws No. 22/1972).

Sec. 29

This Act shall enter into effect on July 1, 1991.

[1] Section 27 of the Act No. 61/1952, on maritime navigation. Section 15 of the Act No. 26/1964, on inland navigation. Ordinance of the Ministry of Transport No. 65/1967, concerning boatsman's and seaman's books.

[1a] Article 30 of the Law No.123/1992 on the Stay of Aliens on the territory of the Czech and Slovak Federal Republic, in the version of Law No. 150/1996.

[2] Section 176 of the Code of Civil Procedure.

[3] Act of the Czech National Council No. 200/1990 on misdemeanors. Act of the Slovak National Council No. 372/1990 on misdemeanors as amended by act of the Slovak National Council No. 524/1990. Act No. 71/1967, concerning administrative proceedings (Code of Administrative Procedure).

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