

THE LEGALITY CONTROL MADE BY THE PREFECT'S INSTITUTION ON THE ACTS OF THE LOCAL PUBLIC ADMINISTRATION AUTHORITIES

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ABSTRACT: *The prefect may directly contest, in front of the administrative legal department, the acts issued by the local public administration's authorities, if they find them illegal; the action is drawn within the time foreseen by the article 11 paragraph (1), from the law of the administrative legal department, time frame starting to flow from the moment the prefect communicates the act and in the terms foreseen by law.*

Article 124 of the Law nr. 215/2001 – Law of local public administration, republished, with the ulterior alterations and completions, regulates the law of local councils to „give in free use, for a limited time, the mobile assets and the real estates public or private, local or county property, according to the case, to the companies with no lucrative purpose, that develop the charity or public utility or public services activities”.

From the content of the legal dispositions listed above it clearly results, that the local public authority decides, in exercising its attributions, only through decisions, in all fields attributed through law.

The court of law has the duty to delimit the categories of these decisions, according to their legal nature of authority administrative acts, of acts of civil law, of commercial law etc, with the consequence of delimiting the material competence of the administrative legal department related to other courts.

In order for the decisions adopted to constitute adopted acts/ issued as public power, even though to be censored in the conditions of the administrative legal department, these must aim the public or public property.

KEY WORDS: *Prefect; administrative acts; legality control; public property; private property*

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