



Guardians of Polish & Christian Heritage

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Legal Brief: Receiving Government Salary Without Lawful Office – Why It Matters

◆ Background

In 2025, Barbara Nowacka was presented as the Minister of Education in Poland. However, it has come to light that she never officially assumed this role, **due to failing a constitutional requirement: she did not take the legally binding oath of office required by Article 151 of the Polish Constitution.**

! Why the Oath Matters

In Poland, like in the UK, taking the official oath of office is not symbolic—it is a legal act that validates a minister's authority. Without this oath, a person cannot lawfully act on behalf of the government.

 Barbara Nowacka changed the wording of the oath (adding a feminine grammatical form not allowed by the Constitution). Because of that, the oath was invalid, and she never became a legal minister.

Why She Shouldn't Have Been Paid

Despite not lawfully holding the position, Ms Nowacka received a full ministerial salary. In legal terms, this is called an undue payment—money paid without any legal right.

This violates both:

- The Polish Civil Code, which prohibits unjust enrichment,
- And the Constitution's principle of legality, which states that public funds can only be spent under proper legal authority.

Could It Be Investigated?

Yes. If someone knowingly receives money without holding legal office, this could lead to:

- Civil liability (forced repayment),
- Disciplinary consequences for officials who authorised the payments,
- And even criminal investigation, under provisions like fraud or abuse of office.

It Must Be Dealt With – Automatically

Under Polish law, public authorities have a legal duty to act when such irregularities occur. This means:

- The Prime Minister's Office or President's Office must investigate,

- **The money** must be returned **to the public budget**,
- **If criminal laws were broken**, it must be referred to prosecutors.

Importantly, citizen action is not required **to trigger these steps**. **The state must act on its own initiative**.

Final Verdict

- Barbara Nowacka never legally became Minister **of Education**.
- **Any money she received as minister** is unlawful **and** must be returned.
- **Polish authorities** are obligated by law **to take immediate action**.
- **If this situation happened in the UK**, it would trigger parliamentary inquiry and possibly prosecution.

Legal principle: *Nullum officium, nullum salarium*
→ No office, no salary.

Yours faithfully,

Lord Michal Kurzdym

Lord Michał Kurzdym
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