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THE LEGALITY OF DRESS CODE AND FACE CONTROL

Quite often, when visiting restaurants, cafes or night clubs, we encounter certain *dress code* and *face control* requirements imposed by the administration of entities: requirements for clothing, appearance, behaviour, and a list of prohibited and allowed items to take.

According to the definition, given in “*Oxford Dictionaries: English Dictionary, Thesaurus, & Grammar Help*”, a *dress code* is “a set of rules, usually written and posted, specifying the required manner of dress at a school, office, club, restaurant, etc.; the customary style of dress of a specified group”[1]. The meaning of *face control* pertains to “the policy of upscale nightclubs, casinos, restaurants and similar entities to restrict entry based on a bouncer's snap judgment of the suitability of a person's looks, money, style or attitude” [1].

To analyze the legality of dress code and face control requirements, it should, first of all, be noted that all the above-mentioned settings are entities providing public services (food, entertainment, etc.). In order to use such

services, entities offer you the terms and conditions of “cooperation”. For example, a sports club can offer services by listing them and specifying working hours, prices of services, etc. A night club offers performances, indicating the length (time), ticket prices, etc. In fact, the information provided on advertising signboards is a proposal to accept a public contract.

According to the law, a public contract is an agreement in which one party, that offers its goods (works, services), is obliged to sell goods (perform works, provide services) to anyone who applies to it [3]. A public contract does not necessarily have to be written if you accept the offer (for example, you buy an entry ticket or sit down at a coffee table). It is considered that you have agreed to the terms of a public contract, and the contract itself is agreed orally. Generally, such contracts are concluded in the following sectors: retail trade, public transport, communication, healthcare, hotel and accommodation, banking etc. The terms of a public contract are assumed to be equal for all consumers, except for those who are entitled the appropriate privileges under the law. It is also established by law that an entrepreneur has no right to favour one consumer against another. At the same time, it should be noted that organizations providing public services might impose certain requirements (rules).

In accordance with Article 24 of the Constitution of Ukraine, “citizens have equal constitutional rights and freedoms and are equal before the law” [2]. There can be no privileges or restrictions based on race, colour of skin, political, religious or other beliefs, sex, ethnic or social origin, property status, place of residence, language or other grounds. Hence, a public contract cannot have any restrictions that would violate the legislation of Ukraine.

On the one hand, an entity cannot establish rules according to which only people of a certain nationality, colour of skin, status, etc., are allowed to the place. Even if these restrictions are indicated in the public offer (advertisement), they will still be illegal. On the other hand, regulations should not contradict the requirements of the legislation associated with the use and abuse of alcohol, drugs and other intoxicating substances.

In conclusion, dress code and face control requirements may be legal if such requirements are: set for all visitors of an institution; the information about them is placed in a place accessible to all potential visitors; the requirements are not discriminatory and do not violate Ukrainian laws.

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INVALID DEEDS

Adoption of the Constitution of Ukraine has led to a new stage in the development of Ukrainian society towards the creation of a sovereign, independent, democratic, social and legal state.

The possibility of free implementation by subjects of civil relations of their rights, enshrined by law, must be consistent with the need not to violate the rights, freedoms and legitimate interests of other persons. According to this, the law simultaneously provides for certain limitations in the conduct of any economic activity. Thus, for the validity of civil law deeds it is necessary that they clearly correspond to the requirements specified in the law, in case of non-compliance, there are grounds for their invalidation.

The Civil Code of Ukraine gives enough attention to the deeds, including the invalid deeds, as well as the consequences that they may cause. At the same time, a significant number of issues remain unresolved. This is confirmed by the imperfection of certain legal norms regulating the relations related to the implementation of such deeds, namely: definition of the grounds for invalidity of the deeds, their consequences, the responsibility of the parties, etc.

According to Art. 11 of the Civil Code of Ukraine one of the grounds for the emergence of civil rights and obligations are contracts and other deeds. Deed is lawful, that is, not prohibited by law, willful action of the subject of