



Strasbourg, 15 February 2012

Opinion no. 663 /2012

CDL-REF(2012)007
Engl. only

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

ACT CLXI OF 2011 ON
THE ORGANISATION AND ADMINISTRATION OF COURTS *
OF HUNGARY

* The Act was adopted by the Parliament at its session on 28 November 2011.

To satisfy the requirements of administering justice efficiently with regard to the principle of rule of law, to fully realize the principle of independency of the judiciary, to ensure the uniformity of passing judgments and to enforce the Fundamental Law of Hungary, the Parliament hereby adopts the following Act in conformity with Articles 25-28 of the Fundamental Law:

PART ONE
FUNDAMENTAL PRINCIPLES OF THE FUNCTIONING AND ORGANISATION OF COURTS

Chapter I
Principles

1. General provisions

Section 1

In Hungary, courts shall administer justice and perform other tasks defined by law.

Section 2

(1) Within the framework of proceedings defined by law, courts shall render final decisions on disputed or violated rights, on the conflict of local ordinances with other legislation and their annulment, and on the establishment of a local government's neglect of its statutory legislative obligations.

(2) The courts shall guarantee that the law is upheld during their judicial application of laws.

Section 3

Judges and lay judges are independent, they shall render their decisions based on the law and in accordance with their convictions; they may not be influenced or instructed in relation to their activities in the administration of justice.

Section 4

Courts shall constitute a separate chapter in the Act on the State Budget. Within this chapter, the Curia shall constitute a separate title.

Section 5

The scope of judicial cases to be decided in court proceedings shall be established by law.

Section 6

Court decisions shall be legally binding for all parties, including cases where the court establishes its jurisdiction or the lack thereof.

Section 7

All persons are equal before the court.

Section 8

(1) Nobody may be withdrawn from his/her legal judge.

(2) The judge ordered by law shall be a judge presiding in the court with the competence and jurisdiction as provided for by procedural rules and designated in accordance with the pre-defined case distribution schedule.

Section 9

(1) The case distribution schedule shall be defined by the President of the court – based on the opinions of the chamber of judges and the colleges – no later than 10 December of the year preceding the year in question. The case distribution schedule may be deviated from for important reasons affecting the operation of the court or in the interests of the court.

(2) If the judge is ordered to preside at the court after the case distribution schedule has been determined, the case distribution schedule shall be amended accordingly.

Section 10

(1) The case distribution schedule contains information on the composition and number of chambers operating at the given court, information on the types of cases administered by judges, chambers – including appointed judges – and court secretaries acting as single judges in cases stipulated by law, the order of substitution, the court leader entitled to distribute the cases, and information on the method of distributing cases. The case distribution schedule shall include the scope of cases administered by presiding court leaders and the manner in which these cases are distributed. The case distribution schedule stipulates which chambers and judges adjudicate in key lawsuits as defined in the Act on Civil Procedure and key cases as defined in Act 19 of 1998 on Criminal Procedure (hereinafter: Be. with the Hungarian abbreviation).

(2) The case distribution schedule of the Curia shall also specify the judges adjudicating as members of the municipal chamber and the panel publishing authoritative rulings, furthermore it shall specify which judges can adjudicate in which chamber of uniformity proceedings.

(3) When establishing the case distribution schedule, the significance and labour intensity of cases shall be considered – with particular regard to lawsuits and key cases – along with statistical data on the receipt of the case, and efforts shall be made to establishing commensurate workloads.

Section 11

(1) The case distribution schedule as well as any amendments and supplements shall be communicated promptly to those concerned, and shall be put on display at the court where it is accessible to the parties; furthermore it shall be published on the central website of courts (hereinafter: central website), and, if applicable, it shall be published on the website of the court concerned.

(2) The case distribution schedule may be deviated from in the cases regulated in procedural regulations, furthermore, through administrative channels for important reasons affecting the operation of the court.

Section 12

(1) Trial by court shall be public – unless an exception is provided for by law.

(2) The court shall announce its decision passed at the trial in public.

(3) The President of the National Judicial Office (hereinafter: NJO), the National Judicial Council (hereinafter: NJC) and court leaders shall be obliged to ensure the public nature of court administration and the relating decision-making in line with this Act.

Section 13

(1) The court shall be obliged to give reasoning for its decision, unless otherwise provided for by law.

(2) Legal remedy may be sought against court decisions, unless an exception is provided for by law.

(3) In accordance with the provisions of this Act, the court decisions defined in this Act shall be available to any person without restriction and free of charge, without having to identify themselves.

Section 14

The execution of court decisions shall be ordered by the court.

Section 15

(1) The court shall proceed as single judge or in chamber. Lay-judges shall also take part in the adjudication of cases and in the manner defined by law. The rights and obligations of lay-judges shall be identical in adjudication with those of professional judges.

(2) Only a professional judge may preside as a single judge or as the head of a chamber. In cases defined by law, court secretaries may also act within the competence of single judges.

Chapter II Organization of the court

2. Common rules

Section 16

In Hungary, justice shall be administered by the following courts:

- a) the Curia,
- b) regional courts of appeal,
- c) tribunals,
- d) district councils and
- e) administrative and labour courts.

Section 17

(1) The establishment, merger, termination and naming of courts as well as the determination of their seat and territorial jurisdiction, furthermore the denomination of courts with military chambers – with the exception in Paragraph (2) – shall be provided for by a separate Act.

(2) If the territorial jurisdiction of courts conforms to the area of public administration, it shall be modified by the President of the Republic in a resolution – based on a recommendation by the President of the National Judicial Office – following changes to public administration borders.

3. District courts, administrative and labour courts

Section 18

(1) District courts shall proceed in the first instance.

(2) District courts shall be led by the President.

(3) District courts shall not be legal entities, however, the President thereof might undertake obligations in accordance with the rules on the management of public finances in a manner stipulated in the internal rules of the tribunal.

(4) Groups may be established at district courts to handle certain types of cases.

Section 19

(1) Administrative and labour courts shall proceed in the first instance

a) in cases reviewing administrative decisions,
b) in cases regarding employment relationships and legal relationships of an employment nature, and
c) in other cases referred to them by law.

(2) Administrative and labour courts shall be led by the President.

(3) Administrative and labour courts shall not be legal entities; however their Presidents can undertake obligations in line with the rules on the management of public finances in a manner stipulated in the internal rules of the tribunal.

(4) Groups may be established at administrative and labour courts to handle certain types of cases.

Section 20

(1) Independent from the activities of colleges and beside them, regional administrative and labour colleges shall operate in a number and with the territorial jurisdiction as defined in a separate legal act.

(2) The regional administrative and labour college shall perform tasks defined by law, its organizational framework shall be ensured by the tribunal designated by law.

(3) If the territorial jurisdiction of the regional administrative and labour college covers one tribunal only, the rules on the regional administrative and labour college shall be applicable to the administrative labour college of the tribunal with respect to college membership and operation; furthermore in this case the administrative and labour college of the tribunal and the head of the college shall also perform the tasks of the regional administrative and labour college and those of the head of the regional college.

4. The tribunal

Section 21

(1) The tribunal shall proceed as the first instance court – in cases defined by law – and review appeals lodged against the decisions of district courts and administrative and labour courts in the second instance.

(2) Tribunals shall be led by the President.

(3) Tribunals shall be legal entities.

(4) Chambers, groups as well as criminal, civil, economic and administrative and labour judicial colleges shall operate at tribunals. Colleges may operate jointly.

(5) Military chambers shall proceed in the cases established by law in the first instance – in the designated tribunals with the territorial jurisdiction as stipulated by law.

5. Regional court of appeal

Section 22

(1) The regional court of appeal shall rule on legal remedies submitted against the decisions of district courts or tribunals – in the cases defined by law – and shall proceed in other cases referred to its jurisdiction.

(2) Regional courts of appeal shall be led by the President.

(3) The regional court of appeal shall be a legal entity.

(4) The regional court shall operate chambers as well as criminal and civil judicial colleges.

(5) In cases adjudicated by the military chamber in the first instance in military criminal proceedings, the military chamber operating at the designated regional court of appeal shall proceed in the second instance.

6. The Curia

Section 23

(1) The Curia shall be the supreme judicial body.

(2) The Curia shall be led by the President.

(3) The Curia shall be a legal entity.

Section 24

(1) The Curia shall

a) rule on the legal remedy submitted against the decision of the tribunal or the regional court of appeal,

b) rule on petitions for review,

c) adopt an obligatory uniformity decision applicable for courts,

- d) analyse jurisprudence in cases where a final decision has been adopted, including exploring and examining the jurisprudence of courts,
- e) publish court rulings and decisions or authoritative rulings,
- f) adopt decisions on the conflict of local ordinances with other legislation and their annulment,
- g) adopt decisions on establishing a local government's neglect of its statutory legislative obligation, and
- h) proceed in other cases referred to its jurisdiction.

(2) The Curia shall operate judicial, uniformity, municipal, as well as panels publishing authoritative rulings, criminal, civil, administrative-labour colleges, furthermore groups analyzing the jurisprudence of courts.

PART TWO PROCEEDINGS IN THE INTEREST OF THE PROMOTION OF STANDARD AND TIMELY JUDICIAL LAW APPLICATION AND THE REVIEWING OF LOCAL ORDINANCES

Chapter III Duties of Courts in the Interest of Maintaining Standard Practices in the Administration of Justice

7. General Provisions

Section 25

As part of the fulfilment of its duties determined in Article 25 Paragraph (3) of the Fundamental Law, the Curia shall make legal standardisation decisions, shall conduct jurisprudence analyses in cases completed on a final and absolute basis and shall publish authoritative court rulings and authoritative court decisions.

Section 26

(1) If the chamber or single judge of a court of appeal, tribunal, administrative and labour court or district court passed a ruling on an authoritative issue and its/his ruling became final and absolute, such ruling of authoritative significance shall be presented to the chair of the court.

(2) The chairs and division heads of courts of appeal and tribunals as well as the chairs of administrative and labour courts and district courts shall continuously monitor the administration of justice by the courts under their supervision, while the heads of regional administrative and labour divisions shall monitor the administration of justice by the courts forming part of the regional division.

(3) If it comes to the attention of the chair of a court or the division head of a court of appeal or tribunal or the head of a regional administrative and labour division on the basis of a decision under Paragraph (1), cases administered by the court, on the occasion of an investigation at the court or in any other way that a decision of authoritative significance was adopted, a contrary practice evolved with respect to a theoretical issue of authoritative significance or final and absolute rulings were passed on contrary theoretical grounds at the court under his management or supervision or at a court forming part of the regional administrative and labour division, he shall inform the chair of the senior court thereof by simultaneously presenting the relevant rulings and any other documents as necessary.

(4) As part of the fulfilment of the obligation under Paragraph (3), in administrative and labour cases, the chair or division head of a tribunal as well as the head of a regional administrative and labour division shall inform the President of the Curia.

(5) Prior to notification under Paragraphs (3) and (4), the chair or division head of a tribunal or court of appeal as well as the head of a regional administrative and labour division may consult the judges of the division concerned and/or the judges of the regional administrative and labour division concerned with a view to the subject-matter of the issue of authoritative significance.

Section 27

(1) In the interest of maintaining standard practices in the administration of justice, division heads and the heads of regional administrative and labour divisions shall monitor the practices of courts, shall express their opinions on law application issues in dispute and shall, at the request of the head of the jurisprudence analysis task force, participate in the analysis of jurisprudence.

(2) If necessary in the interest of standard law application, the head of division of a court of appeal or tribunal shall, based on the motion of the division head of the Curia or the chair of a court of appeal aimed at a law standardisation procedure, propose the publication of an authoritative decision to the President of the Curia or the division head of the Curia.

(3) In the course of the procedure referred to in Paragraph (2), in administrative and labour cases, the division head of a tribunal as well as the head of the regional administrative and labour division shall submit a proposal to the division head of the Curia with respect to a motion aimed at a law standardisation procedure and to the President of the Curia or the division head of the Curia with respect to the publication of an authoritative court decision.

(4) The President of the NJO shall propose that the President of the Curia make a motion for the institution of a law standardisation procedure if he finds in the course of the fulfilment of his duties that this is necessary in the interest of standard law application.

Section 28

(1) The Curia shall attend the meetings of the divisions of courts of appeal and tribunals and of regional administrative and labour divisions via its representative.

(2) The court of appeal shall attend the meetings of the tribunal division coming under its territorial jurisdiction via its representative.

(3) The head of a regional administrative and labour division shall attend the meetings of the administrative and labour divisions of tribunals coming under the territorial jurisdiction of the regional administrative and labour division in the capacity of invited guest.

8. Jurisprudence Analysis Task Force

Section 29

(1) It is the duty of the jurisprudence analysis task force to analyse practices in the administration of justice. The topics to be investigated shall be determined by the President of the Curia annually, after due consultation with the divisions of the Curia. The division heads of courts of appeal and tribunals and further the heads of regional administrative and labour divisions, the President of the NJO and the Prosecutor General, too, may table motions with respect to the topics to be investigated (hereinafter collectively referred to as „initiator“).

(2) The head and members of the jurisprudence analysis task force shall be appointed by the President of the Curia for each topic of investigation from among the judges of the Curia, based on the recommendations of the division heads of the Curia. Based on the initiator's recommendation or if warranted by the topic of investigation, the head of the task force may also involve judges posted at inferior courts and theoretical and practical experts active in the field of the topic of investigation.

Section 30

(1) The jurisprudence analysis task force shall prepare a summary opinion on the result of their investigation. The completed summary report shall be debated by the division of the Curia with competence with a view to the subject-matter thereof and, in the event of their agreement, the findings of the opinion shall be published by the head of the task force on the website of the Curia. Simultaneously, the head of the task force shall also publish the entire summary opinion on the intranet network of courts (hereinafter referred to as „intranet“).

(2) If the relevant conditions exist, based on the summary opinion referred to in Paragraph (1), the division head of the Curia may initiate a law standardisation procedure or may contact the President of the NJO via the President of the Curia in the interest of initiating legislation.

(3) The jurisprudence analysis task force and court leaders shall cooperate in the course of the investigation.

(4) The procedural rules relating to the proceedings of the jurisprudence analysis task force shall be established in the Curia's procedural rules; the relevant provisions shall be published on the website of the Curia.

9. Authoritative Court Rulings and Authoritative Court Decisions

Section 31

(1) An authoritative publication council comprised of experts on criminal law, civil law, business law, labour law and administrative law shall operate at the Curia for the selection and publication of authoritative court rulings and authoritative court decisions. The authoritative publication council shall consist of a chair and 4 further members.

(2) If the Curia's jurisprudence council passed a ruling concerning wide strata of society or a ruling of particular significance from the viewpoint of public interests that also extends to theoretical issues, the chair of the council shall, without delay after the ruling has been committed to writing, notify the division head with competence with a view to the field concerned. The division head shall present the ruling to the authoritative publication council which shall decide, if warranted by the circumstances, on the publication thereof as an authoritative court ruling.

(3) If it comes to the attention of the President or division head of the Curia on the basis of the notification under Section 26 (3) and (4) or the proposal under Section 27 (2) and (3) or in any other way that an inferior court passed a ruling satisfying the criteria cited in Paragraph (2) and the conditions do not exist for the institution of a law standardisation procedure or the publication of an authoritative court ruling, he shall present the ruling to the Curia's authoritative publication council with competence with a view to the field concerned which shall decide on the publication thereof as an authoritative court decision.

10. Law Standardisation Motion

Section 32

(1) A law standardisation procedure shall be instituted if

a) it is necessary to adopt a law standardisation decision or to alter or to repeal a previously adopted law standardisation decision in the interest of the further development of jurisprudence or the maintenance of standard practices in the administration of justice, or

b) a justice administration chamber of the Curia wishes to depart from the ruling of another justice administration chamber of the Curia published as an authoritative court ruling or from a published authoritative court decision on a legal issue.

(2) In the case mentioned in Paragraph (1), Point *b)*, the chamber of the Curia shall suspend its proceedings until the adoption of a law standardisation decision, subject to the initiation of a law standardisation procedure.

Section 33

(1) A law standardisation procedure shall be conducted if initiated by

a) the President or division head of the Curia or their deputies or the chair of a court of appeal,

b) by a chamber chair of the Curia in the case mentioned in Section 32 Paragraph (1), Point *b)*, or

c) the Prosecutor General.

(2) In a motion aimed at the adoption of a law standardisation decision, the initiator shall state on what issues and for what reasons he seeks the adoption of a decision by the law standardisation council, while in the case mentioned in Section 32 (1), Point *b)*, a recommendation shall be made for the proposed resolution of the legal issue in question. Official copies of the court rulings covered by the motion shall be enclosed with the motion.

11. Law Standardisation Council

Section 34

(1) At the Curia, criminal, combined civil and business and combined administrative and labour law standardisation councils shall operate (hereinafter referred to as „law standardisation council“). The law standardisation council shall be headed by the President, Vice-President, division head or deputy division head of the Curia. The law standardisation council shall be comprised of a chair and 4 further members, and the members shall be selected by the chair of the law standardisation council.

(2) If a decision to be adopted in a law standardisation council concerns the fields of multiple law standardisation councils, the chair of the law standardisation council shall appoint the law standardisation council from among judges proceeding in the fields concerned. This law standardisation council shall be comprised of a chair and 6 further members and shall be chaired by the President or Vice-President of the Curia.

(3) Except as set forth in Paragraph (4), the presenter of the law standardisation motion may not be the chair of the law standardisation council and further, in the case under Section 32 (1), Point *b)*, the members of the law standardisation council shall be selected in such a way that the members of the chamber which wishes to depart from the ruling of another

chamber of administration of justice of the Curia published as an authoritative court ruling or from a published authoritative court decision or the members of the authoritative publication council which decided on the publication of the authoritative court ruling or authoritative court decision may not be in a majority.

(4) The law standardisation council shall be the entire division of the Curia if the purpose of the law standardisation procedure is

a) to alter or to repeal a previously adopted law standardisation decision or
b) to resolve a theoretical issue of authoritative significance in the interest of the development of jurisprudence.

(5) The law standardisation council under Paragraph (4) shall be chaired by the President or Vice-President of the Curia.

Section 35

In the case referred to in Section 34 (1) and (2), the law standardisation council shall have a quorum in the presence of all members and shall adopt its decisions with a simple majority. The law standardisation council under Section 34 (4) shall have a quorum if its meeting is attended by more than two thirds of its members; the decision of the law standardisation council shall be subject to the votes of two thirds of the attending members.

12. Law Standardisation Procedure

Section 36

(1) Law standardisation procedures shall be prepared by the chair of the law standardisation council, for the purposes of which he may appoint one or two presenting judges from the law standardisation council and may obtain opinions on the motion.

(2) Unless it was submitted by the Prosecutor General, the motion aimed at the adoption of a law standardisation decision, together with an official copy of the court ruling covered by the law standardisation motion, shall be sent by the chair of the law standardisation council to the Prosecutor General. The Prosecutor General shall, within fifteen days of the delivery of the motion, send his declaration in response to the law standardisation motion to the Curia.

Section 37

(1) Based on the motion, the chair of the law standardisation council shall schedule the date of the meeting of which he shall notify the members of the law standardisation council and those entitled to attend on the basis of the rules of law. The meeting of the law standardisation council is not public and may be attended, in addition to the members of the law standardisation council, by the Prosecutor General and guests invited on a case-to-case basis. The initiator or the members of the law standardisation procedure may nominate guests to be invited on a case-to-case basis and the chair of the law standardisation council shall decide on the invitation of such guests.

(2) If unable to attend, the Prosecutor General shall be deputised at the meeting of the law standardisation council by the prosecutor appointed by him.

Section 38

(1) The meeting shall be chaired by the chair of the law standardisation council. After the opening of the meeting, the chair of the law standardisation council or the presenting judge shall summarise the law standardisation motion or the essence of the authoritative issue to be

assessed. All attendees may speak out at the meeting and the initiator may alter or revoke his motion until the adoption of the law standardisation decision.

(2) After the contributions, the chair of the law standardisation council shall adjourn the meeting. Following this, the law standardisation council shall adopt its decision, after a debate, by casting votes; in addition to the chair and members of the law standardisation council, only the keeper of the minutes may attend the vote.

(3) The chair of the law standardisation council may for important reasons postpone the meeting.

Section 39

(1) The chair of the council shall refuse a motion originating from a person not authorised to submit a motion without the assessment thereof on its merits.

(2) The council shall terminate the law standardisation procedure without assessment in the event of the revocation of the motion if the circumstances referred to in Section 32 (1) do not exist.

Section 40

(1) Except as set forth in Section 39, based on the motion, the law standardisation council shall adopt a law standardisation decision or a ruling dispensing with the adoption of a decision. The chair of the law standardisation council shall send the decision or ruling to the presenter of the motion and, if the presenter was not the Prosecutor General, to the Prosecutor General within 15 days of the meeting of the law standardisation council.

(2) The operative part of a decision granting a law standardisation motion shall contain guidance on the authoritative issue serving as the subject-matter of or closely related to the law standardisation procedure.

(3) The law standardisation council shall not grant the motion and shall dispense with the adoption of a law standardisation decision if there is no need for the adoption of a law standardisation decision.

(4) The reasoning of the law standardisation decision and the ruling dispensing with the adoption of a decision shall state the presenter of the law standardisation motion, the subject-matter of the motion and the court rulings covered or affected. It shall state any contrary opinions on the authoritative issue to be assessed and if necessary, the essence of the facts of the case established in the court rulings covered or affected by the motion, and shall, in the case of a granting decision, render an account of the reasons for the guidance provided in the operative part and, in the case of the reasoning of a ruling dispensing with the adoption of a decision, of the reasons for refusal.

Section 41

Unless stipulated otherwise in a rule of law, law standardisation decisions shall not extend in their effect to the parties and the accused.

13. Publication of Law Standardisation Decisions, Authoritative Court Rulings and Authoritative Court Decisions

Section 42

(1) Law standardisation decisions shall be published in *Magyar Közlöny* [Hungarian Gazette] as well as on the central website and the website of the Curia. Authoritative court rulings and authoritative court decisions selected by the authoritative publication council shall be published on the central website and the website of the Curia. Law standardisation decisions shall be binding on courts as of the date of publication in *Magyar Közlöny*.

(2) If deemed necessary, the Curia may also provide for the publication in any other way of the law standardisation decision, the authoritative court ruling or the authoritative court decision.

(3) If the law standardisation council repeals a law standardisation decision, the repeal decision shall be published in *Magyar Közlöny*. The law standardisation decision may not be applied as of the date of the publication of the decision on its repeal.

(4) If the law standardisation council repeals a law standardisation decision or terminates the maintenance of a ruling as an authoritative court ruling or authoritative court decision by virtue of its law standardisation decision adopted on the basis of a law standardisation procedure instituted under Section 32 (1), Point b), notification thereof shall be provided in the Compilation of Court Rulings, on the central website and on the website of the Curia.

Section 43

In matters not regulated in the present Chapter, a rule of law may establish further rules with respect to law standardisation procedures.

Section 44

The administrative provisions relating to law standardisation procedures shall be established in the administrative rules of the Curia; these provisions shall be published on the website of the Curia.

Chapter IV

Municipal Chamber of the Curia, Proceedings Aimed at the Reviewing of Local Ordinances and Omissions Related to the Statutory Legislative Obligations of Local Municipalities

14. Municipal Chamber of the Curia

Section 45

(1) A municipal chamber shall operate at the Curia for the assessment of the cases referred to in Article 25 Paragraph (2), Points c) and d) and Article 32 Paragraph (4) and (5) of the Fundamental Law.

(2) The municipality chamber shall consist of three judge members.

(3) It is the duty of the municipal chamber to conduct non-litigious proceedings aimed at the reviewing of unlawful local ordinances and non-litigious proceedings instituted due to omissions related to the statutory legislative obligations of local municipalities.

15. Non-Litigious Proceedings Aimed at the Reviewing of Local Ordinances

Section 46

The proceedings of the municipal chamber shall be duly governed by the provisions of the Act on Civil Proceedings relating to the language of the proceedings, the use of the mother tongue, the exercise of rights according to their designated purpose (without the imposition of a monetary fine), the disqualification of judges, summoning, service, the calculation of time limits, minutes, the viewing of documents, copies and the adoption of decisions.

Section 47

In non-litigious proceedings aimed at the reviewing of an unlawful local ordinance, the metropolitan and county government bureaus and local municipalities shall enjoy full exemption from the payment of costs.

Section 48

(1) Non-litigious proceedings aimed at the reviewing of local ordinances may be initiated against a local municipality by the metropolitan or county government bureau exercising the powers of supervision in respect of the local municipality on the basis of a motion satisfying the criteria and within the time limit determined in the Act on local municipalities.

(2) Legal representation is mandatory in proceedings before the municipal chamber. An attorney or law firm proceeding on behalf of the local municipality, an employee with the bar examination of the metropolitan or county government bureau as well as the notary or an employee with the bar examination of the local municipality shall be regarded as legal counsel for the purposes of representation. No trainee lawyer may proceed as legal counsel on behalf of an attorney or law firm.

(3) If a judge is required to apply a provision of a local ordinance in the course of the assessment of an individual case before him that he finds is contrary to another legal rule, in addition to the suspension of the court proceedings, he shall initiate non-litigious proceedings aimed at the reviewing of the local ordinance against the local municipality.

(4) The motion under Paragraph (3) shall contain

- a) the local ordinance to be assessed by the municipal chamber,
- b) the provision of the local ordinance found to be unlawful,
- c) the statutory provision which the provision of the local ordinance is contrary to,
- d) the reason why the judge finds the given provision unlawful.

(5) For the purpose of combined assessment, the municipal chamber shall order the merger of pending proceedings before it if the subject-matters of the motions are related.

Section 49

The municipal chamber shall decide on the merit of the motion in a decision and on all other issues emerging in the course of the proceedings, including the termination of the proceedings, in a ruling. No appeal shall lie against the decision or ruling.

Section 50

(1) The decision and ruling committed to writing shall contain:

- a) designation of municipal chamber and case number,
- b) names, head offices or addresses of parties and their counsels,
- c) subject-matter of proceedings,
- d) operative part and, as set forth in Paragraphs (2) and (3), reasoning, and
- e) place and date of the adoption of the decision or ruling.

(2) Decisions, rulings of refusal without in-merit assessment and rulings terminating the proceedings shall be justified as set forth in Paragraph (3), while other rulings shall be justified to the extent necessary.

(3) The reasoning of a decision or ruling shall state the facts of the case established by the municipal chamber, reference to the legal rules which the decision of the municipal chamber is based on and the circumstances in detail leading to the decision of the municipal chamber.

(4) The decisions and rulings adopted by the municipal chamber shall be signed by the chair and members of the chamber; if any of them is for any reason prevented from signing, this and the impediment concerned shall be stated in the decision.

Section 51

(1) The municipal chamber shall, within 15 days of the receipt of the motion, refuse a motion without the assessment thereof on its merits if

- a) it was not submitted by the metropolitan or county government bureau authorised thereto or the judge proceeding in the individual case,
- b) it is submitted by the metropolitan or county government bureau beyond the time limit prescribed in the Act on local municipalities,
- c) it is submitted by the metropolitan or county government bureau contrary to the provisions of the Act on local municipalities or by the judge proceeding in the individual case contrary to the provisions of the present Act, or
- d) the provision of the local ordinance contested by the motion ceased to have effect.

(2) The municipal chamber shall terminate the proceedings if

- a) the party submitting the motion revoked the motion or
- b) the motion should have been refused without the assessment thereof on its merits on the basis of Paragraph (1).

(3) The municipal chamber shall serve the ruling refusing the motion without the assessment thereof on its merits on the party submitting the motion and the ruling terminating the proceedings on the party submitting the motion and the local municipality by way of delivery.

Section 52

The municipal chamber shall send the motion to the local municipality for the purpose of obtaining its position on the motion by setting a deadline of 30 days.

Section 53

(1) The municipal chamber shall decide on the basis of the available documents and after the hearing in person of the legal counsels and other persons with expertise relevant to the assessment of the motion as necessary.

(2) The personal hearing shall be attended by the persons summonsed by the chair of the municipal chamber from among the persons determined in Paragraph (1) and may be attended by other invited persons notified by the chair of the municipal chamber. The personal hearing shall be conducted by the chair of the municipal chamber.

(3) For the purposes of summonsed persons with expertise relevant to the assessment of the motion, the rules of the Act on Civil Proceedings relating to the remuneration of witnesses shall duly govern.

Section 54

The municipal chamber shall adopt its decision by majority within 90 days of the receipt of the motion. In the event of a personal hearing, the time limit available for the proceedings shall be extended by 30 days.

Section 55

(1) The municipal chamber shall be tied to the motion but may also investigate other provisions of the local ordinance closely related to the provision cited in the motion.

(2) If the municipal chamber establishes that the local ordinance or a provision thereof is contrary to another legal rule, the municipal chamber shall

a) quash the local ordinance or its provision or shall pronounce that a promulgated local ordinance that has not yet entered into force or a provision thereof shall not enter into force,

b) order the publication of the decision in Magyar Közlöny and

c) order, by setting a deadline, that the decision shall be published, subsequent to the publication thereof in Magyar Közlöny, in the manner in which the local ordinance was promulgated.

(3) If the conditions set forth in Paragraph (2) do not exist, the municipal chamber shall refuse the motion.

(4) The decision of the municipal chamber shall be binding on all.

Section 56

(1) The municipal chamber shall serve the decision on the party submitting the motion, the metropolitan or county government bureau and the local municipality by delivery, and the chair of the municipal chamber shall provide for the publication of the decision on the central website and on the website of the Curia.

(2) The quashed local ordinance or its provision shall cease to have effect on the day following the publication of the decision in Magyar Közlöny.

(3) The municipal chamber may also establish the loss of force of the local ordinance or its provision in departure from Paragraph (2) if it is warranted by legal security or the particularly important interests of those coming under the effect of the ordinance.

(4) Except as set forth in Paragraph (5), the quashing of a local ordinance shall not affect legal relationships entered into prior to the loss of force or the rights and obligations arising therefrom.

(5) If the municipal chamber quashes the provision of a local ordinance applicable in a case in progress before a court based on the judge's initiative, the quashed provision of the local ordinance shall not be applicable in the individual case in progress before the court or in any other individual cases in progress before any court at the time of the quashing thereof.

16. Non-Litigious Proceedings Due to Omissions Related to the Statutory Legislative Obligations of Local Municipalities

Section 57

Non-litigious proceedings instituted due to omissions related to the statutory legislative obligations of local municipalities shall be governed by the rules relating to non-litigious proceedings aimed at the reviewing of unlawful local ordinances subject to the differences set forth under the present sub-title.

Section 58

If a local municipality duly fulfils its statutory legislative obligation in the course of the proceedings of the municipal chamber, the municipal chamber shall terminate the proceedings. Prior to the termination of the proceedings, the municipal chamber shall obtain the position of the metropolitan or county government bureau within the deadline set.

Section 59

If the municipal chamber establishes that the local municipality failed to meet its statutory legislative obligation, the municipal chamber shall order the local municipality to meet its legislative obligation within the deadline set.

Section 60

If, based on the initiative of the metropolitan or county government bureau, the municipal chamber establishes that the local municipality failed to meet its legislative obligation determined in Section 59 within the deadline set, the municipal chamber shall order the head of the metropolitan or county government bureau in its decision to create the local ordinance necessary for remedying the omission on behalf of the local municipality within the deadline set. After the issuance of such an order, the local municipality may not remedy its omission related to its legislative obligation.

Section 61

The decision shall be binding on the metropolitan or county government bureau and on the local municipality.

Chapter V

Appointment of Proceeding Court in the Interest of the Assessment of Cases Within a Reasonable Time

17. Condition of Appointment of Proceeding Court and Motion of Appointment

Section 62

(1) The President of the NJO may, as an exception, appoint a court with the same competence for the assessment of a case instead of the competent court if the case or a specific group of cases received by the court during a given period cannot otherwise be assessed within a reasonable time due to the extraordinary and disproportionate work load of

the court and if the appointment does not result in a disproportionate burden for the appointed court.

(2) A motion of appointment may be presented by the chair of the court of appeal or tribunal or the Prosecutor General to the President of the NJO within 15 days of the receipt of the case.

(3) The motion of appointment shall state the reasons why the case affected by the appointment or a specified group of cases received by the court during the period referred to in Paragraph (1) cannot be assessed within a reasonable time and shall further contain a list of the case, personnel and other data which serve to verify the extraordinary and disproportionate work load of the court.

18. Appointment of Proceeding Court

Section 63

(1) The President of the NJO shall, within 8 days of the receipt of the motion, investigate whether, with regard to the case, personnel and other data and the specific features of the case affected by the appointment, the motion is well-founded and further which court may be appointed for the proceedings. The President of the NJO shall consult the appointee court and, in criminal cases, the Prosecutor General if the motion was not tabled by the Prosecutor General, and may request data or opinions from any court; any such request shall be met without delay.

(2) The President of the NJO shall decide on the refusal of the motion if it is not well-founded or shall decide on the appointment of another court if the motion is well-founded within 8 days of the receipt of the opinions and data referred to in Paragraph (1).

(3) The President of the NJO shall inform the party initiating the motion and, in the event of the appointment of another court, the other court, and if the appointment concerns a criminal case, the Prosecutor General, of his decision.

Section 64

No further appointment under the present Chapter shall be made in the case affected by the appointment.

PART THREE CENTRAL ADMINISTRATION OF COURTS

Chapter VI President and Vice-President of the National Judicial Office, and the National Judicial Office

19. The President of the National Judicial Office

Section 65

Observing the constitutional principle of judicial independence the President of the NJO shall fulfil the central duties of court administration and the management duties with respect to the chapter on courts in the Act on the State Budget, and shall supervise the administrative activities of the presidents of regional courts of appeal and tribunals.

20. Election of the President of the NJO

Section 66

The President of the NJO shall be elected by Parliament from among judges appointed for an indefinite period of time and having at least 5 years of judicial service. The President shall be elected for 9 years with two-thirds of the votes.

Section 67

(1) The President of the Republic shall nominate a person for the position of the President of the NJO within 3 months prior to the expiry of the term of office of the previous President, but no later than the forty-fifth day prior to this date.

(2) If the term of office of the President of the NJO has expired for any of the reasons listed under Section 70 (1) *b)–j)*, the President of the Republic shall nominate a person for the position of the President of the NJO within 30 days.

(3) The nominee shall be heard by the Parliamentary committee dealing with justice affairs. Any nominee re-nominated by the President of the Republic after an unsuccessful election shall not have to be heard again.

(4) The election shall be held within 15 days of the nomination date. Should Parliament fail to elect the nominated person, the President of the Republic shall put forward a new nomination within no later than 30 days.

21. Legal status of the President of the NJO

Section 68

(1) Any person,

- a)* who is a member of the National Judicial Council,
- b)* against whom disciplinary or criminal proceedings are pending, except for proceedings launched on private actions and by substitute private prosecutors,
- c)* who is subject to a disciplinary penalty,
- d)* against whom a procedure is pending to declare him/her unsuitable,
- e)* whose judicial service is temporarily suspended pursuant to a legal act, or
- f)* who is a relative of a member of the NJC or a court leader falling under the appointment authority of the President of the NJO as defined in the Act on Civil Procedure shall not be appointed President of the NJO.

(2) The President of the NJO shall take office on the day following the expiry of the assignment of his/her predecessor or if he/she was elected after the expiry of the term of office of his/her predecessor, then on the day of his/her election.

Section 69

(1) Rules and regulations pertaining to judges shall be duly applicable to the President of the NJO, unless otherwise provided for by law.

(2) Provisions in Paragraph (1) shall be applicable if the judicial service of the President of the NJO ceases to exist without prejudice to his/her position as President.

*22. Termination of the office of President of the NJO***Section 70**

(1) The office of the President of the NJO shall be terminated:

- a) upon the expiry of the term of office,
- b) upon the death of the President,
- c) upon him/her being placed under conservatorship precluding or limiting his/her competency,
- d) upon him/her being elected as member of Parliament, member of the European Parliament, member of the local government or mayor, furthermore upon his/her election or appointment as a state leader,
- e) by a non-appealable court decision imposing a prison sentence or community work for committing a criminal act, or a decision barring him/her from exercising his/her civic rights, furthermore by the handing down of a final decision on his/her forced medical treatment,
- f) upon resignation,
- g) upon the establishment of conflicts of interest,
- h) upon relief of office, or
- i) upon removal from office.

(2) The termination of the office of the President of the NJO shall be established by the Speaker of the House in the cases listed in Paragraph (1) a)–f). In the cases listed under Paragraph (1) g)–i) the termination shall be decided by Parliament with a two-thirds majority.

(3) The Speaker of the House shall inform the President of the Republic about the termination of the office of the President of the NJO within 8 days of the decision.

(4) If the termination of the office of the President of the NJO is based on Paragraph (1) a) and Parliament did not elect a new President before the termination of office, the President of the NJO shall exercise presidential powers until the new President of the NJO has been elected.

Section 71

(1) The President of the NJO may relinquish his/her position at any time without justification in a declaration addressed to the Speaker of the House through the President of the Republic. No statement of acceptance shall be required for the resignation to be considered valid.

(2) The notice period for resignation is 6 months; parties may agree upon a shorter period of time. The notice period shall commence on the day when the legal declaration on resignation is delivered to the Speaker of the House.

Section 72

(1) Should the President of the NJO fail to terminate the cause of a conflict of interest within 30 days of his/her election, or should a reason for a conflict of interest emerge vis-à-vis the President in the course of performing his/her duties, Parliament shall adopt a decision on declaring a conflict of interest within 30 days of receiving the written motion from the President of the Republic, and requesting the opinion of the competent committee.

(2) If the President of the NJO terminates the cause of the conflict of interest during the conflict of interest procedure, it shall not be necessary to establish a conflict of interest.

(3) The President of the NJO shall not exercise his/her powers until the cause of the conflict of interest has been terminated.

Section 73

The President shall be relieved of his/her office if he/she is not able to perform his/her duties for longer than 90 days due to reasons beyond his/her control. The relief of office may be initiated by the President of the Republic.

Section 74

(1) The President shall be removed from office if he/she is not able to perform his/her duties for longer than 90 days for reasons falling under his/her control, furthermore, if due to some action, conduct or omission he/she has become unworthy of his/her position. Removal from office may be initiated by the President of the Republic, or the National Judicial Council with a two-thirds majority of votes of its members. The motion shall be addressed to the Parliament.

(2) Removal from office can be initiated by those entitled to put forward a motion in line with Paragraph (1) after examining the underlying reason – including a detailed justification and attaching supporting documents. The motion shall be examined by the Parliamentary committee dealing with justice affairs, who shall make a proposal addressed to Parliament concerning the content of the decision.

Section 75

(1) If the term of office of the President of the NJO is terminated upon the expiry of the fixed period and the President's judicial service was not terminated beforehand, he/she shall be appointed to a court at least equivalent with the court he/she used to work for before his/her term as a President, or if he/she was a judge at a district court or the administrative and labour court, he/she shall be appointed as head of chamber at a tribunal without a call for the submission of applications.

(2) If the term of office of the President of the NJO is terminated before the expiry of the fixed period and his/her judicial service was not terminated, he/she shall be appointed without a call for the submission of applications, preferably to his/her previous court and in a position which is at least equivalent to the previous one.

23. Duties of the President of the NJO

Section 76

(1) In his/her general central administrative position the President of the NJO shall

a) draw up and annually update the programme containing the long-term tasks of the administration of courts and the conditions thereof,

b) draw up in line with legal provisions – as normative instructions – all the mandatory rules and regulations applicable to courts, furthermore he/she shall adopt recommendations and decisions in order to perform his/her administrative tasks,

c) represent courts,

d) initiate legislation concerning courts,

e) express his/her opinion on draft legislation concerning courts – with the exception of municipal decrees – having collected and processed the opinions of courts through the NJO,

f) participate in the sessions of the parliamentary committees as an observer when legislative proposals directly concerning courts are on the agenda.

(2) In his/her role of managing the NJO the President of the NJO shall

- a) manage the activities of the NJO,
- b) establish the rules of organisation and operation of the NJO, and
- c) make proposals concerning the appointment and relief of the Vice-President of the NJO.

(3) In his/her role concerning the budgets of courts the President of the NJO shall

a) draw up his/her proposal concerning the budget of courts and the report on the implementation of the budget – requesting and communicating the opinions of the NJO, furthermore that of the President of the Curia with respect to the Curia – which the Government shall put forward to Parliament as part of the Act on the State Budget and its implementing provisions without amendment,

b) he/she shall participate as an invited guest at the meeting of the Budget Committee of Parliament and the Government when discussing the Act on the State Budget and on implementing regulations concerning the chapter on the budget of courts,

c) carry out the duties of the head of the organisation managing the chapter with respect to the chapter on the courts in the Act on the State Budget with the proviso that during the year he/she may re-distribute the appropriations for the Curia towards budgetary organisations included in the chapter with the consent of the President of the Curia, with the exception of re-allocations necessitated by changes in the headcount of budgetary organisations,

d) exercise tasks relating to the financial management of the chapter on courts,

e) manage the internal audit of courts,

f) determine the annual budget for fringe benefits in collaboration with interest organisations, and

g) determine the detailed conditions and levels of other benefits in collaboration with interest organisations.

(4) In his/her role regarding statistical data collection, case distribution and the measuring of workloads the President of the NJO shall

a) determine the necessary number of judges with respect to administrative and labour courts, district courts functioning in the territorial jurisdiction of tribunals, which is based on the headcount included in the chapter on the courts' budget in the Act on the State Budget and on the indicators of the average workload of court and out-of-court proceedings,

b) designate another court to proceed instead of the presiding court if so necessitated by the objective of adjudicating cases within a reasonable period of time,

c) in especially justified cases, order the adjudication of cases concerning a broad spectrum of society or cases of outstanding importance with a view to public interest as a matter urgency,

d) decide on the collection of judicial statistical data and on central duties concerning data processing, as well as

e) define and if necessary revise annually the data sheets and methodology to measure judges' workloads; he/she shall, at least once a year, review workloads and changes in national data concerning the management of cases and shall define the average national workload of court and out-of-court proceedings with respect to every judicial tier and stage of cases.

(5) In his/her role regarding matters of human resources, the President of the NJO shall

a) publish vacancies for judges,

b) put forward a proposal to the President of the Republic concerning the appointment and relief of judges,

c) post judges – following their first appointment to the court – according to the winning application and in line with the Act on the Legal Status and Remuneration of Judges,

d) appoint military judges into the military chamber and upon the termination of their professional service with the Hungarian Army shall put them into another judicial post,

e) designate, in line with the Act on the Legal Status and Remuneration of Judges, the judges adjudicating cases defined in Section 17 (5) and (6) and in Section 448 (2) of the Act on Criminal Procedure, furthermore upon the recommendation of the President of the tribunal he/she shall designate the judges presiding in administrative and labour cases at the tribunals,

f) may post judges to the Curia, to the NJO, to the Ministry led by the Minister responsible for justice affairs, and shall decide upon the termination of the appointment and re-appointment of the judge to an actual judicial position,

g) adopt a decision on the transfer of the judge,

h) adopt a decision on the posting of the judge to another venue of service, if the posting does not take place between the tribunal and the administrative and labour court operating in its territorial jurisdiction or between the district court or district courts operating in the territorial jurisdiction of the tribunal or between the administrative and labour courts operating in the territorial jurisdiction of the tribunal and the district courts,

i) take a decision concerning the long-term foreign secondments of judges,

j) decide whether or not the territorial jurisdiction of the court has diminished to a degree which make the further employment of the judge there impossible,

k) in the case of resignations of judges, he/she may agree to a notice period shorter than 3 months, and/or may relieve the judge of his/her duties for the notice period in full or in part,

l) in the case of a judge retiring or reaching the upper age limit he/she shall make a decision concerning the relief of the judge of his/her duties during the notice period in line with the Act on the Legal Status and Remuneration of Judges,

m) appoint and relieve the court leaders defined by law,

n) may grant a derogation in the case of a conflict of interest between a court leader and his/her relative adjudicating in an organisational unit under the leadership of the court leader, and

o) establish the number of lay-judges to be elected by the electing body to individual courts, taking into account the ratio of voters in the minority register, and the number of citizens with suffrage in the concerned settlements in a way that at least one lay-judge shall be elected by each minority local government.

(6) In his/her role concerning the administration of courts, the President of the NJO

a) shall approve the rules of organisation and operation of regional courts of appeal and tribunals,

b) shall manage and control – with the exception of Presidents of district, administrative and labour courts – the administrative activities of court Presidents, in the course of which he/she shall monitor the observance of rules on the administration of courts, the observance of procedural deadlines and procedural rules,

c) shall inspect court leaders under his/her appointment authority, and

d) depending on the conclusions of the inspection according to Points b) and c) shall take the necessary measures and control the implementation thereof, he/she may suggest that disciplinary proceedings be initiated.

(7) In his/her role regarding training the President of the NJO

a) shall decide upon central training tasks and shall monitor the implementation thereof, furthermore, shall determine regional training duties, and

b) shall draw up the rules of the training system of courts and rules on meeting the training obligations.

(8) In his/her role regarding information the President of the NJO

- a) shall inform the NJC about his/her activities every six months,
- b) shall inform the Presidents of the Curia, regional courts of appeal and tribunals of his/her activities on an annual basis,
- c) shall report annually to Parliament on the general situation of courts and the administrative activities of courts,
- d) shall be responsible for publishing the Compilation of Court Rulings,
- e) at the request of the Minister responsible for Justice shall order the collection of data in court for the purpose of preparing legislative acts, furthermore for the purpose of examining the enforcement of laws, and
- f) shall provide information at the request of the Minister responsible for Justice – requesting the opinions of courts, if necessary – in questions necessary for legislative activities concerning the organisation and administration of courts, furthermore in questions relating to the application of law by courts.

(9) In his/her other roles the President of the NJO

- a) shall carry out duties regarding financial disclosure statements of Presidents of regional courts of appeal and tribunals,
- b) shall initiate with the NJO the awarding of the following titles “honorary/titular tribunal judge”, “honorary/titular judge of the regional court of appeal”, “honorary/titular judge of the Curia”, “councillor of the Curia”, furthermore the awarding of titles ‘chief councillor’, ‘councillor’ to judicial employees and the awarding of decorations, prizes, diplomas or plaques,
- c) shall ensure that interest organisations can exercise their rights, and
- d) shall perform other duties referred to his/her scope of authority by law.

Section 77

(1) The President of the NJO shall exercise the rights stipulated in Section 76 with due respect to the rights and obligations of the President of the Curia and with deviations therefrom.

(2) The decisions taken by the President of the NJO shall be communicated promptly to those concerned in writing, but no later than within 8 days.

(3) The rules of the President of the NJO shall be published in the Hungarian Official Journal and the recommendations and decisions – with the exception of those listed in Paragraph (5) – shall be published on the official website of courts and on the central website, furthermore in the official journal of courts.

(4) The annual report of the President of the NJO on the general situation and administration of courts shall be published on the central website, furthermore the minutes of the interviews of applicants for a leading position that falls under the appointment authority of the President of the NJO shall also be published.

(5) The decisions and procedural decisions taken by the President of the NJO in the course of the operations of the NJO shall be published on the intranet.

(6) The President of the NJO shall issue a press release on his/her decisions which may be of public interest.

24. Vice Presidents of the NJO

Section 78

(1) The NJO shall have one general Vice President and further Vice Presidents.

(2) The President of the NJO shall be substituted by the general Vice President of the NJO if unable to work – including cases where the position is vacant, with the exception of the cases described in Section 70 (4).

Section 79

(1) The general Vice President and the Vice Presidents of the NJO shall be appointed for an indeterminate duration by the President of the Republic based on a call for the submission of applications, on the recommendation of the President of the NJO.

(2) The call for the submission of applications shall be public. Job applications shall be invited by the President of the NJO, the provisions stipulated in Section 130 shall be duly applicable to all applications.

(3) Should any of the reasons for conflicts of interest listed in Section 68 (1) be identified with respect to any person, he/she may not be appointed as general Vice President or Vice President of the NJO; furthermore no relative of the President of the NJO as defined in the Act on Civil Procedure may be appointed for the above positions.

Section 80

(1) The general Vice President of the NJO shall be a judge, the Vice President of the NJO shall be a judge or a judicial employee.

(2) The employer's rights with respect to the general Vice President and Vice President of the NJO shall be exercised by the President of the NJO.

(3) Rules on judges shall be duly applicable to the general Vice President of the NJO and the Vice President of the NJO if he/she is a judge by profession, unless otherwise provided for by law.

Section 81

(1) The term of office of the general Vice President and Vice President of the NJO shall be terminated:

- a)* by resignation,
- b)* by the establishment of a conflict of interest,
- c)* by relief of office, or
- d)* by termination of the service relationship.

(2) The termination of the term of office of the general Vice President and the Vice President of the NJO shall be established by the President of the NJO in the cases listed under Paragraph (1) *a)* and *d)*. In the case of Paragraph (1) *b)* and *c)*, the President of the Republic shall adopt a decision on the proposal of the President of the NJO.

Section 82

The resignation shall be communicated in writing to the President of the NJO. The notice period is 6 months. A shorter notice period may be determined by the President of the

NJO. The termination shall take effect on the day indicated in the decision establishing the termination of office. The resignation shall not prevent the disciplinary proceedings from taking place vis-à-vis the concerned party.

Section 83

(1) Should the general Vice President and Vice President of the NJO fail to terminate the cause of the conflict of interest within 30 days of his/her election, or should a reason for a conflict of interest emerge vis-à-vis the general Vice President and Vice President in the course of performing his/her duties, the President of the Republic shall adopt a decision on establishing a conflict of interest within 30 days of receiving the written motion of the President of the NJO.

(2) If the general Vice President and Vice President of the NJO terminate the cause of the conflict of interest during the relevant procedure, there shall be no need to establish a conflict of interest.

(3) The general Vice President and Vice President of the NJO shall not exercise his/her powers until the cause of the conflict of interest has been terminated.

Section 84

The President of the Republic shall relieve the general Vice President and Vice President of the NJO of his/her office if such is initiated by the President of the NJO with a detailed justification of the motion accompanied by supporting documents.

Section 85

If the Vice President of the NJO is a judge, provisions in Section 75 shall be duly applicable in the case of termination of office.

25. The NJO

Section 86

(1) The NJO is a central budgetary organisation with independent financial management based in Budapest.

(2) The NJO is led by the President of the NJO.

(3) The NJO

a) shall prepare decisions of the President of the NJO and ensure the enforcement thereof, furthermore it shall manage executive tasks relating to the functioning of the NJC,

b) shall represent the President of the NJO and courts in court proceedings on the basis of authorisation,

c) shall manage the central personal register of courts and shall manage the asset-related parts of financial disclosure statements of judges, and

d) shall take care of other tasks referred to its scope of activities by law.

Section 87

(1) A judge may also be posted to the NJO for a defined or indeterminate duration, or to complete a specific task, with his/her consent.

(2) Disciplinary proceedings against a judge posted to the NJO may be initiated by the President of the NJO.

(3) Provisions applicable to judges shall be duly applicable to a judge posted to the NJO, unless otherwise provided for by law.

Chapter VII
Supervision of the central administration of courts

26. Staff and composition of the NJC

Section 88

(1) The NJC is the supervisory body of the central administration of courts.

(2) The seat of the NJC shall be in Budapest.

(3) The NJC shall be composed of 15 members, which are the following: the President of the Curia and 14 judges.

(4) The 14 judge members of the NJC shall be elected in a secret ballot by majority vote at the meeting of the delegated judges.

Section 89

(1) The NJC shall be represented and led by the President.

(2) The presidential position of the NJC shall be filled by members on a rotational basis; members shall rotate every 6 months in the following manner: the first to fill the position shall be the judge with the longest judicial service, followed by the other members in descending order of the length of their judicial service.

(3) The President of the NJC, if unable to work, shall be substituted by the Vice President. The position of the Vice President shall be filled on a rotational basis in the following manner: the first to fill the position of the Vice President shall be the judge with the second longest judicial service and will be followed by the other members in a descending order of the length of their judicial service.

Section 90

(1) A judge with at least 5 years of judicial practice shall be eligible for election as a member of the NJC.

(2) The following shall not be eligible for election as an NJC member:

a) any person against whom disciplinary or criminal proceedings are pending with the exception of proceedings launched on private actions and by substitute private prosecutors,

b) who is subject to a disciplinary penalty,

c) against whom a procedure is pending to declare him/her unsuitable,

d) who is not allowed to exercise his/her judicial activity due to his/her position stipulated by law, furthermore whose legal relationship as a judge is suspended pursuant to a legal act,

- e) who is related to the President of the NJO, the President or Vice President of the Curia, the regional court of appeal and the tribunal, as defined in the Act on Civil Procedure,
- f) who shall reach the upper age limit determined for judges in the year of election, or
- g) who was previously a member of the NJC.

Section 91

(1) The meeting of delegates entitled to elect the members of the NJC shall elect – from among the delegates – one judge from the regional court of appeal, five judges from the tribunal, seven judges from the district courts and one judge from the administrative and labour court to be judge members of the NJC.

(2) Simultaneously upon electing the judge members of the NJC, the meeting of the delegates shall elect 14 judges as alternate members from among the delegates in accordance with Paragraph (1), defining an order based on the number of votes in a manner which rules out a tied vote.

(3) Should the number of valid majority votes exceed the upper limit indicated in Paragraphs (1) and (2), from among the candidates defined in Paragraph (1), those who received the highest number of votes shall be considered as elected members (alternate members of the NJC).

Section 92

If the number of alternate members has fallen under five and the undisturbed operation of the NJC or the observance of the upper limits defined in Sections 91 (1) cannot be guaranteed, new elections shall be held to increase the number of alternate members to 14 persons.

Section 93

The delegates participating at the meeting of the delegates shall be elected by a majority of votes of those present at the full meeting of the Curia, the regional court of appeal and the all-judges conference of the tribunal.

Section 94

(1) The full meeting of the Curia, as well as the all-judges conference of the regional court of appeal and the tribunal shall elect, by secret ballot, one delegate for every 20 judges based on the authorised number of judges of the court. If the remaining number of judges exceeds 10, a further delegate shall be elected. The number of elected delegates shall not exceed 20 and cannot be less than two – or three in the case of a tribunal – even if on the basis of the authorised number of judges of the court, one or no delegate can be elected.

(2) Any person eligible to be a member of the NJC according to the conditions in Section 90 shall be eligible to be nominated and elected as a delegate.

(3) Delegates at the tribunal shall be elected in a way that at least one of them shall represent the district court and at least one shall represent the administrative and labour court.

(4) Judges posted to the Curia, the NJO and the Ministry led by the Minister responsible for Justice shall elect at the all-judges conference convened at the court which was their place of service prior to their posting.

Section 95

(1) Any judge may nominate delegates.

(2) The nominated judge shall accept the nomination no later than 5 days prior to the all-judges conference.

(3) If the nominated judge has accepted the nomination, he/she shall attach his/her resumé together with the declaration of acceptance described in Paragraph (2), which shall also contain his/her plans as an NJC member.

Section 96

(1) The all-judges conferences electing the delegates shall be convened by the Presidents of the courts mentioned in Section 93, no later than four months prior to the expiration of the term of office of the NJC. Should the all-judges conference electing the delegates fail to have a quorum, it shall be reconvened no later than within 15 days. The reconvened all-judges conference shall have a quorum, irrespective of the number of those attending.

(2) The all-judges conference shall elect delegates by secret ballot with a majority of votes.

Section 97

(1) Delegates shall send their resumé to the President of the NJO within 8 days of being elected.

(2) The President of the NJO shall call upon the most senior delegate (hereinafter: the doyen of delegates) to convene and chair the meeting of delegates.

(3) Simultaneously with the request specified in Paragraph (2) the President of the NJO shall call upon the nominating committee consisting of 5 members – specifically the most senior judge delegates of the Curia, the regional court of appeal, the tribunal, the district court, administrative and labour court – to propose members and alternate members from among the delegates in accordance with Section 99 (1), and for this purpose the President of the NJO will forward the resumé to them.

Section 98

(1) The meeting of delegates shall be convened by the doyen of delegates through the President of the NJO to hold its meeting no later than 2 months prior to the expiry of the term of office of the NJO and shall simultaneously send the resumé to the delegates.

(2) The meeting of delegates shall have a quorum if more than half of the delegates attend. Should the meeting of the delegates fail to have a quorum, it shall be reconvened within no later than 15 days. The reconvened meeting of delegates shall have a quorum irrespective of the number of those attending.

(3) The meeting of delegates shall be chaired by the doyen of delegates.

(4) The meeting of delegates may be attended by the President of the Curia and the President of the NJO. They shall not have the right to nominate or vote, but they shall have the right to address the meeting.

Section 99

(1) The nomination committee shall nominate judge members and alternate members of the NJC to be elected taking into account the upper limits specified in Section 91 (1), and the proper representation of various stages of cases and the principle of regional representation. Any delegate may propose further nominations. The name of the nominee supported by at least one-third of the delegates attending shall be put on the voting card.

(2) The nominee whose name is put on the voting card shall declare whether or not there are any reasons specified by law excluding him/her from the nomination.

Section 100

(1) Nominees with the highest number of votes but at least more than 50 percent (majority of votes) shall be considered as elected members or alternate members in the number defined by law. Voting shall continue until the required number of candidates have received the prescribed number of votes in line with Section 91 (1) and (2). The votes shall be counted by a board consisting of the three youngest judges of the Curia not elected as delegates.

(2) The doyen of the delegates shall send the minutes containing the result of the election held at the meeting of the delegates to the President of the NJO within 3 days; the President shall immediately forward that to the President of the Curia, as well as to the Presidents of the regional courts of appeal and tribunals.

Section 101

The detailed rules of the nomination and election of judge members and alternate members of the NJC shall be established by the NJC in its rules of operation and organisation.

Section 102

The NJC, its elected judge members and alternate members shall be in office for six years as of the first meeting of the NJC. The term of office of the NJC shall be terminated on the day of the first meeting of the newly elected NJC. The first meeting of the newly elected NJC shall be convened within 15 days of the election of judge members.

27. Duties of the NJC

Section 103

(1) In the area of general central administration the NJC

a) shall examine the central administrative activity of the President of the NJO and signal any problems,

b) shall make proposals to the President of the NJO initiating legislative activity concerning courts, and

c) shall express opinions on the rules and recommendations issued by the President of the NJO.

(2) In terms of budgets the NJC

- a) shall express its opinion on the budget of courts and the report on the implementation thereof,
- b) shall examine the economic and financial management of courts, and
- c) shall express opinions on the detailed conditions and levels of other benefits.

(3) In the area of human resources the NJC

- a) shall publish an annual opinion on the practices of the NJO and the President of the Curia with respect to evaluating the applications of judges and court leaders,
- b) may award the following titles based on the initiative taken by the President of the NJO: "honorary/titular tribunal judge", "honorary/titular judge of the regional court of appeal", "honorary/titular judge of the Curia", "councillor of the Curia", furthermore the titles of 'chief councillor', 'councillor' to judicial employees, furthermore based on the initiative taken by the President of the NJO it may propose the awarding of decorations, prizes, diplomas or plaque, and may approve the awarding of prizes, plaques, diplomas by others,
- c) shall carry out inspection procedures relating to financial disclosure statements of judges,
- d) shall appoint the President and members of the disciplinary tribunal of judges,
- e) shall express preliminary opinion on persons nominated as President of the NJO and President of the Curia on the basis of a personal interview,
- f) shall adopt a decision on renewing the appointment of President and Vice President of the regional courts of appeal, tribunal, administrative and labour court and district court if the President or the Vice President has had already served two terms of office in the same position, and
- g) shall express a preliminary opinion on the applicant in the case specified in Section 132 (6).

(4) In the area of training the NJC

- a) shall make a proposal for a central training plan, and
- b) shall express opinions on rules of the training system established for judges and the completion of training obligations.

(5) The NJC shall perform other duties referred to its scope of activity by law.

28. Functioning of the NJC

Section 104

(1) The operational conditions of the NJC shall be ensured by the NJO.

(2) The NJC shall adopt decisions on matters falling under its scope of authority at a meeting; in extraordinary cases or in cases necessitating prompt action, it may take decisions in a different manner.

Section 105

(1) The NJC shall hold its meetings as necessary but at least four times a year. The meeting shall be convened by the President of the NJC.

(2) The meeting of the NJC shall be convened and proposed items put on the agenda if they are proposed by at least one-third of the members of the NJC.

(3) The NJC shall have a quorum if at least two-thirds of its members are in attendance.

(4) The NJC shall adopt decisions with a majority opinion. In the event of a tied vote, the vote of the President shall decide.

Section 106

(1) The meeting of the NJC shall be public to judges, except if the NJC orders a closed meeting to be held. Meetings of the NJC, including closed meetings, shall be attended by the members of the NJC, the minute-taker delegated by the NJC, the President of the NJO and the Minister responsible for justice, with consultation rights, furthermore any experts invited by the President of the NJC, the President of the NJO and the Minister responsible for justice, furthermore the representative of the interest organisation invited by the President of the NJC.

(2) At meetings of the NJC the Minister responsible for justice, if unable to attend, shall be substituted by the minister of state, whereas the President of the NJO shall be substituted by the general Vice President of the NJO.

(3) The NJC may order a closed meeting, especially if this is indispensable for the purpose of protecting classified information, business secrets or any other secret defined in a specific legal act, furthermore if that is justified for the purpose of protecting the personal rights of the person heard at the meeting.

Section 107

(1) The NJO shall prepare the minutes of the meeting of the NJC and a summary of the decisions concerning the broader context of administration of courts and the activities of judges which might draw public interest. The agendas included in the summary and the content of the summary shall be decided upon by the NJC at the meeting. The summary shall not contain any agenda discussed in a closed meeting.

(2) The minutes shall contain the names of those present, the agenda adopted, the discussion of individual agenda items, more precisely the name of the speaker, the essence of the contribution, the fact of voting, the method of voting, the outcome of voting and the text of the decision.

(3) The summary shall contain a concise overview of agenda items discussed at the meeting and the decisions.

Section 108

(1) The annual plan of meetings of the NJC and a summary of the meeting, as well as the minutes of the preliminary opinions on the persons nominated as President of the Curia and President of the NJO shall be published on the central website.

(2) The minutes of the NJC meeting shall be put on the intranet, except in the case of a closed NJC meeting.

Section 109

The NJC shall establish the detailed rules of its operation in the rules of organisation and operation.

29. Legal status of NJC members

Section 110

(1) The elected membership of the NJC shall not influence the judicial legal status, the assignment of the judge and, unless otherwise provided for in this Act, the exercising of employer's rights.

(2) Elected judge members of the NJC cannot be recalled.

(3) Disciplinary proceedings may only be initiated against the judge member of the NJC with the approval of the NJC.

(4) A member of the NJC may not exercise his/her rights and obligations originating from his/her membership in the NJC

a) during disciplinary or criminal proceedings initiated against him/her with the exception of proceedings launched on private actions and by substitute private prosecutors,
b) during proceedings initiated for the declaration of his/her judicial unsuitability.

(5) The member of the NJC may not vote in issues affecting his/her person.

Section 111

(1) The office of an elected judge member of the NJC shall be terminated:

a) upon the expiry of the term of office,
b) upon the termination of the judge's office.
c) by resignation from membership of the NJC,
d) by a non-appealable declaration of his/her disciplinary or criminal liability,
e) if the reason listed in Section 90 (2) d) and e) arose during the membership and was not terminated within 30 days,
f) if, due to the violation, long-term omission or serious negligence of his/her rights and obligations originating from his/her membership in the NJC, the member is excluded from his/her membership in the NJC by a resolution adopted with a two-thirds majority of the votes in the NJC, or
g) if his/her assignment to the court tier at the time of his/her election has changed, and as a consequence the number of judges representing the given tier shall exceed the number specified in Section 91 (1).

(2) The President of the Curia shall cease to be member of the NJC simultaneously upon the termination of his/her term of office as President of the Curia.

30. Rights and obligations of NJC members

Section 112

(1) A member of the NJC shall be entitled and obliged to take part in the work of the NJC, and to perform his/her duties, he/she is entitled to:

- a) inspect the documents related to the operation of the NJC and NJO, and to request data and information from the President of the NJO,
- b) make a proposal for the agenda of the NJC meeting, and
- c) have his/her membership-related costs reimbursed.

(2) Members of the NJC shall respect confidentiality rules with regard to classified data.

(3) Judge members of the NJC shall be exempted from their judicial work of a judge to the extent necessary to perform their duties arising from membership.

31. Alternate members of NJC

Section 113

(1) An alternate member of the NJC shall succeed the elected member in the order of votes received, with due respect to Section 91 (1).

(2) The rules related to the member shall be applicable mutatis mutandis to an alternate member of the NJC.

PART FOUR LEADERSHIP AND ADMINISTRATION OF INDIVIDUAL COURTS

Chapter VIII President of the Curia and court leaders

32. President of the Curia

Section 114

(1) The President of the Curia shall be elected by Parliament from among judges appointed for an indeterminate duration and with at least 5 years of judicial service in accordance with Article 26 (3) of the Fundamental Law.

(2) Any person

- a) against whom disciplinary or criminal proceedings are pending, except for proceedings launched on private actions and by substitute private prosecutors,
- b) who is subject to a disciplinary penalty,
- c) against whom a procedure is pending to declare him/her unsuitable,
- d) whose judicial service is temporarily suspended pursuant to a legal act may not be elected as President of the Curia.

(3) In the course of electing the President of the Curia, the provisions of Section 67 (1), (3) and (4) shall be duly applicable. If the term of office of the President of the Curia was terminated for a reason specified in Section 115 (1) *b)–f)* the President of the Republic shall nominate a person to fulfil the position of the President of the Curia within 30 days.

(4) The provisions in Section 68 (2) shall be duly applicable for the President of the Curia entering office.

Section 115

(1) The term of office of the President of the Curia shall be terminated:

- a) upon the expiry of the term of office,
- b) by termination of the judicial service,
- c) by resignation,
- d) upon the declaration of a conflict of interest,
- e) by relief of office, or
- f) by removal from office.

(2) The termination of the term of office of the President of the Curia shall be declared by the Speaker of the House in cases specified in Paragraph (1) a)–c). In the case of Paragraph (1) d)–f) the Parliament shall adopt a decision on the termination of office. The termination of office shall be declared with a two-thirds majority vote of the members of Parliament.

(3) The Speaker of the House shall inform the President of the Republic about the termination of the term of office of the President of the Curia within 8 days of its establishment.

(4) If the term of office of the President of the Curia was terminated on the basis of Paragraph (1) a) and the Parliament did not elect a new President before the termination of office, the President of the Curia will exercise the presidential rights and powers until the new President of the Curia has been elected.

Section 116

(1) Provisions of Sections 71–74 shall be applicable to resignation, the establishment of conflicts of interest, relief of office and removal from office with the proviso that removal from office can only be initiated by the President of the Republic.

(2) If the term of office of the President of the Curia is terminated upon the expiry of the defined duration, he/she shall be appointed as head of chamber at the Curia without a call for the submission of applications.

(3) If the term of office of the President of the Curia is terminated before the expiry of the defined duration, he/she shall be assigned preferably to his/her previous place of service and to a position which is at least equivalent to his/her previous position, without a call for the submission of applications.

Section 117

(1) The President of the Curia

- a) shall lead and represent the Curia,
- b) shall provide an annual report to Parliament on the activities of the Curia to ensure the uniformity of the application of law; furthermore he/she shall inform regional courts of appeal and tribunals about this,
- c) shall report annually to Parliament his/her experience in the course of performing his/her duties to establish conflicts of local ordinances with other legislation and their

annulment, and to identify the neglects of local governments in terms of their statutory legislative obligations,

d) shall express his/her opinion concerning the proposal on the budget of courts and the report on the implementation thereof with respect to the Curia,

e) shall ensure the necessary human and material conditions for the operation of the Curia within the given budgetary framework,

f) shall manage the financial and economic activities of the Curia,

g) shall exercise employer's rights conferred upon him/her by law,

h) shall check the observance of procedural deadlines in the Curia,

i) shall ensure compliance with administrative and executive rules,

j) shall draw up rules of organisation and operation in line with the fundamental principles defined by the President of the NJO, determine the work plan and schedule of the Curia, approve the work plan of the colleges of the Curia, and control compliance therewith,

k) shall manage and control the administrative activities of court leaders of the Curia and shall inspect them,

l) shall ensure the operational conditions of judicial bodies and convene full meetings of the Curia,

m) shall ensure that interest organisations can exercise their rights,

n) shall organise and take care of the training and further training tasks referred to his/her scope of authority,

o) shall inform the President of the NJO and the full meeting of the Curia and other workers of the Curia once a year about

oa) the operation of the Curia, case statistics and financial position,

ob) the objectives set for the forthcoming calendar year to ensure the efficient and timely operation of the Curia and the administrative measures implementing them,

oc) the execution and outcome of objectives and measures taken in the previous calendar year,

p) shall be responsible for keeping records as instructed by the President of the NJO to provide data with respect to personal data prescribed in law concerning the operation of courts; furthermore records and data stipulated in legal acts taking data protection rules into account,

q) shall be responsible for the timely implementation of the decisions taken by the President of the NJO,

r) shall ensure that the opening hours of the Curia are published on the central website, as well as on the website of the Curia, and

s) shall perform other duties referred to him/her by law, by the rules of organisation and operation or by the decision of the President of the NJO.

(2) Reports and information stipulated in Paragraph (1) *b)* and *c)* shall be published on the official website of courts and on the central website, furthermore in the official journal of courts.

33. Court leaders

Section 118

(1) Court leaders are the following:

a) President of regional courts of appeal, tribunals, administrative and labour courts, as well as district courts (hereinafter together: President of the court),

b) Vice President of the Curia, the regional courts of appeal, tribunals, administrative and labour courts, as well as district courts (hereinafter together: Vice President),

c) heads of colleges,

d) deputy heads of colleges,

e) heads of groups,

- f) deputy heads of groups, and
- g) heads of chambers.

(2) Court leaders shall be responsible for leading the court and/or the judicial organisational unit.

(3) Court leaders shall be responsible for the efficient operation of the court and/or judicial organisational unit in line with legal acts, regulations and decisions issued by the President of the NJO.

34. Chair of Court

Section 119

The chair of the court shall

- a) provide for the availability of the personal and material conditions necessary for the operation of the court within the boundaries of the court's budget,
- b) exercise the employer's rights delegated to his competence by law,
- c) supervise the court's financial and business activities,
- d) verify the observance of procedural deadlines,
- e) provide for the observance of procedural and administrative rules,
- f) draft rules of organisation and operation in accordance with the guidelines determined by the President of the NJO, shall determine the schedule of work and work plan of the court under his supervision, shall approve the action plans of divisions and shall monitor the observance thereof,
- g) manage and monitor the administrative activities of senior court personnel in positions inferior to his,
- h) maintain the operating conditions of judicial bodies and shall convene the plenary conference of judges,
- i) ensure the exercise of the rights of representative organisations,
- j) organise and fulfil the duties of education and on-the-job training delegated to his competence,
- k) inform the President of the NJO, the plenary conference of judges and the other employees of the court once annually
 - ka) of the operation of the court, the processing of cases and the management of the court,
 - kb) of the goals identified for the following calendar year in the interest of the effective and timely operation of the court and the administrative measures serving the implementation thereof,
 - kc) of the implementation of the plans featured in the career plan enclosed with his application for the given period,
 - kd) of the implementation and results of goals and measures identified in the previous calendar year,
- l) be responsible for the keeping of the records containing personal data as prescribed in the law related to the operation of courts and ordered by law or the President of the NJO with regard to the rules of data protection, as well as for the disclosure of data,
- m) be responsible for the timely implementation of the decisions of the President of the NJO,
- n) provide for the publication of the customer service hours and procedures of the court on the central website and, if the court has its own website, on the website of the court, and
- o) fulfil any other duties delegated to his competence by a legal rule, the rules of the President of the NJO or the decision of the President of the NJO.

Section 120

In addition to the responsibilities defined in Section 119, the chair of a tribunal shall supervise and monitor the administrative activities of the chairs of the administrative and labour courts and district courts operating in his territory.

Section 121

In addition to the responsibilities defined in Section 119, the chair of a court of appeal

a) shall coordinate the regional training of legal officials employed by courts operating in his territory of jurisdiction and shall identify the basic principles of regional training and the curriculum of regional training, and

b) shall coordinate the regional training of judges employed in his territory of jurisdiction in accordance with the decision of the President of the NJO relating to regional training tasks.

Section 122

The chair of an administrative and labour court and a district court shall fulfil the responsibilities defined in Section 119 subject to the differences warranted by the specific features of the court:

a) shall manage the funds placed at his disposal from the central budget and has the right to make payments and to assume liabilities; expenditures beyond the boundaries of ordinary operations, that is, in excess of the limit established in the rules of organisation and operation, shall be subject to the prior written permission of the chair of the tribunal,

b) his wage and staff management and general employer powers shall only extend to court officials, court clerks and blue-collar employees,

c) shall render the staff of judges and other employees of the court an annual account of the implementation of the plans featured in the career plan enclosed with his application for the given period as well as of the implementation and results of the goals and measures set in the previous calendar year.

35. Vice-Chair

Section 123

(1) The vice-chair shall deputise the chair in his absence, including the case where the office of chair is unoccupied, with full powers, and shall fulfil the administrative duties delegated to his competence under the court's rules of organisation and operation.

(2) The Vice-President of the Curia shall deputise the President of the Curia in his absence, including the case where the office of president is unoccupied – excepts as set forth in Section 115 (4) , with full powers, and shall fulfil the administrative duties delegated to his competence under the court's rules of organisation and operation.

36. Head of Division and Deputy Head of Division

Section 124

(1) The head of division

a) shall organise the work of the division,

b) shall annually inform the division

ba) of the implementation of the plans featured in the career plan enclosed with his application for the given period,

bb) as well as of the implementation and results of the goals and measures set in the previous calendar year,

c) shall fulfil the administrative duties delegated to his competence under the rules of the President of the NJO or the decision of the President of the NJO and the court's rules of organisation and operation.

(2) The deputy head of division shall deputise the head of division in his absence, including the case where the office of head of division is unoccupied, with full powers, and shall fulfil the duties delegated to his competence under the court's rules of organisation and operation.

(3) Except as set forth in Paragraph (4), a deputy head of division shall operate at the court designated by the President of the NJO and at the regional administrative and labour division designated by the President of the NJO.

(4) A deputy head of division shall operate at the Curia in the divisions designated by the President of the Curia.

37. Head of Task Force and Deputy Head of Task Force

Section 125

(1) The head of task force

a) shall organise the work of the task force,

b) shall annually inform the task force

ba) of the implementation of the plans featured in the career plan enclosed with his application for the given period,

bb) as well as of the implementation and results of the goals and measures set in the previous calendar year,

c) shall fulfil the administrative duties delegated to his competence under the rules of the President of the NJO or the decision of the President of the NJO and the court's rules of organisation and operation.

(2) The deputy head of task force shall deputise the head of task force in his absence, including the case where the office of head of task force is unoccupied, with full powers, and shall fulfil the duties delegated to his competence under the court's rules of organisation and operation.

(3) A deputy head of task force shall operate at the court designated by the President of the NJO.

38. Chamber Chair

Section 126

The chair of the chamber shall head the chamber and shall organise its work.

39. Appointment of Court Leaders

Section 127

(1) A senior court office [Section 118 (1)] may only be occupied by a judge appointed for an indefinite term; a senior court appointment shall be valid for 6 years, except as set forth in Paragraph (2).

(2) Chamber chairs shall be appointed for an indefinite term.

(3) The chair and vice-chair of a court may be appointed for the same senior court office for maximum two terms, except as set forth in Paragraph (4).

(4) If the chair or vice-chair of a court already occupied the same senior court office on two previous terms, he may be appointed for the same senior court office with the prior consent of the NJC.

Section 128

(1) The President of the Republic shall appoint the Vice-Presidents of the Curia based on the recommendation of the President of the Curia.

(2) The President of the NJO shall appoint the chairs and vice-chairs of courts of appeal and tribunals, the division heads of courts of appeal and tribunals and the heads and deputy heads of the regional administrative and labour divisions.

(3) The President of the Curia shall appoint the division heads, deputy division heads and chamber chairs of the Curia.

(4) The chair of a court of appeal shall appoint the deputy division heads and chamber chairs of the court of appeal.

(5) The chair of a tribunal shall appoint the deputy division heads and chamber chairs of the tribunal as well as the chairs, vice-chairs, task force heads and deputy task force heads of administrative and labour courts and district courts.

Section 129

If the person entitled to make the appointment is not the chair of the court affected by the appointment, not including applications for the position of chair and for the positions of head and deputy head of regional administrative and labour division, he shall obtain the recommendation of the chair of the court affected by the appointment.

Section 130

(1) Senior court positions shall be filled via applications unless the present Act or the Act on the status and remuneration of judges provides otherwise.

(2) Applications for the position of Vice-President of the Curia shall be invited by the President of the Curia, while applications for other senior positions shall be invited by the person authorised to make the appointment. The invitation of applications shall contain all terms and conditions necessary for being awarded the senior position.

(3) The applications submitted, not including applications for the position of chamber chair, shall contain a career plan which, depending on the office applied for, concerns the candidate's long-term plans related to the operation of the court, division or task force and the schedule of the implementation thereof. Applications shall contain a consent to the effect that the person authorised to make the appointment may obtain and manage the documents of the candidate's evaluation as a judge and of his managerial evaluation.

Section 131

The following shall state their opinions on the candidates by way of secret ballot:

- a) in the case of the Vice-President and division head of the Curia, the plenary meeting of the Curia,
- b) in the case of the chair, vice-chair and division head of a court of appeal or tribunal, the plenary conference of judges at the appropriate level,
- c) in the case of the deputy division head and chamber chair of the Curia, a court of appeal or tribunal and in the case of the head and deputy head of task force of a tribunal, the division at the appropriate level, with a view to the corresponding case group,
- d) in the case of the head or deputy head of a regional administrative and labour division, the regional administrative and labour division,
- e) in the case of the chair and vice-chair of an administrative and labour court, the staff of judges operating at the court concerned,
- f) in the case of the head and deputy head of task force of an administrative and labour court, the appropriate task force,
- g) in the case of the chair and vice-chair of a district court, the staff of judges operating at the district court,
- h) in the case of the head and deputy head of task force of a district court, the appropriate task force of the district court.

Section 132

- (1) The person authorised to make the appointment shall hear candidates.
- (2) The person authorised to make the appointment shall assess the candidacy proceedings by appointing a candidate or declaring the proceedings unsuccessful, based on the application, the personal hearing of the candidate and the recommendation of the reviewing board.
- (3) The reviewing board shall make its recommendation by ranking candidates in the order of the votes cast.
- (4) The person authorised to make the appointment shall not be bound by the recommendation of the reviewing board, however, he shall justify his decision in departure from the recommendation in writing.
- (5) In the case of a decision in departure from the recommendation of the reviewing board, the President of the NJO and the President of the Curia shall inform the NJC of the reasons for such departure in writing, simultaneously with the appointment, and shall state his reasons at the next meeting of the NJC. The written report submitted by the President of the NJO or the President of the Curia to the NJC and the verbal information provided at the next meeting of the NJC shall not affect the appointment of the court leader.
- (6) If the President of the NJO or the President of the Curia wishes to appoint a candidate who did not obtain the majority support of the reviewing board, Paragraph (5) shall govern, with the proviso that he shall obtain the prior opinion of the NJC on the candidate

before making the appointment. The candidate may only be appointed thereafter, in the light of the opinion of the NJC.

(7) The person authorised to make the appointment, not including senior positions falling within the appointment powers of the President of the NJO, shall without delay inform the President of the NJO of his decision, and if the candidate to be appointed is a judge not posted at the court of the candidacy proceedings, he shall initiate his transfer.

Section 133

(1) A candidacy procedure is unsuccessful if the person authorised to make the appointment does not accept any of the applications. If the candidacy procedure is unsuccessful, new applications shall be invited.

(2) In the case of an unsuccessful candidacy procedure, the person authorised to make the appointment may fill the senior court position on the basis of an engagement for maximum one year.

(3) If the chair and vice-chair of a court are simultaneously prevented from the fulfilment of their duties for more than 2 months, including the case where these offices are unoccupied, the President of the NJO may appoint a leader from among the given court's senior personnel for the fulfilment of the duties of the chair or vice-chair for maximum 6 months.

Section 134

In matters not regulated in the present Act, applications for senior court positions shall be duly governed by the provisions of the Act on the status and remuneration of judges relating to applications for judicial positions.

40. Rights and Obligations of Court Leaders, Managerial Investigations

Section 135

Court leaders shall attend the training course, also providing managerial skills, determined by the President of the NJO or, if the President of the NJO is not the person authorised to make the appointment, by the person authorised to make the appointment.

Section 136

(1) Except as set forth in Paragraphs (2) to (4), the person authorised to make the appointment and, in the case of the Vice-President of the Curia, the President of the Curia, shall investigate the court leader's managerial activities as frequently as necessary but minimum once, in the year preceding the expiry of his mandate, at the latest.

(2) The person authorised to make the appointment shall investigate the chamber chair's managerial activities as frequently as necessary but minimum once every six years.

(3) Based on the recommendation of the reviewing board and, in the case of the chair, vice-chair, head of task force and deputy head of task force of a district court and an administrative and labour court, based on the recommendation of the judicial council, an investigation shall be conducted.

(4) If

a) the President of the NJO establishes that the court leader fails to implement his decision or rules, the President of the NJO

b) the plenary conference of judges or the reviewing board, and further, in the case of the chair, vice-chair, head of task force and deputy head of task force of a district court and an administrative and labour court, the judicial council initiates the removal or exemption of the court leader, the person authorised to make the appointment

shall order the investigation of the court leader's managerial activities.

Section 137

(1) An investigation shall be completed within 60 days of the institution thereof.

(2) If the well-founded suspicion of the commission of a disciplinary breach emerges on the basis of the investigation, the person authorised to make the appointment shall initiate the institution of disciplinary proceedings as set forth in the Act on the status and remuneration of judges.

(3) The President of the NJO shall determine the detailed criteria and procedure of the investigation in rules.

41. Cessation of Court Leader's Office

Section 138

The court leader's office shall cease:

- a) upon the expiry of the term of the mandate,
- b) upon the cessation of the judicial service relationship,
- c) by mutual agreement,
- d) through resignation or
- e) through exemption.

Section 139

(1) In the event of the resignation of a court leader, the resignation period is 3 months. The person authorised to make the appointment and the leader may also agree on a shorter resignation period.

(2) Resignation shall not prevent the continued implementation of ongoing disciplinary proceedings against the leader.

Section 140

(1) If the managerial investigation under Section 136 established the court leader's inaptitude, the court leader shall be removed from his senior position with immediate effect.

(2) The removed court leader may turn to the service court against the decision on his removal within 15 days of the delivery thereof.

Section 141

(1) If the office of the Vice-President of the Curia, the chair or deputy-chair of a court of appeal or tribunal or a head of division ceases upon the expiry of the term of the mandate, he

shall be appointed as a chamber chair at a court corresponding to the level of his activities as court leader without the invitation of applications.

(2) If the office of a head of regional administrative and labour division ceases upon the expiry of the term of the mandate, he shall be appointed as a chamber chair at a tribunal without the invitation of applications.

(3) A court leader not mentioned in Paragraphs (1) and (2) shall, upon the expiry of the fixed term of his mandate, be posted in a position corresponding to his previous position as a judge.

(4) If the office of a court leader ceases prior to the expiry of its fixed term, he shall be posted, if possible, at his previous service post, in a position as a judge that is minimum equal to his previous position, without the invitation of applications.

Chapter IX Judicial Bodies

42. Common Rules

Section 142

Judicial bodies participating in the administration of courts:

- a) plenary meeting of the Curia, plenary conference of the judges of a court of appeal or tribunal (hereinafter collectively referred to as „plenary conference of judges”),
- b) division,
- c) regional administrative and labour division, and
- d) judicial council of the Curia, a court of appeal or tribunal.

43. All-Judges Conference

Section 143

The participants of the all-judges conference shall be the following: judges posted to the Curia and the regional court of appeals, and in the case of tribunals, judges posted to the tribunal, to district courts operating in the territorial jurisdiction of the tribunal, judges posted to administrative and labour courts.

Section 144

Duties of the conference:

- a) to elect a delegate for the election of NJC members,
- b) to express an opinion about the job applications of court leaders defined in Section 131 (a) and (b) and adopt a decision to launch an inspection,
- c) to elect the judicial council, and receive their report about its operation at least once a year,
- d) to decide on the dismissal of a member of the judicial council,
- e) to decide on an initiative to dismiss court leaders appointed by President of the NJO.

Section 145

(1) The conference shall be convened by the Presidents of the courts listed in Section 16 a)–c).

(2) The all-judges conference shall be convened if initiated by one-third of the judges, by the President of the court, the judicial council or the President of the NJO.

Section 146

(1) The conference shall have a quorum if more than half of the judges are present. If the all-judges conference does not have a quorum, it shall be reconvened no later than within 15 days. The reconvened all-judges conference shall have a quorum irrespective of the number of judges present. The all judges conference shall adopt decisions by secret ballot, unless otherwise agreed.

(2) The all-judges conference shall adopt decisions with a majority of votes.

44. Judicial council

Section 147

(1) The all-judges conference shall elect the members and alternate members of the judicial council for 6 years.

(2) If the total number of members and alternate members of the judicial council drops to five, the all-judges conference shall hold a new election to increase the number of members.

Section 148

(1) The judicial council shall consist of 5–15 members and 3–13 alternate members; the number of members and alternate members shall be decided by the all-judges conference. When performing their tasks stipulated in the Act on the Legal status and Remuneration of Judges with regard to the appointment procedure of judges (interviewing applicants and ranking applications according to scores) – with the exception stipulated in Paragraph (2) – the judicial council of the tribunal shall be joined by two judges from the regional court of appeal appointed by the President of the regional court of appeal, the judicial council of the regional court of appeal shall be joined by two judges from the Curia appointed by the President of the Curia, who in the course of performing these tasks of the judicial council will have the same rights and obligations as the other members.

(2) If the appointment procedure is related to an application for a post at the administrative and labour court, the judicial council of the tribunal shall be joined by 2 judges appointed by the head of the regional administrative and labour college.

(3) The judicial council shall elect its President and Vice President from among its members.

(4) The following persons may not be elected as a member of the judicial council:

a) a person against whom disciplinary or criminal proceedings are pending – with the exception of proceedings launched on private actions and by substitute private prosecutors– or who is subject to a non-appealable disciplinary decision,

b) the President and Vice President of the court listed under Section 16 a)–c), or

c) the person against whom proceedings are pending to establish his/her unsuitability.

Section 149

Membership in the judicial council shall be terminated

- a) upon the termination of the judge's service,
- b) by resignation of membership,
- c) by relief from membership,
- d) if the reason listed in Section 148 (4) occurred subsequently, or
- e) upon the expiration of the term of assignment.

Section 150

(1) The alternate member designated by the judicial council shall preside in the event of termination of membership in the judicial council and in the place of a permanently prevented member.

(2) The general conditions of involvement of the alternate member shall be decided by the judicial council.

Section 151

(1) The judicial council

a) shall express its opinion regarding the appointment, position, transfer, posting without his/her consent, furthermore dismissal – with the exception of the provisions in Paragraph (2) – of the judge,

b) can initiate the inspection or dismissal of the President or the Vice President of the district, administrative and labour courts, the head of the group, the deputy head of the group,

c) shall express opinions on the annual draft budget of the court and the use of the approved budget, and

d) shall express opinions about the organisational and operating rules and regulations of the court and the plan for the distribution of cases.

(2) The right of opinion of the judicial council concerning the dismissal of judges shall not be exercised if the reason for dismissal is

a) the resignation of the judge,

b) the loss of the Hungarian nationality of the judge, furthermore his/her placement under conservatorship limiting or precluding his/her competency,

c) the election or appointment of the judge as a member of Parliament, as a member of the European Parliament, member of the local government, mayor, or as a leader falling under the scope of the Act on the National Organisation of Public Administration and the Legal Status of the Members of the Government and Ministers of State,

d) the appointment of the judge as the rector of a national higher education institution, or the leader of a research centre or research institute operating as a budgetary organisation, and

e) the judge entering into a legal relationship with an international organisation or an institution of the European Union with the purpose of working as a judge or in any other capacity relating to the administration of justice.

Section 152

(1) The judicial council shall hold its meetings as necessary, but at least four times a year.

(2) The judicial council shall be convened with a written proposal from more than half of the members.

(3) The meetings of the judicial council shall be public for the judges, and the President of the court shall take part therein as permanent guest.

(4) When giving its opinion in personal matters the judicial council may hold a closed meeting.

Section 153

(1) The judicial council shall have a quorum if more than two-thirds of its members are present at the meeting.

(2) The judicial council shall adopt its resolutions by a majority of votes. In the event of a tied vote, the vote of the President shall decide. A two-thirds majority vote of the attending members is required to initiate the dismissal of the member and the leader.

Section 154

(1) The division is a body of judges classified into specific case groups which is headed by a division head.

(2) The members of a division of the Curia are the judges of the Curia and the heads of the corresponding divisions of courts of appeal.

(3) The members of a division of a court of appeal are the judges of the court of appeal active in the given case group, the judges elected by them for 6 years from among the divisions active in the given case group of the tribunals falling into the territory of jurisdiction of the court of appeal and the heads of the divisions active in the same case group of the tribunals falling into the territory of jurisdiction of the court of appeal.

(4) At a tribunal, the members of a division are the judges of the tribunal and the judges elected by them for 6 years from among the judges of the district courts and administrative and labour courts operating in the territory of the tribunal.

Section 155

Divisions

a) shall state their opinion on applications invited for judicial positions, not including applications submitted for positions at district courts and administrative and labour courts,

b) shall participate in the evaluation of the professional activities of judges,

c) shall review the case distribution plan,

d) shall state their opinion on applications invited for senior positions as defined in Section 131, Point c) and may initiate the implementation of the investigation of a court leader or the removal of a court leader, and

e) shall fulfil any other duties determined by law.

Section 156

(1) The regional administrative and labour division is a special professional body comprised of the judges of tribunals as defined in a separate rule of law proceeding in administrative and labour cases as well as of the judges of administrative and labour courts as defined in a separate rule of law, which is headed by a division head.

(2) The members of the regional administrative and labour division are the judges referred to in Paragraph (1). The person exercising the employer's rights shall enable the members of regional administrative and labour divisions to exercise their rights and to fulfil their obligations arising from their membership. The organisational framework of a regional administrative and labour division shall be provided by the tribunal at which the head of the regional administrative and labour division administers justice or to which the administrative and labour court at which the head of the regional administrative and labour division administers justice belongs to.

(3) The head of the regional administrative and labour division may also hold part-division meetings based on a specific case group unless a rule of law requires the decision of the division.

(4) The regional administrative and labour division

a) shall state its opinion on applications submitted for the positions of head and deputy head of regional administrative and labour court and may initiate the institution of the investigation of court leaders or the removal of court leaders, and

b) shall fulfil any other duties determined by law.

PART FIVE MISCELLANEOUS PROVISIONS

Chapter X Court Workers

46. Legal Official and Lay Judge

Section 157

(1) For the purpose of the acquisition of the practical and theoretical skills and knowledge necessary for the fulfilment of a judge's office, courts shall employ legal officials with a law degree who meet the conditions determined in a separate rule of law.

(2) Courts shall employ lay judges with a bar examination who meet the conditions determined in a separate rule of law.

(3) Lay judges and legal officials shall fulfil the duties determined in a separate rule of law. If a lay judge fulfils the responsibilities of a judge on the basis of a separate rule of law, his activities shall be duly governed by the provisions set forth in Section 3.

47. Court Workers

Section 158

Administrative, procedural and other responsibilities are fulfilled at courts by court officials, clerks and blue-collar employees.

48. Common Rules

Section 159

Lay judges and legal officials as well as court officials, clerks and blue-collar employees are engaged in a justice service relationship with the court, the rules of which shall be established in a separate rule of law.

**Chapter XI
Enforcement of Court Rulings**

49. General Provisions

Section 160

(1) Upon the enforcement of sentences and measures, the duties falling on courts shall be fulfilled by law enforcement judges operating at tribunals.

(2) The enforcement of negative rulings and court compositions adopted in civil cases and labour disputes and rulings adopted in criminal cases establishing a pecuniary obligation is the duty of the court and the court bailiff unless a rule of law specifies otherwise.

50. Proceeding Persons

Section 161

The administrative activities of court leaders related to court bailiffs are established in the Act on court execution.

Section 162

The proceedings of court bailiffs are non-litigious proceedings and measures implemented in that competence shall be binding on all.

**Chapter XII
Responsibilities of Courts for the Maintenance of the Publicity of Court Rulings,
Compilation of Court Rulings**

51. Range of Rulings to Be Published and Procedural Rules of Publication

Section 163

(1) The Curia shall publish law standardisation decisions, authoritative court rulings, authoritative court decisions and rulings adopted with respect to the merit of the case, courts of appeal shall publish rulings adopted with respect to the merit of the case, while administrative and labour courts shall publish rulings adopted in administrative lawsuits with respect to the merit of the case, if the reviewed administrative decision was adopted in a single-instance procedure and no appeal lies against the decision of the court, in the Compilation of Court Rulings, in digital format.

(2) In the Compilation of Court Rulings,

a) court rulings adopted in proceedings related to payment orders, execution, company registration, bankruptcy and liquidation and registers kept by the courts need not be published,

b) rulings adopted in marital lawsuits, lawsuits instituted for the establishment of paternity and origin and the termination of parental supervision and in lawsuits instituted for guardianship may not be published if a party to the proceedings requested non-publication,

c) rulings adopted in criminal proceedings instituted on the basis of sexual offences may not be published if the injured party did not consent thereto in response to the court's invitation to grant such consent.

(3) In conjunction and simultaneously with the published court ruling, digital copies anonymised by the court in the procedure determined by the President of the NJO of all court rulings and decisions adopted by other authorities or agencies which were overruled or reviewed by virtue of the published court ruling shall also be published.

(4) The publication of rulings adopted upon the court review of public procurement proceedings shall be governed by the provisions of the Act on public procurements.

(5) The chair of the court may also order the publication of other rulings adopted by the court beyond the range of rulings defined in Paragraphs (1) to (4).

Section 164

(1) Rulings shall be published by the chair of the court adopting the rulings in the Compilation of Court Rulings within thirty days of the commission thereof to writing.

(2) If an already published ruling is corrected or its content changes by virtue of a supplement, the correction or supplement shall be entered in the Compilation of Court Rulings within five working days of the date at which such duly marked correction or supplement becomes final and absolute.

Section 165

(1) As part of a published ruling, it is necessary to state the description of the court and area of law, the year of the adoption of the ruling and the serial number of the ruling.

(2) The court adopting the ruling shall, simultaneously with publication, identify the specific legal rules, on the basis of which the court adopted the ruling.

(3) The President of the NJO shall ensure that the texts of rulings and specified legal rules may be searched in the Compilation of Court Rulings.

52. Protection of Personal Data upon the Publication of Court Rulings

Section 166

(1) Data permitting the identification of the persons featured in a ruling published in the Compilation of Court Rulings shall be deleted in a way that will not curtail the established facts of the case. In other respects, the individual persons stated in the ruling shall be designated in accordance with their roles in the proceedings.

(2) Unless a rule of law provides otherwise, the following need not be deleted from a published ruling:

a) name of agency performing state or local municipality responsibilities and other public duties defined in legal rules and, unless an exception is made by a rule of law, the first name and surname of a person proceeding in that capacity (hereinafter collectively referred to as „name”) and his title or position if the given person was involved in the proceedings in connection with the fulfilment of his public duties,

b) name of attorney proceeding as proxy or defence attorney,

c) name of natural person losing the lawsuit in the capacity of defendant and name and head office of legal entity or unincorporated organisation if the ruling was adopted in a case in which claims of public interest may be enforced on the basis of a legal rule,

d) name, head office and name of representative of social organisation or foundation,

e) public data out of public interest.

(3) If the public was barred from a part or the whole of the hearing and the protection of interests defined by law giving rise to the exclusion of the public cannot be otherwise upheld, the publication of certain parts of the ruling or the whole of the ruling in the compilation shall be dispensed with or certain parts of the ruling or the whole of the ruling shall be deleted from the compilation.

(4) The deletion from or non-publication in the Compilation of Court Rulings of a ruling adopted on the basis of hearings conducted partially or fully in camera may be requested by the party to the proceedings in civil proceedings and by the injured party in criminal proceedings. The party concerned may present his application to the President of the NJO within one year of the publication of the ruling, at the latest, and the President of the NJO shall provide for the granting of the application without delay but within five working days of the receipt thereof, at the latest.

(5) The protection of classified data shall be ensured also upon the publication of court rulings.

(6) No editing beyond the editing determined in the present Section may be made to the texts of rulings.

Chapter XIII

Maintenance of Order in Court Buildings

53. Basic Rules of Presence on Court Premises, Persons Responsible for the Maintenance of Order in Court Buildings

Section 167

(1) Subject to the restriction set forth in the present Act, anyone may enter the premises of court buildings open to the public and customers as well as the hearing rooms of court buildings for the purposes of the administration of court affairs and attendance of public hearings.

(2) Persons present on the premises of a court building shall manifest practices which respect the dignity of the administration of justice, do not disturb the operation of the court and comply with the regulations relating to the use of the building.

Section 168

It is the duty of the chair of the court to maintain order in the court building. The chair of the court, or the chair of the tribunal in the case of administrative and labour courts and

district courts, shall as part of this duty establish the procedures for the use of the building, shall identify the building parts open to the public and customers and shall create and publish the rules thereon in conformity with the criteria identified by the President of the NJO on the central website and, if the court has its own website, also on the website of the court.

Section 169

Unless it is necessary for the purposes of a procedural act, no one may enter the court building with firearms, ammunition, explosives, detonators or other devices posing a particular hazard to public security or order, not including the professional members of the police force, law enforcement agencies or other armed agencies in the course of the fulfilment of their duties in that capacity. The chair of the court and the organisation or person engaged to maintain order in the building shall be entitled to verify this (hereinafter collectively referred to as „person maintaining order“).

54. Responsibilities of Persons Responsible for the Maintenance of Order

Section 170

(1) A person maintaining order shall ensure that the persons involved in the proceedings, the public and the press may exercise their rights and fulfil their obligations in accordance with the legal rules governing them. To this end, the person maintaining order may implement the following measures:

a) may call upon a person who violates his obligation set forth in Section 167 (2) or disturbs the work of the court, in particular, the due course of the hearing, with a practice manifested in the court building outside the hearing room to terminate such practice, and should this fail to yield a result, to leave the court building, not including a person summonsed by the court,

b) may prohibit a person violating the provisions of Section 169 from entering the court building or may call upon him to leave the court building,

c) in the event of failure to achieve voluntary compliance, shall provide for the removal of the person ordered by the chair of the chamber or, in the event of single-judge proceedings, by the proceeding judge (hereinafter in the present Chapter collectively referred to as „chamber chair“) to leave the hearing room and for ensuring that the person ordered to leave on the given hearing day may not return to the hearing room,

d) in the event of failure to achieve voluntary compliance, shall provide for the implementation of the chamber chair's decision regarding the exclusion of the public,

e) may call upon a person entering or leaving the court building to present the content of his baggage; if the person concerned fails to meet this request, may prohibit him from entering the building or may call upon him to leave the building.

(2) If the person concerned fails to comply with the measure of the person maintaining order on a voluntary basis, the person maintaining order may contact the authority authorised to take measures.

Section 171

(1) If, as part of the fulfilment of the responsibilities determined in Section 168, the chair of the court detects in the course of the distribution of cases, based on the notification of the chair of the proceeding chamber, the President of the NJO or another court or authority or in any other way, that the assessment of the case may pose a particular risk to the maintenance of order, he shall implement the measures necessary in the interest of the publicity of hearings and the due maintenance of order in the building.

(2) The chair of the court shall implement the following measure or measures in high-risk cases:

- a) shall provide an appropriate hearing room,
- b) if the conditions exist, shall order the broadcasting of the public hearing via the court's closed circuit television network,
- c) shall provide for the increased presence of persons responsible for the maintenance of order,
- d) shall order the persons responsible for the maintenance of order to call upon the persons entering or exiting the court building to present the contents of their baggage on a mandatory basis;
- e) shall notify the authority authorised to take the relevant measures,
- f) shall take the organisational measures necessary for the maintenance of order in the building.

(3) In preparation for a hearing, the chair of the proceeding chamber shall investigate whether, based on the circumstances of the case, in particular, large number of parties, accused or summonsed persons or a subject-matter attracting the attention of larger groups of society, it is necessary to implement the measures set forth in Paragraph (2), in addition to the decisions set forth in the procedural laws falling within the competence of the chair of the chamber, and shall to this end notify the chair of the court.

(4) The chair of the court shall inform the chair of the proceeding chamber and the persons affected of the measure ordered by him.

PART SIX CLOSING PROVISIONS

Chapter XIV Implementation of Entry into Force of Act

55. Provisions of Authorisation

Section 172

The minister responsible for justice is hereby authorised to define in a decree the rules regarding the marking of the court rulings published on the basis of the present Act in the Compilation of Court Rulings.

56. Provisions of Entry into Force, Abbreviated Title of Act

Section 173

(1) Except as set forth in Paragraphs (2) and (3), the present Act shall enter into force on the day following its promulgation.

(2) Sections 1 to 65, Section 67, Section 68 (2), Section 69 (2), Sections 70–87, Section 88 (1)–(3), Sections 89 and 90, Sections 92 and 93, Section 94 (2) and (4), Section 95, Section 96 (2), Section 100, Sections 102–113, Section 114(3), Sections 115–172, Sections 178–205, Sections 207 and 208 of the present Act shall enter into force on 1 January 2012.

(3) Section 88 (4), Section 91, Section 94 (1) and (3), Section 96 (1), Sections 97–99, Section 101 and Section 209 of the present Act shall enter into force on 16 March 2012.

Section 174

The present Act shall be referred to in other legal rules under the abbreviation of „OACA”.

57. Compliance with the Requirement of the Fundamental Law Regarding Cardinal Legislation and Provision Relating to the Countersigning of Measures by the President of the Republic

Section 175

Sections 1–8, Sections 12–15, Chapter II, Chapter III, Section 45, Chapter V, Parts Three and Four, Chapters X and XI and further Sections 177–195, Section 197, Section 207 and Section 209 of the present Act qualify as cardinal on the basis of Article 25 Paragraph (7) of the Fundamental Law.

Section 176

No countersigning is required for the decisions and measures adopted by the President of the Republic in the course of his activities determined in the present Act.

**Chapter XV
Transitional Provisions**

58. Election of the President of the NJO and the President of the Curia for the First Time

Section 177

(1) The President of the Republic shall nominate the President of the NJO and the President of the Curia for the first time by 15 December 2011, at the latest. The nominees shall be heard by the committee of Parliament responsible for justice.

(2) Parliament shall elect the President of the NJO and the President of the Curia for the first time by 31 December 2011.

(3) If Parliament fails to elect the President of the NJO or the President of the Curia by the date set forth in Paragraph (2) and the President of the Republic makes a new nomination before 15 March 2012, Section 103 Paragraph (3), Point e) is not applicable.

59. Transitional Provisions Relating to the Election for the First Time of the Judge Members of the NJC

Section 178

(1) Upon the election for the first time of the judge members of the NJC, the provisions of Section 90, Sections 92 and 93, Section 94 (2) and (4), Section 95, Section 96 (2) and Section 100 shall be applied in combination with the provisions set forth under the present subtitle.

(2) Upon the election for the first time of the 14 judge members of the NJC, the conference of delegated judges shall elect 1 court of appeal judge, 5 tribunal judges, 7 local court judges and 1 labour court judge from among the delegates by secret ballot, by simple majority.

(3) Simultaneously with the election of the judge members of the NJC, the delegates shall elect 14 judges as alternate members as set forth in Paragraph (2), in an order that corresponds to the number of votes and excludes a tie in the votes.

(4) In the case of a number of valid majority votes in excess of the upper limits determined in Paragraphs (2) and (3), those judges shall be regarded as the elected members (alternate members) of the NJC for each court level determined in Paragraph (2) in the numbers determined herein who received the highest number of votes.

(5) Until 31 December 2012, the labour court judge shall represent the level of administrative and labour courts in the NJC.

Section 179

(1) The plenary meeting of the Curia and the plenary conference of a court of appeal and tribunal shall elect by secret ballot one delegate for every 20 judges based on the authorised number of judges at the court. If the fraction number exceeds 10, one further delegate shall be elected. The number of elected delegates may not exceed 20 and may not be less than 2, or 4 in the case of tribunals, even if, based on the authorised number of judges at the court, one or not even one delegate may be elected.

(2) Delegates shall be elected at tribunals in such a way that at least one of them shall be a local court judge and at least one of them shall be a labour court judge.

Section 180

The chairs of the courts mentioned in Section 179 (1) shall convene plenary conferences for the election of candidates by 30 January 2012, at the latest. If the plenary conference convened for the election of delegates does not have a quorum, it shall be reconvened by 5 February 2012, at the latest. The repeated plenary conference shall have a quorum regardless of the number of attendees.

Section 181

Delegates shall send their curriculum vitae to the President of the NJO by 10 February 2012, at the latest.

Section 182

(1) The President of the NJO shall request the oldest delegate (hereinafter referred to as the „doyen of delegates”) to convene and chair the conference of delegates.

(2) Simultaneously with the request set forth in Paragraph (1), the President of the NJO shall request a nomination committee of five comprised of the oldest Curia, court of appeal, tribunal, local court and labour court delegates to nominate, based on the forwarded curriculum vitae, members and alternate members from among the candidates in accordance with the provisions set forth in Paragraph (5).

(3) The doyen of delegates shall convene the conference of delegates via the President of the NJO by 1 March 2012, at the latest, and shall simultaneously send the curriculum vitae to the delegates. The conference of delegates has a quorum if more than one half of the delegates are present. If the conference of delegates does not have a quorum, it

shall be re-convened by 5 March 2012, at the latest. The repeated conference of delegates shall have a quorum regardless of the number of attendees.

(4) The conference of delegates shall be chaired by the doyen of delegates. The President of the Curia and the President of the NJO may attend and speak at the conference of delegates without the right of nomination and voting.

(5) The nomination committee shall nominate the elected judge members and alternate members of the NJC with regard to the upper limits determined in Section 178 (2), the representation of the various case groups and the principle of regionality. Any delegate may make further nominations. Persons supported by at least one third of the attending candidates may be entered in the ballot paper.

(6) A candidate entered in the ballot paper shall issue a statement as to whether the disqualifying circumstances determined in the present Act exist in respect of his person.

Section 183

(1) Candidates shall be entered in the ballot paper in the alphabetical order of their surnames.

(2) Votes may be cast for a candidate by underlining his name. In the absence of underlining or the underlining of multiple names, the vote shall be invalid.

(3) Upon the election of the judge members of the NJC for the first time, the conference of delegates shall establish any other issues not regulated by law by simple majority.

Section 184

Upon the election of the judge members of the NJC for the first time, voting shall continue in the manner determined in Section 100 (1) until the required number of candidates as set forth in Section 178 (2) and (3) receive the prescribed number of votes.

60. Determination of Date of Expiry of Mandates and of Beginning of New Mandates

Section 185

(1) The mandates of the National Judicial Board (hereinafter referred to as „NJB”) and its members, the President of the NJB, the President and Vice-President of the Supreme Court and the Office Director and Deputy Office Director of the NJB shall cease by virtue of the entry into force of the Fundamental Law.

(2) The mandates of the President of the NJO and the President of the Curia shall commence as of 1 January 2012.

(3) The NJC coming into being for the first time on the basis of the present Act shall commence its operation on 15 March 2012. The first meeting of the NJC shall be held in March 2012.

Section 186

(1) In respect of the President of the Supreme Court, the provisions of Section 116 (2), while in respect of the Vice-President of the Supreme Court, the provisions of Section 141 (1) shall duly apply.

(2) Following the cessation of the mandate of Office Director, the former head of the NJB Office shall be posted in an actual judge's position, without the invitation of applications, minimum in the position of chamber chair, if possible, at a service post in the locality of his residence that he occupied prior to his official activities but minimum of the same level.

Section 187

The mandates of court leaders appointed prior to 1 January 2012 shall be valid for the term determined in their appointments, except as set forth in Section 185(1).

61 Provisions Related to Legal Succession

Section 188

(1) The legal successor of the Supreme Court, the NJB and its President is the Curia for the purposes of activities related to the administration of justice, while in respect of the administration of courts, the President of the NJO, except as determined in the cardinal laws.

(2) The general legal successor of the Office of the NJB is the NJO. The NJO shall be established within the organisational framework of the Office of the NJB.

(3) The minister responsible for justice shall establish the institution responsible for the training of judges and other persons participating in the administration of justice within the framework of the Hungarian Academy for Judicial Training. The President of the NJO shall provide for the definitive delivery of title to and the management rights of the movable and immovable property necessary for the operation of the institution currently serving the fulfilment of the duties of the Hungarian Academy for Judicial Training on the day of the entry into force of the present Act, as at the date of the entry into force of the present Act, as well as of the budgetary allocations attached thereto, in cooperation with Magyar Nemzeti Vagyonkezelő Zrt. by 28 February 2012, at the latest.

(4) The minister responsible for justice is hereby authorised to establish in a decree the rules of organisation and operation of the institution responsible for the training of judges and other persons participating in the administration of justice.

Section 189

(1) Effective as of 1 January 2012, the judges and judicial employees of the Supreme Court shall become the judges and judicial employees of the Curia. In the case of legal relationships under private law, effective as of 1 January 2012, the Supreme Court shall be replaced by the Curia.

(2) The legal successors of the Metropolitan Court and the given county courts are the corresponding tribunals. The title of the office of chairs of county courts and the Metropolitan Court shall change to chair of tribunal as of 1 January 2012.

Section 190

Wherever the present Act provides for district courts, district court leaders and district court judges, it shall be construed until 31 December 2012 as district and town courts, and collectively as local courts, local court leaders and local court judges. As of 1 January 2013, the given district court shall be the legal successor of the given local court.

62. Transitional Provisions Related to the Establishment of Administrative and Labour Courts

Section 191

(1) Administrative and labour courts and regional administrative and labour divisions shall commence their operation on 1 January 2013.

(2) The general successor of labour courts operating in the territory of the given tribunal shall be the administrative and labour courts to be established in the territory of the given tribunal.

(3) The mandates of the court leaders of labour courts operating in the territory of the given tribunal appointed prior to 1 January 2012 shall be valid for the term determined in the appointment, with respect to the administrative and labour court to be established in the territory of the given tribunal.

(4) If the mandate of the court leader of a labour court expires before 1 January 2013, his office may be filled by way of an engagement until 31 December 2012.

(5) Judges posted at a labour court operating in the territory of the given tribunal shall be posted at the administrative and labour court to be established in the territory of the given tribunal.

(6) If, upon the establishment of an administrative and labour court, a judge hearing administrative cases at a tribunal is transferred to an administrative and labour court, with regard to the reduction of the competence of the court on the basis of the Act on the status and remuneration of judges, his tribunal judge title and salary shall be established in accordance with the rules governing judges posted at tribunals.

(7) If, upon the establishment of an administrative and labour court, a judge hearing administrative cases at a court of appeal is transferred to an inferior court, with regard to the reduction of the competence of the court on the basis of the Act on the status and remuneration of judges, his court of appeal judge title and salary shall be established in accordance with the rules governing judges posted at courts of appeal.

Section 192

(1) Until 31 December 2012, the labour court under Act LXVI of 1997 on the organisation and administration of courts shall proceed at first instance in lawsuits arising from employment and employment-related legal relationships as well as in other cases delegated by law to its competence.

(2) Until 31 December 2012, labour courts shall be duly governed by the rules relating to district courts, while the court leaders of labour courts shall be duly governed by the rules relating to the leaders of district courts.

(3) Until 31 December 2012, judges hearing labour cases at tribunals shall be the members of the civil division. If a judge of a labour court is a member of the tribunal's civil division, he shall remain the member of the civil division until 31 December 2012.

Section 193

(1) Until 31 December 2012, tribunals shall proceed at first instance in administrative cases and the Metropolitan Court of Appeal at second instance.

(2) Until 31 December 2012, the Administrative Division of the Metropolitan Court of Appeal shall operate in accordance with the rules applicable to the divisions of courts of appeal,

and its division head and deputy division head shall be duly governed by the rules relating to the division heads and deputy division heads of courts of appeal.

(3) Until 31 December 2012, the Administrative Division of the Metropolitan Tribunal shall operate in accordance with the rules applicable to the divisions of tribunals, while its division head and deputy division head shall be duly governed by the rules relating to the division heads and deputy division heads of tribunals.

(4) Until 31 December 2012, at tribunals where no administrative division operated until 31 December 2011, judges hearing administrative cases shall remain the members of the civil division.

63. Other Transitional Provisions

Section 194

(1) The President of the NJO shall review and, if necessary, amend, repeal or sustain the rules and recommendations issued by the NJB on the basis of Act LXVI of 1997 on the organisation and administration of courts by 1 October 2012.

(2) Statistical data shall for the first time be gathered on the basis of the data forms serving to measure the work load of judges in cases instituted subsequent to 1 January 2013.

Section 195

(1) The provisions of Sections 32 to 44 shall apply in law standardisation procedures initiated after 1 January 2012.

(2) Guidelines, authoritative decisions and division positions adopted prior to the entry into force of the present Act may be applied until the adoption of a law standardisation decision containing guidance in departure therefrom.

(3) Based on the motion of the President or division head of the Curia, the entire division of the Curia proceeding as a law standardisation council may terminate the maintenance of guidelines, authoritative decisions and division positions adopted prior to the entry into force of the present Act as guidelines, authoritative decisions and division positions as part of a law standardisation procedure even if the conditions set forth in Section 32 (1) do not otherwise exist.

Section 196

(1) In the course of the assessment of motions submitted by the metropolitan or county government bureau to the Constitutional Court by 31 December 2011, the municipal chamber operating at the Curia shall, within 30 days of the receipt of the motion transferred by the Constitutional Court, call upon the metropolitan or county government bureau to supplement the motion as set forth in the Act on local municipalities within the deadline set. The time limit established for the assessment of the motion shall be reckoned from the date of the receipt of such supplement.

(2) In the course of the assessment of motions submitted by judges to the Constitutional Court by 31 December 2011, the municipal chamber operating at the Curia shall, within 30 days of the receipt of the motion transferred by the Constitutional Court, call upon the judge to supplement the motion as set forth in the present Act within the deadline set. The time limit established for the assessment of the motion shall be reckoned from the date of the receipt of such supplement.

Section 197

For the purposes of the provisions restricting repeated eligibility for senior court offices, the mandates of the chair and vice-chair of a local court shall qualify as equal to the mandates of chair and vice-chair of a district court, the mandates of the chair and vice-chair of an administrative and labour court shall qualify as equal to the mandates of chair and vice-chair of a labour court, while the mandates of the chair and vice-chair of a county court shall qualify as equal to the mandates of chair and vice-chair of a tribunal.

Chapter XVI Amended Legal Rules

64. Amendment to Act LXVIII of 1997 on the Service Relationship of Judicial Employees

Section 198

(1) Section 1 Paragraph (1), Point b) of Act LXVIII of 1997 on the service relationship of judicial employees (hereinafter referred to as „JEA”) shall be replaced by the following provision:

[The effect of the present Act]

„b) the National Judicial Office (hereinafter referred to as „NJO),”

(2) Section 8 Paragraph (1), Point a) shall be replaced by the following provision:

[The employer's rights shall be exercised by]

„a) the President of the NJO in respect of the Vice-President and other employees of the NJO,”

(3) Section 16 (2) shall be replaced by the following provision, and shall be simultaneously supplemented with the following Paragraph (2a):

„(2) The text of the oath shall consist of the text of the oath set forth in Act XXVII of 2008 on the Oath and Pledge of Certain Public Law Officials and the following text preceding the closing sentence thereof:

„I hereby do solemnly swear that I shall fulfil my job responsibilities and duties without bias, conscientiously, solely in accordance with the rules of law, accurately, to the best of my abilities.”

(2a) Designation of title in the text of the oath set forth in Act XXVII of 2008 on the Oath and Pledge of Certain Public Law Officials for the purposes of the oath under Paragraph (2): judicial employee.”

Section 199

(1) Section 31 of JEA shall be replaced by the following provision:

„Section 31 Paragraph (1) A senior position may be awarded to a candidate who, in addition to the general qualification conditions, has minimum three years of professional experience in the given area of specialisation. A legal rule or candidacy procedure may stipulate further conditions.

(2) The positions of the Vice-President and senior department heads of the NJO, the senior department heads of courts, the managers of other judicial agencies and their deputies and the Director of the Business Office of the Metropolitan Tribunal shall qualify as senior positions.

(3) Except as set forth in Paragraph (4), leaders shall be governed by the provisions of the present sub-title.

(4) In the case of the Vice-President of the NJO, Sections 32 to 34 are not applicable; issues falling within the regulatory range of these Sections shall be governed by the provisions set forth in the Act on the organisation and administration of courts.”

(2) Section 33 (1) of JEA shall be replaced by the following provision:

„(1) Applications may be invited for any managerial position; senior managerial positions shall be filled through the invitation of applications.”

Section 200

(1) Section 41/A (1) of JEA shall be replaced by the following provision:

„(1) Lay judges entitled to proceed within the competence of single judges in cases determined by law (hereinafter referred to as „appointed lay judge”) shall be appointed by the chair of the tribunal. In the case of lay judges working at district courts, the chair of the tribunal shall decide on the appointment based on the recommendation of the chair of the district court. The appointment shall state the range of cases it extends to.”

(2) Section 96 of JEA shall be supplemented with the following Paragraph (3):

„(3) The salary of the Vice-President of the NJO shall be duly governed by the rules of the Act on central state administration agencies and the status of the members of the Government and state secretaries relating to the remuneration of state secretaries, while his benefits shall be governed by the rules of the Government Decree on the benefits provided for state leaders and the civil servants of state administration agencies and the terms and conditions thereof relating to benefits provided for state secretaries.”

(3) JEA shall be supplemented with the following Section 134/A:

„Section 134/A Paragraph (1) Wherever the present Act provides for district courts, it shall be construed until 31 December 2012 as district and town courts and collectively as local courts.

(2) Wherever the present Act provides for administrative and labour courts, it shall be construed until 31 December 2012 as labour courts.”

Section 201

1. In Section 1 (3) of JEA, the text part „at the Office of the NJB” shall be replaced by the text „at the NJO”,

2. In Section 1 (4) and Section 6 (1) of JEA, the text part „metropolitan or county court” shall be replaced by the text „tribunal”,

3. In Section 8 (1), Point e) of JEA, the text part „metropolitan (county) court” shall be replaced by the text „tribunal”, while the text part „local court” shall be replaced by the text „district court”,

4. In Section 11 (2) of JEA, the text part „franchised” shall be replaced by the text „with full acting capacity”,

5. In Section 13 (1) of JEA, the text part „the Office of the NJB” shall be replaced by the text „the President the NJO”,

6. In Section 13 (7) of JEA, the text part „the Office of the NJB” shall be replaced by the text „the NJO”, and the text part „National Judicial Board” shall be replaced by the text „the President of the NJO”,

7. In Section 14 (7) of JEA, the text part „the Office of the NJB” shall be replaced by the text „the President of the NJO”,

8. In Section 14 (10) of JEA, the text part „the NJB” shall be replaced by the text „the President of the NJO”, ,

9. In Section 16 (3) of JEA, the text part „metropolitan or county court” shall be replaced by the text „tribunal”,

10. In Section 35/A (1) of JEA, the text part „the Office of the NJB” shall be replaced by the text „the President of the NJO”,

11. In Section 35/A (6) of JEA, the text part „the NJB” shall be replaced by the text „the President of the NJO”,

12. In Section 41/A (1) of JEA, the text part „county court” shall be replaced by the text „tribunal”,

13. In Section 61 (1) of JEA, the text part „at the Office of the NJB” shall be replaced by the text „at the NJO”,

14. In Section 93 (1) of JEA, the text part „local (labour) court” shall be replaced by „district court and administrative and labour court”, while the text part „at a metropolitan (county) court” shall be replaced by the text „at a tribunal”,

15. In Section 93 (4) of JEA, the text part „the Office of the NJB” shall be replaced by the text „the NJO”,

16. In Section 94 (4) of JEA, the text part „the Office of the NJB” shall be replaced by the text „the NJO”,

17. In Section 95 (2) of JEA, the text part „metropolitan (county) court” shall be replaced by the text „tribunal”,

18. In Section 98 (3) of JEA, the text part „supreme court” shall be replaced by the text „curia”, while the text part „Supreme Court” shall be replaced by the text „Curia”,

19. In Section 103/A (1), Point a) of JEA, the text part „the Supreme Court and the Office of the NJB” shall be replaced by the text „the Curia and the NJO”,

20. In Section 105 (1) of JEA, the text part „at the Supreme Court, the Office of the NJB” shall be replaced by the text „at the Curia, the NJO”,

21. In Section 105 (2) of JEA, the text part „at the Supreme Court and the Office of the NJB” shall be replaced by the text „at the Curia and the NJO”,

22. In Section 109 of JEA, the text part „metropolitan (county) court” shall be replaced by the text „tribunal”,

23. In Section 119 (1) of JEA, the text part „National Judicial Board” shall be replaced by the text „President of the NJO”,

24. In Section 119 (3) of JEA, the text part „National Judicial Board” shall be replaced by the text „President of the NJO”,

25. In Section 119 (4) of JEA, the text part „National Judicial Board” shall be replaced by the text „President of the NJO”,

26. In Section 122 (1), Point e) of JEA, the text part „by Act XXXI of 1991 on the decorations of the Republic of Hungary” shall be replaced by the text „by the Act on the use of Hungary’s coat of arms and national flag and state decorations”,

27. In Section 122 (2) of JEA, the text part „Office of the NJB” shall be replaced by the text „the NJO” and the text part „the NJB” shall be replaced by the text „the National Judicial Council”,

28. In Section 123 of JEA, the text part „the NJB” shall be replaced by the text „the President of the NJO”,

29. In Section 135 (3), Point *b*) of JEA, the text part „to the Office of the NJB” shall be replaced by the text „to the NJO”, while the text part „in consultation and agreement with the NJB” shall be replaced by the text „in consultation with the President of the NJO”,

30. Section 135 (3), Point *c*) of JEA, the text part „the NJB” shall be replaced by the text „the President of the NJO”.

*65. Amendment to Act XIX of 1998 on Criminal Proceedings***Section 202**

Section 439 of CPA shall be replaced by the following provisions:

„Section 439 Paragraph (1) Law standardisation procedures shall be governed by the provisions of the Act on the organisation and administration of courts relating to law standardisation procedures, except as set forth in Paragraphs (2) to (5).

(2) If the result of a law standardisation procedure may have an impact on other extraordinary remedy proceedings in progress before the Curia, the Curia shall suspend such extraordinary remedy proceedings until the adoption of the law standardisation decision.

(3) If, following from the guidance provided on an authoritative issue, the provision of the final and absolute court ruling, affected by the law standardisation decision, which establishes the liability of the accused under criminal law is unlawful, the law standardisation council shall repeal the unlawful provision and shall acquit the accused and/or shall terminate the proceedings. If the accused is in custody, custody shall also be terminated.

(4) The reasoning of a law standardisation decision shall also contain the reasons for the acquittal of the accused and the termination of the proceedings.

(5) The given law standardisation decision shall also be served upon the accused who has been acquitted or in respect of whom the proceedings have been terminated. If prosecution was represented in the underlying proceedings by a private prosecutor or a substitute private prosecutor, the decision shall also be served on him.”

Section 203

a) In Section 13 (1), Section 13 (2), Points *a*) and *b*), Section 13 (3), Point *a*), Section 14 (2) and (4), Section 15, the opening text part of Section 16 (1) and (2), Section 20 (2), Point *a*), Section 131 (1) and (3), Section 142 (3) and (4), Section 207 (1) and (6), Section 208 (1) and (2), Section 215 (3), Section 242 (1), Point *a*), Section 262/B (3), Section 271 (2), Section 383 (1), Point *a*), Section 411 (1), Section 414 (2), Section 471 (1), Section 473 (1), Section 485/B (2) and Section 486 of CPA, the text part „county court” shall be replaced by the text „tribunal”,

b) in Section 14 (7) of CPA, the text part „National Judicial Board” shall be replaced by the text „the President of the National Judicial Office”,

c) in Section 17 (5) and (6), Section 18 (3) and Section 566 (1) of CPA, the text part „county court” shall be replaced by the text „tribunal”, while the text part „Metropolitan Court” shall be replaced by the text „Metropolitan Tribunal”,

d) in Section 20 (2), Point *b*) of CPA, the text part „county court” shall be replaced by the text „tribunal”, the text part „county courts” shall be replaced by the text „tribunals” and the text part „to county courts” shall be replaced by the text „to tribunals”,

e) in Section 20 (2), Point *c*) of CPA, the text part „county courts” shall be replaced by the text „tribunals”, while the text part „county court” shall be replaced by the text „tribunal”,

f) in Section 20/A of CPA, the text part „The Supreme Court upon the motion of the President of the National Judicial Board” shall be replaced by the text „The President of the National Judicial Office”,

g) in Section 29, Point *b*) and Section 201 (2), Point *b*) of CPA, the text part „lay judges, prosecution secretaries, legal officials and clerks” shall be replaced by the text „lay judges, deputy prosecutors, lay judges, prosecution draftspersons, prosecution agents and court clerks” and the text part „county court” shall be replaced by the text „tribunal”,

h) in Section 34 of CPA, the text part „prosecution secretary” shall be replaced by the text „deputy prosecutor”, while the text part „clerk” shall be replaced by the text „agent”,

i) in Section 44 (5) of CPA, the text part „county court” shall be replaced by the text „tribunal”,

j) in Section 206/A (5) of CPA, the text part „county (metropolitan) court” shall be replaced by the text „tribunal”,

k) in Section 215 (2) of CPA, the text part „to the county court” shall be replaced by the text „to the tribunal”,

l) in Section 241 (2), Section 460 (3) and Section 488 of CPA, the text part „prosecution secretary” shall be replaced by the text „deputy prosecutor”,

m) in Section 448 (2) of CPA, the text part „the National Judicial Board” shall be replaced by the text „the President of the National Judicial Office”,

n) in Section 472 (5) of CPA, the text part „county court” shall be replaced by the text „tribunal”, while the text part „the National Judicial Board” shall be replaced by the text „the National Judicial Office”,

o) in Section 473 (2) of CPA, the text part „Metropolitan Court” shall be replaced by the text „Metropolitan Tribunal”,

p) in Section 604 (5), Point c) of CPA, the text part „National Judicial Board” shall be replaced by the text „the President of the National Judicial Office”.

66. Amendment to Act III of 1952 on Civil Proceedings

Section 204

In Act III of 1952 on Civil Proceedings,

a) in Section 10 (1) and (2), Point a), the text part „county court (Metropolitan Court)” shall be replaced by the text „tribunal”,

b) in Section 10 (2), Point b), the text part „to the county court (Metropolitan Court)” shall be replaced by the text „to the tribunal”,

c) in Section 10 (2), Point c) and (3), Section 18 (2), Section 45 (2), Point c), Section 67 (3), Section 73/A (1), Point a), Section 214 (2), Section 235 (4), Section 262/A, Section 270 (1), Section 271 (1), Point e), Section 273 (1), the opening text of Paragraph (2) and Paragraph (4), Section 275 (1)–(7) and Section 340/A (2) and (3), the text part „Supreme Court” shall be replaced by the text „the Curia”,

d) in Section 11 (5), Section 114/B (3), Section 235 (3), Section 273 (3) and (5) and Section 274 (1), the text parts „Supreme Court” shall be replaced by the text „the Curia”,

e) in Section 14, the opening text of Section 23 (1) and Points f) and o), Section 45 (2), Point a), Section 73/A (1), Point b), Section 147 (2), Section 235 (3), Section 326 (9), Section 358, Section 367, the opening text of Section 386/A (1) and Section 394/B (1), Point d), the text part „county court” shall be replaced by the text „tribunal”,

f) in Section 18 (2) and Section 249 (2), the text part „county court” shall be replaced by the text „tribunal”,

g) in Section 22 (1), the text part „county courts” shall be replaced by the text „tribunals”,

h) in Section 23 (2), the text part „to county courts” shall be replaced by the term „to tribunals”, while the text part „county court” shall be replaced by the text „tribunal”,

i) in Section 41 (6), Point a), the text part „county court” shall be replaced by the text „tribunal”, while the text part „Metropolitan Court and Pest County Court” shall be replaced by the text „Metropolitan Tribunal and Greater Budapest Tribunal”,

j) in Section 45 (2), Point b), the text part „local, county and labour courts” shall be replaced by the text „local courts, tribunals and labour courts” and the text parts „local, county or labour court” shall be replaced by the text „local court, tribunal or labour court”,

k) in Section 47 (1), the text part „The Supreme Court upon the motion of the President of the National Judicial Board” shall be replaced by the text „The President of the National Judicial Office”,

l) in Section 94 (1), the text part „at the county court” shall be replaced by the text „at the tribunal”,

m) in Section 102 (6), the text part „the Office of the National Judicial Board” shall be replaced by the text „the President of the National Judicial Office”,

n) in Section 114/B (3), the text parts „county court” shall be replaced by the text „tribunal”,

o) in Section 149 (3), the text part „county (metropolitan) court” shall be replaced by the text „tribunal”,

p) in Section 270 (2), the text part „from the Supreme Court” shall be replaced by the text „from the Curia”,

q) in Section 272 (4) and Section 340/A (2), the text part „to the Supreme Court” shall be replaced by the text „to the Curia”,

r) in Section 311 (5), the text part „the Office of the National Judicial Board” shall be replaced by the text „the President of the National Judicial Office” and the text part „The Office” shall be replaced by the text „The President”,

s) in Section 326 (6) and (7), the text part „Metropolitan Court” shall be replaced by the text „Metropolitan Tribunal”,

t) in Section 326 (13), the text parts „county court” shall be replaced by the text „tribunal”, while the text parts „Metropolitan Court” shall be replaced by the text „Metropolitan Tribunal”,

u) in Section 328 (2), the text part „at the county court” shall be replaced by the text „at the tribunal”,

v) in Section 394/D (1), the text part „county courts” shall be replaced by the text „tribunals”,

w) in Section 395 (4), Point a), the text part „National Judicial Board” shall be replaced by the text „the President of the National Judicial Office”.

67. Amendment to Act CLXXXIV of 2010 on the Names and Head Offices of Courts and the Designation of Their Territorial Jurisdiction

Section 205

(1) Section 4 of Act CLXXXIV of 2010 on the names and head offices of courts and the designation of their territorial jurisdiction shall be supplemented with the following Paragraph (4):

„(4) The legal successor of the Pest County Labour Court is the Greater Budapest Labour Court.”

(2) In Act CLXXXIV of 2010 on the names and head offices of courts and the designation of their territorial jurisdiction,

a) in Section 1 (1) and Section 2 (3), the text part „county courts” shall be replaced by the text „tribunals”,

b) in Section 1 (3) and Section 2 (5), the text part „Supreme Court” shall be replaced by the text „Curia”,

c) in Section 3 (1) and (2), the text part „at county courts” shall be replaced by the text „at tribunals”,

d) in Section 4 (2), the text parts „Zala County Court” shall be replaced by the text „Zalaegerszeg Tribunal”,

e) in the title of Annex Annex No. 1, the text part „county courts” shall be replaced by the text „tribunals”,

f) in sub-title 1 of AnnexAnnex No. 1, the text part „Metropolitan Court” shall be replaced by the text „Metropolitan Tribunal”, in sub-title 2, the text part „Baranya County Court” shall be replaced by the text part „Pécs Tribunal”, in sub-title 3, the text part „Bács-Kiskun County Court” shall be replaced by the text „Kecskemét Tribunal”, in sub-title 4, the text part „Békés County Court” shall be replaced by the text „Gyula Tribunal”, in sub-title 5, the text part „Borsod-Abaúj-Zemplén County Court” shall be replaced by the text „Miskolc Tribunal”, in sub-title 6, the text part „Csongrád County Court” shall be replaced by the text „Szeged Tribunal”, in sub-title 7, the text part „Fejér County Court” shall be replaced by the text „Székesfehérvár Tribunal”, in sub-title 8, the text part „Győr-Moson-Sopron County Court” shall be replaced by the text „Győr Tribunal”, in sub-title 9, the text part „Hajdú-Bihar County Court” shall be replaced by the text „Debrecen Tribunal”, in sub-title 10, the text part „Heves County Court” shall be replaced by the text part „Eger Tribunal”, in sub-title 11, the text part „Jász-Nagykun-Szolnok County Court” shall be replaced by the text „Szolnok Tribunal”, in sub-title 12, the text part „Komárom-Esztergom County Court” shall be replaced by the text „Tatabánya Tribunal”, in sub-title 13, the text part „Nógrád County Court” shall be replaced by the text „Balassagyarmat Tribunal”, in sub-title 14, the text part „Pest County Court” shall be replaced by the text „Greater Budapest Tribunal”, in sub-title 15, the text part „Somogy County Court” shall be replaced by the text „Kaposvár Tribunal”, in sub-title 16, the text part „Szabolcs-Szatmár-Bereg County Court” shall be replaced by the text „Nyíregyháza Tribunal”, in sub-title 17, the text part „Tolna County Court” shall be replaced by the text „Szekszárd Tribunal”, in sub-title 18, the text part „Vas County Court” shall be replaced by the text „Szombathely Tribunal”, in sub-title 19, the text part „Veszprém County Court” shall be replaced by the text „Veszprém Tribunal” and in sub-title 20, the text part „Zala County Court” shall be replaced by the text „Zalaegerszeg Tribunal”,

g) in sub-title 14/13 of AnnexAnnex 1, the text part „Pest County” shall be replaced by the text „Greater Budapest”,

h) in AnnexAnnex 3, the text part „county courts” shall be replaced by the text „tribunals”,

i) in sub-title 1 of AnnexAnnex 3, the text part „Metropolitan Court” shall be replaced by the text „Metropolitan Tribunal”, in sub-title 2, the text part „Csongrád County Court” shall be replaced by the text „Szeged Tribunal”, in sub-title 3, the text part „Győr-Moson-Sopron County Court” shall be replaced by the text „Győr Tribunal”, in sub-title 4, the text part „Hajdú-Bihar County Court” shall be replaced by the text „Debrecen Tribunal” and in sub-title 5, the text part „Somogy County Court” shall be replaced by the text „Kaposvár Tribunal”.

68. Amendment to Act CL of 2011 on the Amendment of Certain Laws with Criminal Aspects

Section 206

In Section 81, Point a) of Act CL on the amendment of certain laws with criminal aspects, the text part „in Section 20/A and in Section 22” shall enter into force with the text „in Section 22”.

Chapter XVII Legal Rules and Provisions Ceasing to Have Effect

69. Legal Rules Ceasing to Have Effect

Section 207

Act LXVI of 1997 on the organisation and administration of courts shall cease to have effect.

*70. Provisions Ceasing to Have Effect***Section 208**

(1) The following provisions of CPA shall cease to have effect:

- a) Sections 440–445,
- b) in Section 601 (1), the text parts „from county courts and” and „the Metropolitan Court and”.

(2) The following provisions of JEA shall cease to have effect:

- a) Section 8 (1), Point *b*),
- b) in Section 104 (1), the text part „the deputy head of the Office of the NJB”,
- c) Section 125 (2),
- d) Paragraph 1 of AnnexAnnex No. 6.

(3) The following provisions of CPA shall cease to have effect:

- a) in Section 10 (4), the text part „while wherever it provides for county courts, it shall be construed as the „Metropolitan Court”,
- b) Section 212 (2).

Section 209

- a) Section 178 (1)–(4) and Sections 179–184, and
- b) Sections 198–206

of the Act shall cease to have effect.

Dr Pál Schmitt
President of the Republic

László Kövér
Speaker of the House