

COURT RULES OF PROCEDURE

PART ONE

CHAPTER ONE

GENERAL PROVISIONS

Article 1

The Court Rules of Procedure (“the Rules”) shall govern the organization and internal operations in the courts of Montenegro.

The provisions of these Rules shall apply to notaries when acting as the parties to inheritance proceedings save as otherwise prescribed by special legislation governing notary service with respect to specific issues.

The Rules shall be enforced to secure proper and timely court management, court administrative and technical operations, and other affairs essential to the courts’ organization and internal operation.

Article 2

Internal operation, within the meaning of the Rules, shall include court management and administrative and technical operations, as well as the use of the Judicial Information System (‘PRIS’).

PRIS is an electronic information system for case management. It comprises the standard application, computer and communications equipment and infrastructure, and a data base where the data from court registers are entered, stored, and transmitted to.

Internal court operation shall be separate from trials.

Article 3

Internal court operation shall be organized in a such a way as to allow the court to perform its function lawfully, timely, and efficiently and to allow parties to exercise the rights they are entitled to by law within the shortest time possible and with as little expenses as possible.

Article 4

The Ministry of Justice (“the Ministry”) shall issue general directions and notifications with respect to the implementation of the Rules.

The chief judge shall oversee and be responsible for the proper implementation of the Rules. The chief judge may give directions and explanations with respect to the implementation of individual provisions of the Rules.

Judges, court officers and employees shall directly implement the Rules within their respective spheres of duty.

Article 5

A chief judge shall report to the Ministry, when necessary but not less than once a year, on the situation and problems arising in the implementation of the Rules.

Article 6

Any reference to male physical persons made by the expressions of the Rules shall also include reference to female physical persons.

CHAPTER II

COURT MANAGEMENT

2.1. Court Management Functions

Article 7

Court management functions secure conditions for a court's proper and timely work and operations.

Court management functions are internal organization functions as set by law, the Rules and other regulations securing conditions for regular and efficient functioning of judicial power.

In courts with over ten judges, court management functions shall be performed by the office of the chief judge.

The office of a chief judge shall assign one or more officers and employees, as may appear necessary, to perform court management functions, in compliance with the directions given by the chief judge.

2.2. Duties and Responsibilities of a Chief judge

Article 8

A chief judge shall be responsible for the performance of court management functions.

In bigger courts, the chief judge may confer some court management functions on the deputy chief judge, heads of court divisions, judges, or court officers.

Article 9

To secure proper and timely court operation, the chief judge oversees the work of court divisions and services by, *inter alia*, inspecting court registers and accompanying books, calendar books, hearing books, by continually updating a register of cases pending for an excessive time period, and by requesting reports.

A chief judge shall see that judges, officers and employees treat customers, state authorities, legal persons, or other organizations in a proper manner and that relations among court staff are good.

A chief judge must report to the chief judge of an immediately superior court of any events in the court that seriously threaten mutual relations among the court staff, hinder customers in the exercise of their rights, represent a misuse or excessive use of office or authority or that may otherwise tarnish the dignity of the court.

A chief judge shall take other steps as may be set by law to eliminate the shortcomings he has identified.

Article 10

Where the annual report indicates that a court or any of its divisions has a backlog bigger than the three month new caseload, the chief judge shall enact a program for elimination of backlog ("Program") by not later than 31 January of the next business year.

The Program shall specify the steps to be introduced to secure timely performance of court functions including the following: making changes in the internal court organization; introducing extra work hours; making temporary changes in the organization of work hours; organizing business meetings, and other steps as may be set by law and the Rules.

In designing and enforcing the Program, the chief judge may propose that judges be assigned to other courts and that amendments to the annual assignment schedule be enacted.

The chief judge shall submit the draft Program to the meeting of judges for their consideration.

The chief judge shall notify the chief judge of an immediately superior court and the chief judge of the Supreme Court of the Program enacted.

The chief judge shall monitor and oversee on a monthly basis the status of Program implementation and decide on any modifications and amendments to the Program or termination of its implementation.

Article 11

The chief judge shall coordinate the work of court divisions and court's other organizational units. When the chief judge identifies unequal treatment, treatment contrary to applicable regulations, or any

deviation from the standard court practices in the work of a court division, chamber, judge or an investigating judge, he shall report on practices identified to the meetings of court divisions and of judges for their joint position on the issue.

Article 12

The chief judge shall examine, either personally or through a person duly assigned by him, every customer complaint concerning the work of either the court or individual judges, officers, and employees. Before responding to the complaint in the shortest time possible, a chief judge shall notify of the complaint the person whose work it refers to, request from that person an explanation verbally or in writing, review the case files, and take other steps necessary to assess the validity of the complaint.

The examination under Par. 1 above shall also be made in case of anonymous complaints.

All complaints, be they verbal or in writing, shall be entered in the “Su” register.

Article 13

The chief judge shall notify its superior court of all issues deemed essential for court operation.

In court management matters, chief judges of higher courts shall oversee the work of lower courts and take steps to secure implementation of the Rules and proper functioning of court management in these courts. This duty is carried out by way of making visits to the courts, obtaining reports from them, holding meetings with judges, officers, and employees, and by examining court management procedures.

The chief judge of the Supreme Court shall make a court control annual plan to be implemented by the chief judges of higher courts, a copy of which is delivered to all courts.

Article 14

The chief judge of the Supreme Court and of the Appellate Court of Montenegro (“Appellate Court”) and chief judges of higher courts may organize meetings with chief judges and judges of individual courts to consider issues relevant to the improvement of court operation and court management.

Article 15

In order to coordinate the work and secure timely discharge of duties, a chief judge, personally or through a person duly assigned by him, shall convene when necessary working meetings of all court officers and employees or of officers and employees handling identical or similar activities.

Article 16

The chief judge shall convene when necessary working meetings with lay judges, expert witnesses and court interpreters to discuss matters relevant to their role in court operation.

Article 17

The chief judge may convene working meetings with the authorities responsible for the detection and prosecution of offenders, as well as with other authorities or organizations and defense counsels, where such meetings may be in the interest of the exercise of judicial power.

Article 18

Judges and officers have the right and duty to professionally develop, in compliance with the rules governing education in judicial authorities.

In order to exercise their duties and responsibilities under Par. 1 above and exchange views on issues of their common interests, courts organize and participate in seminars and consultative meetings with chief judges of other courts or other authorities and organizations. Judges and officers shall be notified of such events by the chief judge.

Professional development activities intended for judges and officers may also be implemented during the court work hours.

Depending on an area of law which is on the agenda and which individual judges deal with, the chief judge shall select judges and officers to take part in the seminars and meetings under Par. 2 above.

The curriculum, methodology, and organization of the training of judges, officers and employees in using PRIS shall be agreed upon by the Judicial Council.

CHAPTER THREE INTERNAL ORGANISATION

Article 19

Internal organization shall be so designed to suit the type and scope of court operations and satisfy the need for them to be timely and efficient.

In an act on internal organization and job classification, the chief judge shall provide for court organizational units, their scope of authority, and all other issues concerning court management that are not regulated by the Rules.

3.1. Court Divisions

Article 20

Court divisions shall be established for individual areas of law.
A court division may have one or more chambers.

Article 21

A court division shall be managed by the head of the division so assigned under the annual assignment schedule.

An annual assignment schedule shall also identify the deputy head for each division.

A head of a division shall see that current operations are discharged professionally and that cases are assigned rationally and evenly, in compliance with the case assignment rules and the annual assignment schedule.

The courts having conditions in place for electronic registration shall assign cases through PRIS (mathematical algorithm) which secures that at the end of an assignment cycle all judges have the same number of cases and that they are under the same workload. The duration of an assignment cycle, which may not be shorter than one month, shall be set by each court depending on its annual caseload, annual assignment schedule, and the number of judges.

Article 22

Courts shall secure conditions necessary for judges to keep up to date with and study case law.

Courts may set up a division for case law update and study, to be chaired by the current head of division, as set by the annual assignment schedule.

Case law update and study shall comprise in particular the following: update on case law of first and second instance courts, update on position papers and opinions, drafting of position statements for court division meetings and discharge of other duties of relevance for case law.

3.2. Court Registry Office

Article 23

Administrative and technical functions shall be performed in the court registry office.

A court with a bigger caseload may set up within its registry office a number of sections to handle cases of different divisions (sections for criminal, civil, noncontentious, enforcement and other cases), as well as special organizational units including *inter alia*: intake office, certification office, mail dispatch office.

Higher courts registry offices may set up special sections to handle organized crime, corruption, terrorism, and war crime cases.

Article 24

A court registry office shall be managed by the registry head clerk who may also be assigned other duties in the court registry.

A registry head clerk shall see that administrative operations are discharged in a timely and proper manner.

Where a court registry office has several sections, they shall be managed by their respective heads of sections, under the supervision of the registry head clerk.

3.3. Special Services

Article 25

A court may have an accounting service.

A single accounting service may be organized to serve more than one court.

In courts with a smaller scope of financial and resource management operations, the chief judge may order that an employee assigned as an accountant discharges, in addition to his regular duties, also the administrative duties.

Article 26

Courts may set up an IT service.

Several courts or authorities who are PRIS users (court and state prosecution service) sharing the same building or a municipality, may have a joint IT service.

An IT service shall provide support to court operations, maintain electronic equipment and see that PRIS is used in a proper manner.

Article 27

Free Legal Aid service shall be established within a basic court, as set by the legislation governing free legal aid.

3.4. Library

Article 28

Every court shall have its reference library.

Where a single courthouse is shared by several courts, a joint reference library may be set up for such courts.

The Supreme Court shall host the Central Judicial Library.

Article 29

A reference library shall comprise copies of legislation and other regulations, books and journals, official gazettes, case law publications, and other technical publications and their online editions.

A chief judge or a judge assigned by him shall see to book orders and subscriptions for journals and other publications as well as to maintenance of the book fund and its electronic data base.

Article 30

A reference library shall, as a rule, be placed in a separate room.

A reference library shall be managed by a librarian who, in addition to library management, may also engage in other operations.

A court with a bigger caseload may assign the officer handling case law registration to also manage its reference library.

A reference library shall have a register of books, journals, official gazettes, and other periodicals.

Article 31

Latest issues of official gazette shall first be delivered to the court divisions and services and forwarded thereupon to the reference library for storage.

The chief judge shall see that particularly important regulations governing the court operation be either delivered to judges, officers and employees or entered in the electronic data base.

The chief judge shall see that judges, court officers and employees are informed, verbally or in writing, about new legislation and any amendments to the existing legislation.

3.5. Annual Assignment Schedule

Article 32

An annual assignment schedule shall identify the number of divisions and chambers and the judges that they are composed of as well as the heads of divisions and chambers and judges to act as their deputies, as well as officers who will be working in a chamber.

The basis for annual assignment schedule shall be the court annual work program for the year concerned. In drafting of an annual assignment schedule due consideration shall be given to capacity and skills that individual judges and officers have for different operations. The schedule shall be drafted in a way to ensure that they are engaged fully and that their knowledge and skills are used to the maximum extent.

Court chambers within a division shall be marked with numbers.

Article 33

An annual assignment schedule shall identify the scope of operations for individual divisions, chambers and judges.

Within a single calendar year a judge shall be assigned cases that belong to a single area of law.

If necessary (for reasons of one's insufficient caseload, insufficient number of judges, etc), arrangements shall be made to assign to a judge also the cases from another area of law.

Where a court has a sufficient number of cases of a single category (the same type of crimes, the same grounds in a civil matter, etc), a chief judge may make arrangements in the annual assignment schedule that individual judges, or chambers, handle this category of cases only (traffic safety crimes, labor disputes, divorce cases, land expropriation cases, bankruptcy disputes, etc).

In courts with smaller caseload and in courts where for reason of insufficient number of judges cases may not be assigned in the manner described under Par. 1 above, every effort shall be made to reduce as far as possible the number of situations where a single judge sits on criminal and civil cases at the same time.

In courts using PRIS, the annual assignment schedule shall identify a PRIS administrator for that court ("PRIS administrator").

Article 34

An annual assignment schedule shall assign advisors.

Advisors shall be conferred the operations for which participation of a judge is not required to discharge on their own or under the supervision of a judge including in particular the following: drafting and redaction of files for judge rapporteur; drafting court decisions; administering court proceedings that do not require direct involvement of a judge; registration, publication and study of case law; drafting position papers for meetings of judges and of court chambers, etc.

Article 35

To secure proper court management, administrative and technical operations, and other court operations, the act on internal organization and job classification shall identify the number of employees required under the annual assignment schedule.

Article 36

In assigning officers and employees, due consideration shall be given to a balanced distribution of workload taking into account the current requirements (size of workload, number of staff, etc).

3.6. In-House Training of Court Trainees and Volunteers

Article 37

The chief judge shall organize, based on the court trainee training program, the work of court trainees and volunteers, assign them to different divisions and services, and take other steps towards their training for practical work, making sure they practice all court operations during their training period.

Article 38

A record shall be kept for every court trainee or volunteer with specification of their time spent training in respective court divisions and services, as well as of operations that the court trainee or volunteer has been engaged in. Such data shall be verified by a judge or head of division or a head of the service where the court trainee or volunteer has been trained.

3.7. Court Work Hours and Annual Vacation

Article 39

Work hours for all courts shall be set by the chief judge of the Supreme Court.

Work hours shall be displayed on the court notice board and at the court entrance.

Case procedures set as emergency procedures by law, which therefore may not be adjourned, shall be carried out irrespective of the formal work hours.

A pending trial or hearing whose adjournment would result in unreasonable expenses or delays in the proceedings, shall continue after the work hours.

Article 40

After work hours, only procedures that may not be postponed shall be taken by court.

The chief judge shall designate an on call investigating judge and court officers and employees. The competent state prosecution service and the police authority shall be notified of the on call staff schedule.

A chief judge shall designate additional on call judges, officers and employees to discharge duties that may not be adjourned.

Article 41

Judges, officers and employees shall, as a rule, have their vacation in the months of July and August.

The vacations schedule shall be made by the chief judge in such a way as to secure that a sufficient number of judges, officers and employees remains in court to ensure unhindered handling of cases defined by law as emergency cases (detention cases; juvenile crime cases; domestic violence cases; labor disputes; alimony cases; trespassing, child care; bond, check and land register disputes; bankruptcy proceedings; disputes concerning orders for presentation of evidence, and orders for issuance, restriction or cancellation of interim measures, etc).

3.8. Case Law

Article 42

A court shall maintain a register of legal positions. The register entries shall be short descriptions of legal positions taken in court decisions rendered in individual cases as well as in decisions referred by higher court, which are significant for case law.

A court shall also maintain a special register of legal positions taken by collegiate bodies, division meetings, seminars, and judges' working sessions.

A general and a special register of legal positions shall be maintained separately for each individual area of law.

Article 43

The Supreme Court of Montenegro ("Supreme Court") case law division shall collect cases significant for case law, classify them by their methodology, analyze, update and store in the electronic data

base, in compliance with the rules of procedure for court divisions and the General Meeting of the Supreme Court.

The Supreme Court case law division shall maintain the electronic data base, which comprises a summary of all Supreme Court decisions and a summary of significant decisions given by other courts.

The rules of procedure governing the work of court divisions and of the General Meeting of the Supreme Court shall set the rules on how excerpts from the case law register are allowed for use by other courts, state authorities and other interested subjects.

The procedures described under Par. 1 above shall be applied by case law divisions of other courts.

Article 44

PRIS uniform methodology and computer programs shall apply to computer assisted case law update.

Article 45

Court decisions significant for case law shall be published in a publication issued by the Supreme Court as well as on the Supreme Court web page.

Courts may also publish decisions significant for case law in other technical publications.

3.9. Reports, Records, and Statistics

Article 46

Court records and statistics shall serve as basis for periodic and ad hoc reports on court operation made to supervise and better organize court operation.

Article 47

Statistics and records shall be maintained in compliance with the instructions issued by the chief judge of the Supreme Court and the state administration statistics authority.

Statistical forms make an integral part of the instructions under Par. 1 above.

Statistics of court efficiency is made based on the size of overall backlog and the number of resolved cases per a judge.

Efficiency of individual judges is assessed based on the time spent at work annually and the number of cases expected to be resolved within that time.

In drafting the annual report on court operation, the data on pending cases in which court decision has been overturned shall include a special note of the year in which the case opened.

Effectiveness is computed by dividing the total number of resolved cases by the average of resolved cases per an individual judge, in compliance with the regulation introducing orientation rules for setting the number of judges and other court staff.

Article 48

A court registry office shall maintain for every register a repertory of resolved cases for the reporting period where, in chronological order, entries are made of the marks of all resolved cases by their category and the manner in which it was resolved.

The repertory shall be used for drafting regular reports on all the cases resolved within the reporting period, together with a specification of the manner in which they were resolved (“judgment”, “dismissal”, “referral”, “setting aside”, etc).

The repertory of resolved cases within the competence of special departments for organized crime, corruption, terrorism, and war crimes (“special department”) shall be entered in the repertory and incorporated in the report in the court registry office.

The provisions of Paras. 1, 2 and 3 above do not refer to court registry offices using PRIS.

Article 49

In addition to standard data, an annual report on court operation shall also present and analyze court operation, discuss issues and shortcomings in the court operation as well as the steps that are taken or should be taken towards achieving the necessary efficiency, together with the amount of funds paid, in compliance with the legislation governing free legal aid.

Article 50

Courts shall collect, process and deliver statistical data on their operation in standardized forms (statistical sheets, reports, etc). Statistical reports are filled out in compliance with special regulations by using the data originating from court registers, court decisions, and in other appropriate ways, i.e. by keeping electronic statistics.

Filled out statistical forms and regular report shall be delivered to competent authorities within set deadlines, in both print and electronic form.

Chief judges of higher courts shall order special statistical monitoring of cases within the jurisdiction of special divisions.

Article 51

In order to secure timely delivery of statistical data and other records for court statistics, the court shall maintain an inventory of all reporting deadlines which includes information on which authority and on the basis of which instructions statistical data and other records are delivered. The inventory of deadlines serves as a reminder to the chief judge, registry head clerk, or an employee assigned to maintain court statistics.

Article 52

All court statistics related functions are performed, as a rule, by the registry head clerk or an employee assisting the chief judge in court management functions, under the supervision of the chief judge. Courts with bigger workload shall have an employee assigned to court statistics.

Article 53

An employee assigned to maintain court statistics shall report periodically, and not less than on a quarterly basis, on the operation of judges, court divisions and services, based on the data from the registry books and other records of court operation.

An employee assigned to maintain court statistics on matters within the jurisdiction of a special division shall report on such cases monthly, based on the data from the registry books and overview of judges work in a special division.

The work report must clearly indicate overall workload in each division or chamber, or of each judge, as well as the number of cases pending at the beginning of the reporting period, the number of cases received, the number of hearings actually held, postponed and not held in the reporting period, the number of resolved cases and the their procedural outcome, and the number of cases still pending at the end of the reporting period.

Where needed, a chief judge may order that other data be included in the report.

3.10. Work Open to the Public

Article 54

Court operation in open trials and hearings shall be secured in compliance with the rules of procedure set by law.

Article 55

The court informs the public about its operation at press conferences to be organized at least once in a year.

The court may select to inform the public about its operation in some other manner deemed appropriate.

Article 56

Any disclosure of information on individual cases shall be subject to the provisions governing confidentiality of procedure, reputation, privacy, and business interests of the parties and other participants in the proceedings.

Information on a criminal case may include data on the type of brief filed, qualification of the crime, and a general description of the event. Not open for disclosure shall be information that would prejudice the criminal procedure and the data included in the testimonies that by law must be removed from the case files.

Information on procedures instituted against juveniles may not include any data that would make it possible to establish the juvenile's identity.

Information on the decision given in a case shall be announced after the judgment has been pronounced, and where the decision has not been announced, after the decision has been served on the parties.

A second instance court may not give information on the decisions given but not yet sent to the trial court.

Article 57

If the disclosed information has not been truthfully presented in the media or if the disclosed information depicts the court operation in a biased way, the chief judge shall request that a response or a correction be published.

If a court deems it necessary to prepare an official position on the issue, it shall report it to the Supreme Court.

Article 58

Courts shall monitor media reporting on their operation.

"Su" registers shall maintain a track record of monitoring of media reporting and the information presented.

Article 59

Taking photographs, or making audio and audio-visual recordings shall not be allowed at a trial except as granted in respect of a specific trial by the chief judge of the Supreme Court. The judge sitting on the case shall be notified of the approval granted not less than 24 hours before the beginning of trial.

Where taking photographs and making recordings under Par. 1 above is allowed, the chamber may decide however that there are good reasons to prohibit photographs and recordings of specific trial stages.

Taking photographs or making audio and audio-visual recordings of a judge, or a chamber member, is not allowed.

Article 60

Judges, court officers and employees may not communicate data that they obtain in discharging their duty where such data are defined as confidential data by law.

Judges, court officers and employees may not present in public their views on matters concerning the cases pending before the court.

Article 61

After enforcement of a final court decision, court staff shall, in a manner which protects confidentiality of personal data, destroy all superfluous copies in a case file, and delete electronic versions of such documents from the computers.

3.11. Random Case Assignment

Article 62

Cases shall be assigned to individual judges as follows:

-applications to initiate a court proceeding received on the same day are assigned in the order in which they were received, observing the alphabetical order of the initials of judges' second names,

- where several applications are filed on the same date, cases are classified in the alphabetical order by the initials in the second and first names of the parties or of the participants that the application is filed against and are then assigned to judges, observing the alphabetical order of the initials in judges' second names,

The assignment procedure under Par. 1 above shall also apply to emergency cases defined as such by law or the Rules. Separate registration shall be made of the assignment of such cases.

Where within the same division registry books are maintained by different types of cases, the cases shall be assigned to judges in the alphabetical order of the initials in judges' names separately for each type of case.

Assignment of case files to judges shall be entered in the register in the alphabetical order of the initials in judges' second names.

Article 63

Where after being assigned a case and given case files a judge is recused or a case has been withdrawn from him, the case shall be assigned to the next judge in the case assignment list.

Where cases that have been assigned to a judge who does not hold office in that court any longer may not be reassigned in the manner described under Par. 1 above, the cases shall be assigned to a newly elected judge.

Article 64

Where for reason of long absence or excessive workload a judge is not able to resolve the assigned cases within a reasonable time, the cases already assigned to him shall be assigned to other judges in the same court division or the same area of law following the order in which applications to initiate proceedings were filed, observing in so doing the alphabetical order of the initials in judges' second name. The decision on reassignment shall be taken by either the chief judge himself or at the proposal of the head of the division or a division judge.

Article 65

The case in which the application to initiate the proceeding was filed and later withdrawn shall be assigned to the judge who it was assigned to previously.

The case in which the decision was overturned shall be assigned to the judge of the first instance court who previously sat on the case.

The case which the appellate court refers back to a lower court to eliminate any shortcomings shall be assigned to the same rapporteur judge.

Where the case in which the decision was overturned is filed again, the appellate court shall, as a rule, be assigned to the same rapporteur judge.

Article 66

A judge who for reason of excessive workload or a longer absence planned is not able to resolve the assigned cases within a reasonable time may be exempted from case assignment for a limited term. The cases are then assigned to other judges in the same court division or the same area of law in the order in which the applications to initiate proceedings were filed, observing in so doing the alphabetical order of the initials in judges' second names.

The decision on an exemption from case assignment for a set term shall be made by either the chief judge himself or at the proposal of the head of a division or a division judge.

Article 67

If several briefs are filed against the parties or participants to the proceeding, and the court, in compliance with the rules of procedure set by law decides to join the cases for a uniform procedure, the case shall be assigned to the judge to whose case other cases are joined.

Where the court, in compliance with the rules of procedure set by law, decides that the proceeding against a single party or participant should be severed and handled separately, the severed case shall be assigned to the judge who decides upon the case under Par. 1 above.

Article 68

Where within a short period of time a large number of applications has been filed to initiate proceedings and where they all concern identical factual or legal situations, the case which was filed first shall be assigned to a judge based on the alphabetical order of the initials in judges' second names in the registry book, while subsequent cases shall be specially marked and, as a rule, be assigned to the same judge.

Article 69

In the period of court recess under article 41 of the Rules, judges who are not on vacation shall only be assigned emergency cases defined as such by law or the Rules.

Article 70

Where a judge who was assigned an emergency case takes a leave for reason of a contingency and where the main hearing, main session or a chamber session have already been scheduled, the chief judge of his own initiative or at the proposal of the head of a division or a judge shall designate the case to a judge.

Article 71

In courts using PRIS, the chief judge shall deliver the annual assignment schedule for the coming year to the PRIS administrator not later than on 24 December of the current year.

The PRIS administrator shall enter the data from the annual assignment schedule in the case assignment algorithm by not later than 31 December of the current year.

The cabinet of the chief judge or the court registrar shall transmit a notification or data on judges' leave from duty to the PRIS administrator who shall file such data in PRIS not later than within three days of receipt.

The PRIS administrator transmits the data from the annual assignment schedule to the algorithm based on the type of cases that individual judges or advisors sit on by using the list of codes for different case categories.

Assignment of new cases is done by means of an algorithm designed for random case assignment which makes an integral part of PRIS application after basic case specific information has been entered in the system.

Before parameters from the annual assignment schedule are first entered in the algorithm, the chief judge shall request to be given by the PRIS administrator the report on judges' existing workload. The report is used to compute judges' current workload, following which corrective factors are entered in PRIS as well as initial workload values, which allows for a balanced workload across all judges in subsequent case assignment.

Once a judge has started work, entries are continually made in PRIS of the number of work days in a year, which is multiplied by a corrective factor for attendance in order to make even his workload with that of other judges.

Where a judge for reason of his illness or any other good reasons is not able to work, electronic random case assignment for that particular judge is switched off during his absence and based on notification of absence received by the chief judge or court registrar. Upon his return to duty his workload is multiplied by a corrective factor for attendance in order to make even his workload with that of other judges.

After a judge or an advisor stops working in a court, the annual assignment schedule is modified and the electronic random case assignment switched off for that particular judge, while his cases are reassigned to either new judges or advisors following the procedure set for the initial case assignment.

If a decision previously set aside is returned to the same judge, an entry of that shall be made in a specific section of algorithm, which automatically triggers the assignment of the case to the judge whose decision was set aside.

Where a decision previously set aside is returned to another judge, an entry of that shall be made in a specific section of algorithm, which automatically triggers the assignment of the case to a new judge.

In case of recusal or other justified reasons that prevent a judge who was assigned the case to sit on that case, the chief judge shall order a new electronic random case assignment by which the algorithm will assign the case to a new judge.

In case of a judge's longer absence (exceeding three months), cases assigned to that judge may be assigned to a new judge by electronic random case assignment, subject to decision of the chief judge.

3.12. Lay Judges

Article 72

A court shall maintain a register of lay judges on the basis of the decision of their election. The register of lay judges shall be maintained by the card filing system (Form 1).

Article 73

The chief judge, based on applications received to bring lay judges for trial (Form 2) shall rely on the annual assignment schedule to identify the lay judges to be invited for trial in different chambers.

The application under Par. 1 above shall be entered in the register of invited lay judges according to a calendar system (Form 3).

Article 74

The assignment of lay judges to different chambers shall be set in the annual assignment schedule giving due consideration in so doing to the category of cases, as well as the competence and titles of lay judges that may be of relevance for proper deliberations and delivery of decision in an individual case.

Article 75

Applications that lay judges submit to the chief judge to be granted remuneration and expenses incurred with respect to their judicial service shall be resolved by a decision of a chief judge, in compliance with special regulations.

Where a lay judge is entitled to a compensation of his pay lost during his judicial service, he shall be issued a document in evidence of the time he spent in judicial service.

CHAPTER FOUR RELATIONS AMONG COURTS, BETWEEN COURTS AND OTHER AUTHORITIES, AND BETWEEN COURTS AND THEIR CUSTOMERS

4.1. Orientation in Courthouse and Layout of Court Rooms

Article 76

A court name board shall be posted along the right hand side of the main entrance to the building serving as seat of the court.

Where a single courthouse hosts several courts, name boards shall be posted along the right hand side of the main entrance by first placing the name board for a higher court, followed by name boards for other courts.

Where a single courthouse hosts several judicial authorities, name boards of other judicial authorities shall be posted along the left hand side of the main entrance, at the same height as that of the name boards for courts of the same level.

Article 77

A court shall have a public information counter to be located at the main entrance to the courthouse.

The staff working at the counter under Par. 1 above shall provide information to customers upon their request or refer them to the organizational unit of the court where they may get the information requested.

Public information counters shall keep brochures for public and customer information.

Article 78

The chief judge shall decide on the distribution of the rooms in the courthouse.

Court rooms shall be distributed in such a way as to secure effective and efficient court operation, particularly with respect to its customer services.

Court rooms intended to serve for intake of documents and trials shall, as a rule, be situated closer to the courthouse main entrance and where that is not possible, in a second best location in the courthouse.

Article 79

A courthouse shall display in a visible place an orientation board with an overview of court rooms by the type of operations taking place in them.

The door to any of the court rooms shall carry a plate indicating the kind of operations and the door to court rooms used by the chief judge and judges shall also carry a plate with judges' names.

Article 80

A notice board shall display the notices and announcements as set by law as well as the court work hours, customer service hours, annual assignment schedule, together with its modifications and the repertory of scheduled trials, other than the cases that are closed to public.

The repertory of scheduled trials is drafted weekly by the registry head clerk and includes the following information: case number, date and hour of the hearing, and the number of court room where the trial is to take place.

Article 81

A court shall display in a visible place on court's first floor a box for customers' complaints and applications. The box shall carry the note clearly indicating its purpose.

Complaints and applications against the work of judges, officers and employees are filed with the chief judge in writing or by email.

Complaints and applications shall include the following in particular: case mark, reason for filing, name and surname, address, contact telephone number of the person filing a complaint or application.

A chief judge may also handle a complaint or application not including the data under Par. 3 above.

Article 82

The chief judge of the Supreme Court shall identify the form to be used for complaints and applications. A number of copies shall be placed next to the box for customer complaints and applications and shall also be publicly available in some other manner (Internet webpage of the Supreme Court, etc).

Article 83

Upon receipt, customer complaints and applications shall be entered in a "Su" register and shall be processed by the chief judge in compliance with law and the Rules.

A response to customer complaints and applications shall be delivered within maximum 30 days of receipt.

4.2. House Rules

Article 84

The chief judge shall enact house rules. Where several courts are located in a single courthouse, house rules shall be enacted by the chief judge of the higher court, and where more than one court of the same instance is located in a single courthouse, house rules shall be enacted by their chief judges by mutual agreement.

Where several judicial authorities are situated in a single courthouse, house rules shall be enacted by mutual agreement of heads of such authorities, except where the court premises are completely separated from other premises.

House rules shall regulate the following: the manner in which trial rooms and other rooms are used; manner of customers and other people's entry and stay in the courthouse; control of the key to the main entrance door; measures to keep the building clean and in order; security measures for the building and persons on its premises; measures to protect the means of work and other objects in the courthouse; use of land and parking space appertaining to the courthouse, etc.

House rules shall also regulate the duties of official staff that the house rules are intended for.

Judges, officers and employees of a court and other official staff that the house rules are intended for shall be familiarized with the house rules. The section of house rules that relates to general public shall be displaced in a visible place on the court premises.

4.3. Court Relations with Customers and other Persons

Article 86

In a court room, a prosecutor sits to the right of a judge, and a defense counsel or an accused, or a defendant, to the left of a judge.

Parties, legal representatives, defense counsels, court experts and witnesses shall, as a rule, stand before a judge during the hearing or questioning.

Article 87

Customer office hours shall be set in the assignment schedule and be posted on the court notice board.

Office doors shall carry a notice with customer office hours in that office.

Article 88

Persons who for reason of their remote place of residence or other justified reason would have difficulty coming to a court again shall be received even after the regular customer office hours, subject to approval of the chief judge.

The procedure under Par. 1 above shall also apply in other justified cases.

Article 89

Outside of trial hours, customers and other persons may be received only by the chief judge or his deputy, as well as by court officers so designated under the assignment schedule.

Judges may receive only the parties summoned to court.

Article 90

Parties, defense counsels, legal representatives and other persons may come to court without prior invitation in order to get information about the proceeding; to examine, make transcripts and copies of court files; to be issued a transcript of a court decision, certificate; and to file objections with respect to court actions.

Article 91

If a court officer or employee working with customers needs to take a break, he shall be appointed a replacement in due time.

Article 92

Parties or their defense counsels examine and make copies of the case files and examine the articles collected in the proceeding in a location designated for that purpose and under supervision of court registry clerks.

All filings must be duly bound. Unsealed minutes of the hearing or voting, draft court decisions and judge's notes shall previously be extracted from the case files.

Case files are delivered to another court or a state authority for their consideration for a limited time, and the deadline by which the files must be returned must be entered in the repertory of dispatched files that are to be returned (Form 4).

Article 93

A permission to examine the files shall be issued by the chief judge in courts using PRIS. The permission is issued in the form of an order made to the court registry.

Where case management is administered by a PRIS application and where there are other technical and other conditions in place, the court may allow the persons authorized to examine and make copies of case files and examine collected articles an insight into certain case related data by way of a special data search module.

Examination and copying of case files from PRIS shall be allowed in the court registry office under the supervision of a registry clerk.

Transmission of case files to another court for its examination shall be registered in PRIS, together with the indication of the deadline by which the case files should be returned, which is shown in the PRIS application.

Article 94

A case file or part of case file of the case still pending may be allowed out of the court premises solely with judge's prior consent to a court interpreter, court expert, or another person having the required technical knowledge as set by Art. 100a of the Court Act, against issuance of evidence of collection.

The persons under Par. 1 above shall be given case files or part of case files in the court registry office only. Where these persons live outside of the court seat, on the territory of another court, case files or parts of case files shall be given to them in the court registry office of the requested court against issuance of evidence of collection.

An employee assigned as a registry clerk shall enter the case files dispatched for inspection in the register of transmitted cases files to be returned.

Article 95

A court registry office may give information based on the data retained in registers and case files. Such information is limited to necessary data on the status of proceeding and other similar information. When court operations are computerized, an excerpt from the register may be issued.

Court officers and employees may not enter in any discussion with the parties on the appropriateness of court measures, decisions or of a probable outcome of the proceeding.

Information on the status of case files may be given to the persons authorized to inspect the case files, in compliance with law.

Information is given in writing, while short and urgent information may be given by phone if the nature of the matter so allows.

Article 96

At the request by a party or third persons who make probable their legal interest and when so defined by regulations, a certificate is issued of the facts that the court either enters in its official records or keeps in the case files.

Upon request, a court shall issue a certificate of prior convictions. If it is established that criminal proceedings are underway against the person concerned, a certificate will be issued specifying information on the case number, name of the accused, central citizens registration number, as well as the data on the status of proceeding and the criminal offense concerned (legal qualification of the offense).

Parties to the proceeding requesting written information concerning the content of court decisions, records, and of other filings from case files may only be issued transcripts or extracts from such filings, and not certificates.

4.4. Judicial Robe

Article 97

A judge shall wear his judicial robe at the main hearing, trial, chamber sessions, and at the meeting of judges.

Judicial robes vary in appearance depending on the court level.

A judicial robe is a specially designed black gown worn by a judge over his clothes.

The outfit and fabrics used for the judicial robe are uniform for all judges.

Judicial robes have stripes on the left.

Stripes on a judicial robe are golden for basic courts; gray for higher and commercial courts, green for the Appellate Court of Montenegro and the Administrative Court of Montenegro, and cherry for the Supreme Court.

The Supreme Court chief judge shall have golden embroidery on the front of his robe.

A chief judge shall provide robes for all judges.

A judge shall maintain decent appearance and condition of his robe.

4.5. Legal Aid

Article 98

Free legal aid is provided in compliance with law and the Rules.

Information on free legal aid may be published in the media or otherwise given by way of brochures offered in the courthouse.

Article 99

In a civil proceeding a court may serve a written notice with information on one's right to: be exempted from court costs, free legal aid, mediation services, etc.

The notice under Par. 1 above may be served together with summons for preparatory or initial hearing for the main hearing, either personally or through one's legal representative, as well as during the proceeding of prior examination of the claim where the court deems it necessary, in compliance with law.

4.6. Mutual Legal Assistance

Article 100

Letters rogatory requesting legal assistance that are referred to other courts should be complete and clearly specifying the case number, names of the parties concerned, case, summary of the request, whether hearing is open to the public as well as whether the parties have waived their right of attendance or have requested that a witness takes an oath prior to his testimony.

If a hearing is requested, the letter must include all the circumstances that the person heard should make declarations on.

If the case for which legal assistance is requested is transmitted to the requested court, the court registry office creates a temporary case folder and places in it a copy of the letter rogatory requesting legal assistance and enters the date of preliminary registration. The deadline by which the case must be returned must be entered in the case dispatch register.

Where there are circumstances that prevent the requested court from providing legal assistance in due time, the requested court shall promptly notify the requesting court.

Any correspondence relating to the letter rogatory requesting legal assistance and addressed to other courts and authorities must bear the original case mark.

4.7. International Legal Assistance

Article 101

International legal assistance include the case of certification of documents to be used abroad, letters rogatory originating from foreign courts requesting procedural or other measures, and other international legal assistance matters.

Article 102

Documents for use abroad shall be certified by a chief judge or another person duly authorized by him, while other international legal assistance cases shall be certified by a judge so assigned under the annual assignment schedule.

In certifying documents for use abroad, the court shall make sure the filings are legible and that their scope, paper quality, seal impression, and other relevant elements are appropriate.

Where the chief judge is not satisfied as to the fulfillment of requirements set under Par. 2 above he shall not certify a document and shall direct the applicant to file the document in a proper form and condition and of appearance satisfactory for use abroad.

Article 103

A basic court chief judge certifies with his hand and court seal the authenticity of the signature previously placed on the document by a court officer and of the seal affixed by the relevant issuing authority.

The text of certification is placed immediately below the last line in the document.

A basic court chief judge and a person duly authorized by him for the certification of documents to be used abroad shall provide the Ministry with their specimen signatures.

Article 104

Where a single document is on more than one sheet, the sheets are glued or otherwise put together in a way which makes it impossible to separate them from one another and certified by a seal.

The procedure from Par. 1 above shall also apply to the original documents that their certified translations are attached to.

If a document filed for certification has a text on one quarter of the sheet, the certification clause is affixed on the back of the document. Where extra certifications are required, a new sheet will be added and attached to the document in the manner described under Paras. 1 and 2 above.

Article 105

The court issues the customer a certified document for further certification by the Ministry.

Article 106

Documents defined under international agreements as the documents requiring certification prior to their use in a signatory state must be certified by a court seal and a judge's signature.

Article 107

The signatures of persons authorized to sign and affix official seals are entered in "Su" register, marked by serial numbers and stored in a special file. This file accompanies the "Su" register for the current year.

A note must be made of any change of persons under Par. 1 above in the entry under the "Su" register serial number concerned, in the column reserved for additional notes and particulars.

Article 108

Court filings i.e. the court documents to be served in another state must be written on complete sheets of paper and accompanied by a certified translation, attached to the original.

Every document must contain, in addition to the file mark, also the serial number of the filing prepared for service.

Article 109

Letters rogatory (together with appendices) transmitted to foreign courts requesting procedural measures as well as letters rogatory requesting the service of documents shall either be drafted in or shall be accompanied by the translation in the language either specified by the international agreements or commonly used in practice concerning cases of international legal assistance.

Letters rogatory requesting procedural measures must precisely and clearly indicate what evidence needs to be presented for clarification of facts and circumstances, as well as include a list of questions that the requested court should ask of the parties to the procedure.

Article 110

In scheduling hearings to which parties or witnesses are summoned from a foreign state, the court shall take into account the time required for the service of the letter rogatory.

When providing international legal assistance to the states that international agreements on legal assistance have not been concluded with, all documents must be translated in the language of the requested state.

Article 111

When a letter rogatory originating from a foreign court and requesting the service of a written document is not accompanied by a translation in the official language in spite of the stipulation by international agreements that written documents served must be in the language of the requested state, the court must warn the party who it summons for the first time for service of a foreign court document without the accompanying translation that if he does not comply with the summons the court document will be served on him by mail and that he may not reject the service of a foreign court document.

The party who comes to court to be personally served a foreign court document not accompanied by a translation must be warned by the court of his right to reject the service.

CHAPTER FIVE JOINT PROVISIONS ON COURT OPERATION

5.1. Out of Court Operation

Article 112

Some court operations are conducted out of courthouse, where so provided by regulations or where they cannot otherwise be conducted.

A chief judge shall see that during the conduct of out of court operations as many official operations as possible are conducted in one go, and so reduce the costs incurred by the parties.

Article 113

For out of court operations transport is arranged by using court vehicles, vehicles of another state authority, or by public transport while in exceptional circumstances and subject to approval of the chief judge vehicles owned by court officers may also be used.

5.2. Transcripts of Court Decisions and Documents

Article 114

A decision made in writing stays in appropriate case files while the parties are served its certified copies (dispatch).

Certifications and transcripts are issued to the parties in the original, while their copies are filed in the case files (true copy of the original).

Article 115

A dispatch is a certified copy of a decision made in writing *ex officio* for the service on the parties and other interested persons.

A certified copy includes the actions of typing, photocopying and printing anew the stored text of the decision.

As a rule, certified copies are made at the same time as the decision in writing and in a sufficient number of copies, as set by the decision.

Certified copies must be orderly, clear and legible, and their content must match the decision made in writing.

Written decisions and certified copies may be made by way of filling out forms, when it may seem appropriate for reason of their similarity.

Before forwarding, certified copies are compared against the written decision and signed.

Article 116

Accuracy of a certified copy is verified by the officer so authorized.

The certified copy must bear the name of the president of the chamber or an individual judge who signed the decision, below which a stamp is affixed to verify the accuracy of the certified copy, together with the signature of the authorized officer and the court's official seal, which is placed left of the signature.

All certified copies of the decisions that may be subject to regular legal remedies shall contain, right below the text of the original and above the stamp verifying the accuracy of the dispatch, a legal remedy clause specifying the deadline and addressee by which and with whom the party may either declare or file a legal remedy, as well as the number of copies a legal remedy is to be filed in.

5.3. Layout and Manner of Writing and Signing of Court Decisions and other Filings

Article 117

The text of court decisions should be written clearly, concisely and legibly.

Decisions are written by using legal terminology, avoiding superfluous foreign terms, making an effort to reduce as far as possible the terms not generally used in court operation.

The manner of presentation must be clear and intelligible, with the use of generally accepted terms for individual concepts.

The term of a sentence, the amount of a fine, as well as the amount of a civil claim, shall be indicated in the holding of a court decision in both figures and letters.

In the holding of a court decision reference to the parties is always made by their names and surnames, or company titles, rather than by their order in the proceeding (e.g. the claimant first, the respondent second, etc).

Abbreviations may be used in the text provided they are universally accepted and easy to understand and provided they do not leave any doubt as to their true meaning.

The names of laws and regulations may be used in their abbreviated form (CPP, CPP, CC) provided their full name, together with the number and year of the official gazette of their publication has previously been mentioned.

Article 118

All court administration documents are signed by the chief judge or a judge replacing him.

Filings relating to the cases pending before individual court divisions are signed by the head of division, or by an individual judge.

The head clerk of a court registry or of a court registry section may sign filings only where they were made under a decision in writing, under the direction of the head of division, or an individual judge and where they concern the summoning of parties, witnesses, experts, service of claims, responses to claims, and other actions that belong to the scope of work of the court registry office.

Article 119

Where for reason of long lasting inability or other circumstances the president of a chamber, a judge or a record keeper cannot sign a decision that has been given, but has not been drafted or signed, the decision will be drafted or signed by another judge on behalf of the president of chamber, and on behalf of a record

keeper by another record keeper or employee so assigned by the chief judge. A decision not yet drafted will be drafted following the content of the announced decision and the case file data.

Where a hearing or trial have been concluded and the decision has not been announced, the president shall transfer the case to another president of chamber or an individual judge to open the hearing, or trial and conduct the proceeding.

Article 120

Court decisions, other documents and certified copies of the decisions must be legible, typed out on a computer or typewriter on A4 white sheet of paper.

Where a single court decision has two or more sheets, the sheets must be joined together and marked with serial numbers.

Court decisions are written on complete sheets of paper in Arial, ft 12, leaving sufficient margins on both sides (2cm) without using underline, bold or italic writing styles.

The introduction, holding and reasoning of court decisions must be clearly separated.

Decisions and other filings that have no separate introduction shall bear, at the top left corner, the coat of arms of Montenegro, the word Montenegro, the name of the court, the case mark, the date and seat of the court concerned.

All decisions shall bear at its top right corner the case file mark (reference number) that the decision concerns.

Article 121

Where the proposed decision given in a proceeding which does not include a hearing of the respondent is drafted in a way to fully match the decision that would be given, the court may give its decision by way of a stamp impression including the wording by which the proposed decision is adopted.

In matters that allow for issuance of abridged certified copies, courts shall make every effort to invite the parties to file briefs in the sufficient number of copies that may later be used as abridged certified copies.

Certified copies may be abridged only where the original bears the court decision in the form of a stamp.

Where possible, all decisions and documents given by the court shall be filed into PRIS.

5.4. Forms and Stamps

Article 122

Court shall use stamps and forms for certain actions and records.

Stamps and seals may be joined together (e.g. an intake stamp with the court seal and date on it).

For its own needs and needs of its customers, a court will design and reproduce forms for actions and operations that are often repeated (usual notices, certifications, reports, applications for issuance of a certificate, and other similar filings).

Article 123

Stamps shall be used for certain short and frequent notes, signatures, marks, orders, directions for work, and other similar actions.

In addition to the stamps as set by the Rules, a court may also use other stamps where so directed by the chief judge.

Article 124

The following shall be court's mandatory stamps:

- 1) "Urgent!",
- 2) "Juvenile!",
- 3) "Detention",
- 4) "Alimony",
- 5) "Labor Dispute",

- 6) "Trespassing",
- 7) "Collection of Evidence",
- 8) Statement of claim,
- 9) Typist stamp,
- 10) Notice that the fee has been collected,
- 11) Notice that the party is exempted from court fees,
- 12) Decision to adopt a payment order,
- 13) Decision granting enforcement,
- 14) Certification of accuracy of a certified copy,
- 15) Certification of finality of decision,
- 16) Certification of enforceability of the decision,
- 17) Notice on a debit entered in the collection ledger,
- 18) Service of a claim for a response,
- 19) Receipt of an indictment for inspection and verification,
- 20) Certification of a signature,
- 21) Certification of a certified copy,
- 22) Intake of a filing,
- 23) Intake of a filing (abridged note),
- 24) Stamp on registration of imposed fines, cost of criminal procedure and confiscated proceeds,
- 25) Warning to pay fees.

The text, form and size of stamps under Par. 1 above are presented in Form 5.

The cases handled by a special division shall bear a stamp "ORGANISED CRIME".

Courts using PRIS shall also use a stamp "PR (judicial) I (information) S (system)" to indicate that the case has been filed in PRIS.

Article 125

Certified copies (dispatches, notices, certifications, and other filings served on the parties, courts, other authorities and organizations) shall bear an impression of the court's round seal.

A metal embossed seal with the same wording inscribed shall be used for wax sealing.

Article 126

Seals, stamps and embossed seals are registered and are entrusted to and handled by judges, officers and employees as per the annual assignment schedule. Seals, stamps and embossed seals must be kept under a lock. The register of seals, stamps and embossed seals is settled at least once a year.

Stamps used in the court registry office shall be under custody of the registry head clerk or of the head of a registry section.

Presidents of chambers are given stamps to be used in chambers.

The data on the seals, stamps and embossed seals used and who they are kept with are filed in the register of seals, stamps and embossed seals (Form 6).

Also deemed a stamp shall be the text of a stamp printed out as a form or typed out on a filing or a record.

5.5. Restoration of Files

Article 127

If case files are wholly or partly are lost, destroyed or damaged so that they are no longer suitable for use, they shall be restored, an entry of which is made in the section reserved for additional notes.

Restoration of files of the cases pending as well as all the restoration actions are registered in the registry under the same entry as the case that was lost, damaged or destroyed.

The proposal for the restoration of files of the case in which final decision has been given is filed in "Su" register following the decision ordering the restoration of case files.

The restored case file shall keep the serial number of the corresponding entry previously made for the lost case files.

Courts using PRIS shall effect case file restoration on the basis of the data entered in PRIS.

5.6. Collection of Fees

Article 128

An employee in charge of filings intake shall give due consideration to which filings are subject to fees, the amount of fees, legal ground for any exemptions, etc.

If in the examination of the incoming mail it is evident that the fee has either not been paid or that the amount paid is wrong, a note of this shall be made in the impression of the intake stamp.

In case of filings subject to a fee, the employee shall warn the customer of this duty, the consequences of noncompliance and set a term of three days within which the fee must be paid.

A note of the warning under Par. 3 above shall be made in the court files.

Article 129

If a filing has been delivered to a court accompanied by money, the fee shall be paid and the evidence of payment attached to the filing.

Any surplus of money, as well as the money of unidentified purpose shall be transmitted to the court cash account, against a written note. The receipt of money shall be acknowledged by placing on the filing the entry number under which the money is entered in the books, and the filing is transmitted to the court division having jurisdiction over the matter.

Article 130

A chief judge, president of a division, an individual judge, and a registry head clerk shall control the collection of fees on a regular basis.

In case of an order for a forced collection of a fee, the fee shall be deemed collected if the case files contain evidence that the authority concerned has received the order.

The case may not be archived until the authorized court officer has acknowledged with his signature that the fee has been collected.

The stamp impression including a note that a fee has been collected shall be placed on the cover of case files, at the top right corner, right before the case mark.

5.7. Exemption from Fees and Court Costs

Article 131

Where a customer is exempt from duty to pay fees and court costs, it shall be stated by placing the impression of an appropriate stamp at the top left corner of the case file, and in case of records and other filings, on the cover page. The stamp is affixed on the date of decision granting exemption from duty to pay court costs (Stamp 11).

The amount of court costs that the customer has not paid for reason of exemption shall be entered in the register of court costs (“Ktp”) for which exemptions have been granted (Form 7).

Once the proceeding has been finalized, the customer is invited to pay the unsettled costs and fees if under such obligation by law. In case of noncompliance the court shall initiate the procedure for forced collection.

A case may not be archived until a court has decided upon the issue of compensation of costs and fees and until it has either collected them or has ordered forced collection.

5.8. Placement of Deposit

Article 132

When the parties are under duty to deposit an advance for the costs to be incurred with respect to the presentation of evidence, the court shall issue a decision ordering the parties to place a required amount of money with the court temporary deposit.

The decision ordering the payment of an advance shall specify the amount to be paid, the account into which the payment shall be made, the deadline by which the payment should be made, as well as any consequences of noncompliance, if any.

5.9. Compensation for Lost Earnings

Article 133

Upon request, a person summoned to court shall be issued a receipt to be able to claim lost income.

5.10. Deposit of a General Power of Attorney

Article 134

Where a party's legal representative makes reference to a general power of attorney on file in court management files, the registry head clerk shall check, before transmitting the case files to a judge, whether the case files contain a certified copy of the power of attorney, as well as whether such power of attorney is still valid or has been withdrawn, a statement of which is made in the case file including the reference number of the filing that the power of attorney was filed with, and the entry serial number in "Su" registry under which the general power of attorney is deposited.

5.11. Use of Telephone, Telegram, Telefax, and Email

Article 135

A telephone is used to allow the official action to be conducted faster, more effectively and economically, and where communication in writing is not provided for.

In the manner described under Par. 1 above the following, in particular, shall be conducted: collection of information from the State Prosecution Service, other authorities, companies and legal persons in urgent cases; notification of investigating judges and other court staff; summoning of the parties, their legal representatives and agents, witnesses and court experts, lay judges; speeding up of service of the requested files, cases, reports and other documents by relevant authorities.

In cases provided for by law, a telephone may be used to summon people to a hearing as well as to collect data and information during a trial or hearing where due to the absence of such data and information the trial or hearing would otherwise be adjourned.

Actions conducted in compliance with Paras. 1 and 2 above may also be conducted by email in which case an email print out must be inserted in the case files.

Article 136

A formal notice must be made of the telephone call, summons or a notice delivery, etc. including essential information, date and signature of the court officer or employee who made the call.

Courts using PRIS shall enter such formal notices as a special type of record in PRIS, following which it is printed out, signed and filed in the case file.

Article 137

A telegram, telefax and email are only used in urgent cases or where potential damage may not otherwise be removed.

At the same time when dispatching a telegram, telefax, or email, a court shall also send the original filing.

A received telegram, fax message, or email shall be printed out, or copied and treated in the way provided for other submissions. Where an email is attached large data files or multimedia data files (drawings,

photographs, etc) such data files shall be copied onto an optical medium and shall make an integral part of an email.

The use of means of communication under Par. 3 above shall be directed by an investigating judge, president of chamber or an individual judges sitting on the case, and in all other cases by the chief judge or head of a court division.

PART TWO
COURT PROCEEDING
CHAPTER ONE
HANDLING FILINGS ADDRESSED AT A COURT

1.1.Intake of Filings

Article 138

Filings (submissions, notices, files, etc) transmitted to a court either by mail or by customer personally, shall be received by a court employee so authorized.

The intake of filings concerning a deposit of money, valuables, bonds, and other securities shall be conducted in compliance with Articles 370-379 of the Rules.

Article 139

The filings intake shall take place during work hours.

After work hours and on weekends and holidays, filings concerning urgent matters shall, as a rule, be handled by duty judges and court officers and employees.

Mail that reaches the court after work hours shall, as a rule, be opened by a court employee so assigned. Emergency mail and telegrams reaching the court after regular work hours may also be received but not opened by a court security officer who shall then transmit them to a court employee assigned to open mail reaching the court after work hours.

In the event described under Par. 3 above, a court employee receiving emergency mail or telegram shall immediately transmit such mail or telegrams to a court employee assigned for mail intake on the next work day.

Article 140

Briefs for cases handled by a special division shall be filed with a special section of the court registry specially provided for the intake of such briefs.

Emergency mail and telegrams for cases handled by a special division that have been filed after court work hours shall be received and opened by the chief judge, judge or another court officer or employee assigned to handle such cases.

Article 141

An authorized employee who receives filings directly from a customer may not refuse the intake of filings addressed to the court.

Where a filing has formal shortcomings (e.g. for reason of a lack of signature, indication of enclosures, customer's address, illegible handwriting, poor paper quality, etc.), the employee shall point to such shortcomings to the customer and direct him how to eliminate them.

If the customer in spite of the cautioning requests that the filing be registered, the court employee shall file such a filing making a note on it of the cautioning under Par. 2 above.

If a court does not have jurisdiction over the matters that the filing concerns, a court employee shall notify the customer and direct him to the proper authority. If in spite of the warning the customer requests that the filing be registered, the employee shall register the filing making a note of the warning on it, enter the filing in the miscellaneous register and deliver it to the relevant authority.

Article 142

The authorized employee verifies the filing intake by affixing an intake stamp on the copy of filing that stays with the customer. If the fees have not been paid, he shall hand a warning notice to the customer. The fee warning notice may also be given by way of a stamp.

Upon request, a customer may be issued a certification of intake where it is tied to a deadline, and a court employee shall indicate the time of intake in the intake stamp.

Article 143

The filing intake through internal logbook is confirmed by entering the date and signature in the book as well as on the evidence of service, evidence of receipt, or on the copy of the filing whose original is received if such copies are filed. The official seal is affixed next to the signature. The time of intake (hour, minute) is placed where so required under regulations or when so ordered by the president of division or an individual judge. A note on the time of intake is made on the registered filing, either directly or on its cover where the court employee receiving the filing is not authorized to open it.

Article 144

Filings delivered to courts by mail are received and collected from a mail box by an authorized employee.

The authorized employee may not collect the mail which bears an indication of value, or registered mail, if he notices that the mail is damaged. In such cases, he must request of the postal services provider to have the condition and content of the mail established by a commission, following which he takes over the mail together with the commission report.

Article 145

If the mail is received by a person not authorized to open it, that person must make a note on it of the date and time of receipt (hour, minute) and immediately deliver it to an employee authorized to open it. This refers in particular to any mail addressed directly to the chief judge or investigating judge, as well as to the mail marked "top secret", "secret", "confidential" or "internal" as well as to the mail concerning an auction, tender, and the like.

Ordinary mail is handed directly to the employee authorized to open mail, while registered mail and mail marked "top secret", "secret", "confidential" or "internal" and other mail whose intake must be acknowledged in writing are filed through the internal logbook.

1.2. Opening and Screening of Mail

Article 146

All ordinary mail received in sealed covers is opened by a court registry employee assigned to conduct intake.

Mail with confidentiality marks and mail addressed to chief judge shall be handed directly to the chief judge or another judge it was addressed to without being opened previously.

Mail which according to a note on its cover contains a will or refers to an investigation must be opened by an authorized judge.

Mail bearing a specification of value is opened by a commission set up by the chief judge.

Article 147

When opening mail every effort should be made: not to damage the cover with a post office seal on it, not to get mixed correspondence from different covers, not to leave mail in its cover, as well as to check whether the number on the cover match with those on the received filings, etc.

If a filing is missing, or if enclosed documents are received without a cover document, or if it is not clear who the addressor is, an official note is made of that and the cover attached to it.

In cases described under Par. 2 above, the court registry office shall, where possible, immediately notify the addressor.

Where the filing itself does not clearly indicate where it was sent from and who the addressor was, or when the date on which it was handed to the post office may be relevant for the computation of deadlines (such as for appeals, tenders, etc), and where such data are indicated on the cover, the cover shall be attached to the filing received.

Where a single cover has more than one filing that their cover should be attached to, the cover is attached to one filing, while on others a note will be made of the entry number under which the filing with the attached cover was registered (e.g. cover filed with No. 137/04).

Where the date in a post office seal is illegible so that the date on which it was handed to the postal service cannot be established with certainty, and where timeliness may not otherwise be established, a report shall be requested from the postal services provider.

Where the covers are handed damaged to the court registry or where there is suspicion of unauthorized opening, the mail should be opened in the presence of three court employees. Any shortcomings and irregularities identified upon opening of the mail shall be entered in a note (if a filing misses enclosures, a note “received without enclosures” will be entered, if only individual enclosed documents are missing, their names should be indicated, etc).

Where a cover contains a filing addressed to another court or another authority, the filing shall be delivered in the most favorable way to the original addressee together with a note. Such a filing is not entered in the register.

Where during the opening it is established that money or other valuables are enclosed with the filing, a short note shall be made on the received filing specifying the type and amount of such articles. After the filing is registered, the money and valuables received shall be handed to the court deposit.

Where a filing is accompanied by evidence of service, its receipt shall be confirmed by placing the date, signature and official seal on it, following which it is returned to the sender.

Article 148

The entry of submissions data into PRIS is conducted, as a rule, by a court employee assigned to conduct intake of a specific type of submissions.

If a submission is received at a time when PRIS is not available, a court employee shall place a note on the submission.

All information about the documents enclosed with a submission, a mail item by which the submission was received, as well as any notes on any defects on the submission or mail, its content or special treatment shall be entered in PRIS and, where necessary, in the submission itself.

Electronic submissions may be received by court only with the assistance of electronic submissions system.

Received electronic submissions are automatically entered in PRIS.

1.3. Affixing Intake Stamp

Article 149

An intake stamp (Stamp 22) shall be affixed on every copy of the filing received. As a rule, it is placed centrally at the top of first page of the filing. If there is no sufficient place there, the stamp is affixed in another suitable place on the first page or else on the back of filing, at the top left corner. Where all the pages of the filing are entirely filled with text, an intake stamp is either affixed on a separate sheet of paper to be attached to the filing and certified by a seal or a special form it attached.

On other copies of the filing, an abbreviated note is made of the filing intake (Stamp 23).

Article 150

No intake note is made on the intake record for oral submissions. Instead, the record shall be transmitted directly to the registry head clerk.

Records of intake of oral submissions that refer to an entry into public records shall be immediately transmitted to an employee assigned to conduct filing intake for him to make a note of intake.

Where the submission of a filing is tied to a deadline, the date of court intake, or the date when the filing was handed to postal services shall also be marked in letters, and where the deadline is computed in hours, also marked in letters will be the hour of the filing intake.

The returned evidence of service, receipts, instructions and other official correspondence shall bear an abbreviated note on the filing intake.

1.4. Distribution of Filings Received

Article 151

Received filings are classified according to the marks of various registers and handed to the court registry head clerk, or the head of a court registry section.

Filings concerning the matters handled by a special division or emergency matters or that require immediate court action shall be delivered forthwith, while other filings are delivered later in the day at the time set by the internal regulation governing the court work hours.

Filings tied to a deadline and filings including important documents shall be processed and delivered separately.

Appropriate marks shall be placed on the filings under Para. 2 and 3 above, in compliance with regulations governing different types of proceedings.

Article 152

Where, together with a filing, articles, money, securities or valuables are also received, note "Deposit" shall be made in red pencil at the top of the filing, and the filing is further handled in compliance with the regulations governing court's material and financial operations.

CHAPTER TWO

ACTION FOLLOWING RECEIVED FILINGS IN COURT REGISTRY OFFICE

2.1. Creating a Case

Article 153

A head clerk of a court registry, or a head of a registry section, distributes received filings to employees assigned to conduct various operations in a court registry.

Received and distributed filings are filed in appropriate registers on the date of their receipt if a new case is opened with that filing. Telegrams, filings tied to deadlines, and other emergency filings are given priority and are immediately transmitted to the appropriate division.

If for reason of a large number of filings received or any other good reasons, the received filings may not be filed on the date of their receipt, they are filed not later than on the next work day under the date of their receipt, before new mail is filed.

If, in courts using PRIS, the data on a brief are not filed in a court registry but in the register, the person maintaining the register must enter on the same work day and not later than the next work day in the appropriate PRIS register all the received briefs by which a new case is created.

Notwithstanding Par. 4 above, the filings received by the end of work hours on a Friday must be entered in PRIS on the next work day at the latest.

2.2. File Marking

Article 154

Every file has its mark (reference number).

A case mark includes an abbreviated name of the register, register entry number, and the last two digits of the year when the filing was entered in the register (e.g. K No. 450/10).

Article 155

Where during a proceeding the case filing continues under the mark of another register or where the file mark of the same register changes, the earlier file mark is crossed out, and a new one placed below. If the court changes as well, the name of the previous court is crossed out and a new name added.

The new file mark is entered in the file repertory.

New filings and subsequent court decisions are given a new case mark, and sheet sub-numbers are filed under subsequent serial numbers.

Article 156

In courts using PRIS, briefs and all other filings are entered in PRIS and filed in appropriate files in the order in which they were either received or created in court, which is controlled by the court officers assigned to handle case files, particularly those assigned to do data entry.

2.2. File Folder

Article 157

A file folder is, as a rule, made of cardboard paper in different colors for different procedures (Form 8).

Where a case file has a large number of documents in it and is too big, it can be divided into several folders marked with Roman numbers, while serial and documentation numbers are carried on and placed into an additional cardboard folder.

With electronically processed registers, a file folder may be an electronic copy placed into a separate plastic cover or attached to the file folder.

All files may also have an additional color-coded folder to mark emergency cases or cases of a specific category (detention, pardon, interim measure, etc), while old cases have an additional black folder.

In courts using PRIS, the case number, the number of a chamber or an individual judge to be assigned the case, as well as the name and surname of the president of chamber are all determined automatically upon entry into PRIS.

“PRIS” stamp is placed on the file folder.

2.4. File Repertory

Article 158

Every file must have a file repertory. The first entry made in the file repertory is the entry of the first filing on the basis of which the file is created as well as of its page number. Other filings are added to the repertory and their page numbers marked in the chronological order.

Filings are entered in the repertory in the order in which they were received. The repertory serial number is put on the filing (sub-number).

The file current page numbers are written in red at the top right corner from 1 onwards, irrespective of their sub-number. The page number is also entered in the appropriate section of the file repertory. Not entered in the file repertory are short reports not significant for the proceeding (information on one’s address, etc). Returned evidence of the service of court decisions is filed as an enclosure under the entry number of the decision that it refers to and is attached to the decision, while evidence of the service which is insignificant for subsequent proceeding is taken out of the files.

Article 159

The provisions of Article 158 of the Rules do not apply to courts using PRIS.

2.5. Joining of Files

Article 160

The filings received subsequently for cases still pending are joined to the files of the cases concerned.

Where it is recognized that matters at issue should be joined for the purpose of conducting a unified proceeding, the court registry head clerk is notified upon which he notifies the judge in charge of the matter.

In courts using PRIS, after case files are joined, briefs, data on case flow, and data on the decision are filed in the system of the case in which a joint decision is made.

2.6. Maintaining Case Files in Order

Article 161

Filings are put in the case folder and bound in the order in which they are entered in the file repertory so that a filing of an earlier date is placed on top of a filing of a later date.

Notwithstanding Par. 1 above, a charge sheet is placed in the file folder on top of other files irrespective of their date of receipt, a note of which is made in the file repertory.

Court employees assigned to enter filings in the file repertory shall immediately bind them.

Ordered files are punched out and bound by a ribbon.

Enclosed documents that for reason of their extensiveness may not be put in the files are kept separately, a note of which is made and added to the case files.

Article 162

Judges, officers and employees sitting on the case shall make sure case files are handled carefully and that filings are always ordered and bound. No underlining or writing is allowed on the filings.

A court that is transmitted a case file which is not orderly shall immediately return it to the originating court not later than within three days of its receipt.

2.7. Handling Evidence of Service and Receipt

Article 163

Evidence of service and receipt are immediately placed in the file that they refer to.

2.8. Delivery of Filings for Further Action

Article 164

A court registry transmits the cases for further action to an appropriate court division, or an individual judge or services provided no further action is required in the court registry. The cases that are within the jurisdiction of a special division or are of emergency nature are delivered immediately and with precedence.

The transmission of cases to a judge, advisor, or other court services and their return to the court registry, is filed in the register by a pencil in either the section reserved for case flow, or that for additional remarks.

The motions for recusal are immediately transmitted to the chief judge.

Article 165

The cases received by a chamber or an individual judges are registered in the duty schedule for judges and the president of chamber.

CHAPTER THREE WORK OF CHAMBER AND INDIVIDUAL JUDGES

3.1. Order of Case Processing

Article 167

Cases are handled in the order in which they were received.

Upon intake of case files, a judge immediately screens the cases and classifies them according to their urgency, nature and significance.

A judge shall promptly start processing the cases defined as emergency cases by law.

3.2. Scheduling

Article 168

A judge schedules a hearing or a trial by way of an order, or a decision, in which he sets the day, date, hour and place where it will take place.

An order or a decision shall specify the following in particular:

- name, surname, full address, and the title of the person to be summoned;
- manner of service of the summons;
- what is served and who to;
- which evidence will be collected by the date of the hearing and who by, and
- whether lay judges should be summoned.

Appropriate forms and stamps may be used as orders scheduling hearings or trials.

Hearings and trials for several cases may not be scheduled at the same hour unless the cases have been joined into one proceeding.

When summoning persons who reside out of the court's seat, due consideration must be given to the transport routes and weather conditions as well as the distance of their residence to the court's seat, possibility for a timely service of summons and other relevant circumstances. Where a single party is involved in a number of cases, the court will make every effort to schedule them on the same day.

Article 169

The number of trials in a day is set taking into account an average length of individual procedural steps.

Where a trial is adjourned or suspended, a judge will make every effort to immediately schedule the date and hour when the trial will be held or resumed and identify at the same time the persons that should be summoned. Where some of the persons then present in the court are covered by the decision to adjourn or suspend the trial they will be told the date on which when they should appear in court again.

Hearings are registered in the court daily register which is maintained in the form of a calendar (Form 9).

Article 170

A judge keeps the case files assigned for as long as is necessary to issue an order or draft a decision.

A judge returns the case files to the registry clerk.

A judge identifies in the order under Par. 1 above clearly and fully what should be done and what procedures should be taken. Where together with the case files a drafted decision or another filing is transmitted, a judge identifies a number of certified copies that should be made of them, who they should be served on, and the deadline by which the file should be kept in the record.

In the event of letters rogatory or other requests that are extensive or of complex content, a judge shall prepare a first copy.

Article 171

Once a judge has returned the files, a registry clerk, depending on the content of the order, conducts filing in the register, following which he transmits the files to the officer or employee assigned to summon the parties and other persons, as well as to make certified copies, conduct comparison and dispatch, place any notes, and conduct other actions as may be necessary.

The officer or employee acting upon a judge's order shall, as a rule, put a note at the bottom of the order that he has followed the order as instructed, and where he has not, place a note stating the reasons.

Article 172

In his decision concerning the service, a judge specifies who, in which manner, and through whom a decision is to be served on. For physical persons, the specification must include the name, profession and accurate residence, and for legal persons, its full name.

The decision from Par. 1 above may be issued on a form in which the president of chamber or an individual judge crosses out any formulations in the text that are irrelevant.

Article 173

In his decision setting a trial or hearing, the judge sets the deadline for preliminary registration, while in his decisions for service or any other action, he sets the deadline for registration.

The dates for deadlines are entered in the appropriate section, at the bottom right corner of the cover page in the case folder.

In courts using PRIS, cases for which trials have been scheduled are registered in the PRIS register of trials, as well as all the orders and other instructions for work issued to a court registry. For orders and decisions setting the trials or ordering other court action, appropriate system functionalities are used as well as the data entered on the persons to be summoned, the time when a court action shall be taken, or the summons served, etc.

3.3. Minutes

Article 174

Minutes are taken of every court action in compliance with the rules of procedure set by law.

The minutes specify the exact time of beginning and end of a court action.

The minutes from main hearings, preparatory and other hearings, as well as the minutes made of other court actions, are made in predefined layout, leaving sufficient space on both sides (2cm wide margins), with no space between lines, with indentation on the left side of a paragraph. Data on the accused, witness, court experts, and other persons who give testimony before a court are written indented by around 4 cm on the left margin and separately from the text of their testimony, with their name and surname written in capitals.

The decisions made during the hearing that concern management of the proceeding or the decisions on the main issue before the court that have been pronounced at the hearing are entered in the minutes separately from the rest of the text and are marked by the name, written in a separate line, in capitals with spacing (“J U D G E M E N T”, “D E C I S I O N”). The text of a decision is written in a separate paragraph indented by around 4 cm from the left margin.

In the concluding part of the minutes an indication is made of the time the court action was finalized (specifying the hour and minute) as well as a remark, at the bottom left corner, right below the text, of the amount of court fees.

Article 175

The minutes are signed by a judge or officer conducting the court action concerned at the bottom right corner, below the text.

In the middle of the minutes some space is reserved for signatures of parties, where so prescribed.

Signatures placed on the minutes must be legible.

Where needed, the name and surname of other signatories will be added on a computer or typewriter.

Article 176

The minutes made of a court action conducted out of courthouse may by exception be written in ball pen where a computer or typewriter cannot be used, in which case the minutes must be copied using a computer or typewriter immediately upon return to the courthouse.

The copy of the minutes under Par. 1 above is certified by the president of a chamber or an individual judge, or another court officer who conducted the court action, by their signature and court seal. A handwritten record is put in the case file together with its certified copy.

Minutes of enforcement actions conducted are copied on a computer or typewriter only in exceptional circumstances (where a legal remedy has been filed, etc).

Article 177

When minutes are not required by law (e.g. taking statements or data of less significance from the parties, different information given by the parties) a formal notice may be made to specify the official action conducted, as well as its date and time.

A formal notice under Par. 1 above is signed by a judge or officer who made the notice. Where a notice contains a party's statement or information given to the party who is present, that party must also sign the notice.

3.4. Book of Chamber Sessions

Article 178

Every chamber session deciding upon a matter without a main hearing or trial is recorded in the book of chamber sessions (Form 10) which includes the following: the chamber mark, date of session, name of president, of chamber members and record keeper, the chamber member who acted as rapporteur, mark of the case in session, the type of request considered, and the kind of the decision given. The decision is marked in the shortest form possible ("judgment", "decision", "upheld", "repealed", "overturned", "objection rejected", etc).

The record under Par. 1 above is signed by the president of chamber and the record keeper.

3.5. Session and Voting Record

Article 179

The session and voting record is marked by the mark of the case the chamber deliberated on and is signed by all chamber members and the record keeper.

The session and voting record is placed by the record keeper into a special folder bearing the mark "Session and Voting Record", to which the date is added. The case mark and court seal are placed at the top right corner.

The folder with the session and voting record is bound together with the case files concerned, sealed and attached to the minutes from the main hearing or trial.

Where a higher court chamber decided a court's case without a main hearing, the session and voting record is bound into that case file.

Article 180

The session and voting record contains the date of session, name and surname of the president, name and surname of chamber members and the rapporteur, as well as the indication of whether the decision was made unanimously or with any dissenting opinions.

The session and voting record is signed by chamber members and the record keeper.

Where a chamber member has a dissenting opinion, that opinion, together with accompanying reasoning is attached to the session and voting record and makes its integral part.

3.6. Other Chamber Activities

Article 181

Judges are assigned a typist for the writing of decisions and other extensive decisions. Shorter decisions, as a rule, are prepared by the judge himself.

Where a court has introduced voice recorders, recorded decisions are later typed on a computer or typewriter immediately, within not longer than three days of the date of the decision. The judge who dictated the decision into the voice recorder reviews the text and signs the first copy.

Article 182

Decisions made in writing are delivered to court registry office in a sufficient number of certified copies and instructions for their service.

The instructions would specify whether a court registry should keep the case in preliminary record or record or whether it should join it with another case, as well as other actions required for proper work following a decision.

Where a decision was not announced to the parties at the hearing, or trial, judges and officers may not disclose the content of decision before it is dispatched from the court.

Article 183

Cases in which hearings or trials have been conducted and in which a decision was made for further actions are returned to the court registry on the same day but not later than on the next day, for their classification into registers and further actions.

3.7. Work in Chambers of Second Instance Courts

Article 184

The president of a chamber may instruct a judge rapporteur, after agreeing with chamber members, to prepare a report for some complex cases and submit it to the chamber members to prepare for the chamber session.

The chamber may assign a co-rapporteur where so required by the rapporteur or considered necessary by the chamber.

Article 185

After it has given a decision, the chamber decides whether to enter the legal position taken in that particular decision into the record of case law.

Article 186

Where a chamber holds that for a legal issue under its consideration a legal position should be adopted to ensure uniformity in the implementation of regulations, it informs the head of division of that and adjourns the work until this issue is deliberated on at the division session, or at the meeting of judges, other than cases which by virtue of their legal structure are emergency cases and may not be adjourned.

Article 187

A written decision is delivered by the president of chamber to the case law department.

Where the head of a division or of case law department identifies in the decision certain deviations from the uniform implementation of regulations, the president of chamber shall put the matter again before the chamber session. If the chamber does not change its decision, the case is referred to the head of the division for its presentation at the court division session.

Article 188

When it is established that there has been no deviation from uniform implementation of regulations, a written decision is handed to the court registry where to make its certified copies and dispatch it.

A service order (D-na) is placed on a written decision for a certified copy (if required) and dispatch.

CHAPTER SIX

WORK AT MEETINGS OF JUDGES AND SESSIONS OF COURT DIVISIONS

4.1. Meeting of Judges

Article 189

Issues discussed at meetings of judges shall be issues within its competence and in accordance with law.

Article 190

Advisors may take part in the meetings of judges discussing the issues significant for implementation of law and case law.

Article 191

An invitation to a meeting of judges includes the agenda and any accompanying material concerning the issues to be under discussion at the meeting.

An invitation is delivered to every judge and advisor. All invited persons have the duty to attend the meeting, and a record is kept in the minutes book for all absences, together with the reasons for absence if any.

Article 192

A chief judge may assign a judge, advisor, or a court division to study a number of issues related to implementation of legislation and case law for their consideration at the meeting.

Article 193

Preparations for the meeting discussing the need to change a legal position or legal opinion or any other issues concerning the implementation of legislation are made by the case law department.

A chief judge may inform the Supreme Court, the immediately superior court and the Ministry about the conclusions of a meeting that are of greater significance for the operation of courts in general.

If there is a split of votes at a meeting of judges, the conclusion supported by the chief judge shall be considered accepted.

Article 194

A record is made of the meeting of judges which includes the following: persons absent for justified or unjustified reasons, all opinions presented during the discussion, as well as the result of votes. The record is signed by the chief judge and advisor who made the record.

4.2. Court Division Sessions

Article 195

The head of a court division prepares the sessions of court divisions, convenes them of his own initiative or at the request of a chamber member, or of a judge in a court division or at the request of a chief judge, nominates rapporteurs and co-rapporteurs, sees that legal positions, opinions and conclusions adopted in the session are formulated properly, as well as that all the activities required for proper operation of court divisions and fulfillment of tasks in the program are carried out.

Article 196

When there is a need for two court divisions to cooperate in order to resolve a legal issue, their joint session is convened by the heads of such divisions, each of them assigning their own rapporteurs.

A joint session is chaired by the head of the court division under whose jurisdiction is the matter under discussion at the session.

Voting in joint sessions requires the majority of votes in both court divisions for a joint position to be adopted.

Article 197

Advisors who are members of a court division have the right to participate in the discussions at the court division sessions or their joint sessions on the issues on their agenda, but do not have the right of vote.

Article 198

If there is a split of votes in a court division session or a difference between the positions of the two divisions at their joint session, the issue at dispute is placed before the meeting of judges.

The procedure under Par. 1 above also applies to situations where a judge or a chamber in their repeated deliberations making do not act in compliance with the legal position of the court divisions.

Article 199

The text of a legal position adopted at the court division session is drafted by the rapporteur and where he voted against the adopted legal position, by a judge assigned by the session.

The final text of a legal position is signed by all court division members.

A judge who does not agree with the adopted legal position, be it with its holding or the reasoning, does not sign the legal position but presents his dissenting opinion separately and attaches it to the original of the adopted legal position.

The final text of a legal position is handed to the case law department.

Article 200

The provisions of the Rules governing the meeting of judges shall apply *mutatis mutandis* to the procedure for convening sessions of court divisions and for the work in sessions.

4.3. Sessions of Case Law Department

Article 201

The sessions of case law department, based on the decisions, legal positions and other data delivered to it by court divisions and services, monitor the case law and make proposals on case law issues that will be presented at the meeting of judges with the intention of taking a position on an issue and ensuring uniformity of practice.

In the case under Par. 1 above, the preparation of the meeting of judges is the duty of the case law department.

At the meeting of judges, the case law department presents the opinions and proposals that they have prepared based on a survey of court practices.

CHAPTER FIVE

WORK OF COURT REGISTRY OFFICE FOLLOWING COURT DECISIONS

5.1. Acting upon Decisions

Article 202

After court decisions are made, the head clerk of a court registry, or the head of a registry section distributes the cases to the employees assigned to specific duties under the assignment schedule.

Depending on the content of a court decision, a court registry office or a registry section enters the case details in the register and takes other necessary actions.

All written decisions must bear a dispatch note, as set by the decision on the service.

If the note orders the collection of certain articles, evidence of service, report, etc. a short note must be added immediately below the text of the decision specifying whether the decision has been complied with, and where it has not, specifying the reasons for noncompliance.

When decisions are typed on a computer or typewriter, the required number of certified copies is printed out at the same time for the parties and the court. The court registry shall compare the copies and add a dispatch note.

Article 203

Entry of file data in registers is conducted by the employees designated as registry clerks.

Entries of case files are made by filing the date of hearing or trial, date and type of the decisions made, sanctions imposed, any correctional or other measures, date of dispatch of the case to the court for its decision on the legal remedy, the type of second instance decision, date of final decision, date of dispatch of enforceable decision to a court in charge of enforcement, etc.

In the appropriate section of the register or, where no such column is provided, then in the section reserved for notes, the deadlines are entered for preliminary record and record, as well as data on case flow in and out of court etc, so that the register shows where the case is and in which phase of proceeding it is at any given time.

Article 204

Parties and other persons are invited to hearings and trials by different summons forms depending on the type of case and role of the party, separately for each person.

The summons form is filled out on a computer or typewriter, clearly and fully, by registry employees or record takers.

The summons must include the name and surname of the judge. The summons is signed by a judge, or else the person responsible for accuracy of the summons dispatched is the head clerk of the court registry or the head of a registry section or another employee who filled out the summons.

Attached to the summons is a folder containing evidence of receipt (Form 11), or evidence of service (Form 12) after being filled out clearly and completely on a typewriter.

At the top right corner of the evidence of receipt or evidence of service, right below the case mark, a deadline is entered for registration and preliminary registration.

5.2. Writing and Comparison of Documents

Article 205

Letters rogatory, orders made to the parties and other documents are made on a computer or typewriter in two copies, of which one stays in the case files. If the decision containing an order that some activities be conducted by way of a letter rogatory includes a full content of a letter rogatory, or an order, only one copy will be prepared.

Letters rogatory are signed by a judge.

Article 206

All certified copies are carefully compared against their originals.

Certified copies are compared, as a rule, by two employees so assigned under the assignment schedule. After comparing the texts, employees put their signatures and date in the appropriate section of the stamp.

If in the process of making transcripts errors were made that require crossing out, deletion, and other similar modifications to a greater extent, the head clerk of the court registry or the head of a registry section shall order that the decision wholly or partly be rewritten.

5.3. Dispatch and Service of Filings

Article 207

Service of court decisions and other filings is, as a rule, effected through a postal services provider, but may also be effected by a court employee directly in court, through the dispatch service of other state authorities, or by a legal person licensed to conduct the service electronically.

Article 208

Where a court decision or other filing served through a postal services provider requires the evidence of receipt, such document must always be served in a folder an integral part of which is the evidence of receipt. In all other cases, documents are served with the evidence of service.

Short notifications are served on parties in a folder, without any evidence of service.

Article 209

Decisions and other filings are dispatched by a court officer so assigned under the assignment schedule, while the courts with bigger workload require a separate organizational unit within their court registry.

Filings taken for dispatch must be dispatched on the same day. Filings of urgent nature are dispatched with the next dispatch or through a court employee, immediately upon receipt. Filings received after dispatch books are concluded are dispatched the next day unless they are urgent.

A dispatch note is made either on a copy of the filing that stays in the court or below the text of the decision on the service. It specifies the date of dispatch, signature of employee who conducts the dispatch, number of evidence of service, folders and other filings to be dispatched, as well as the mode of dispatch. The case is then returned to the registry head clerk, or the head of a registry section, for him to make the necessary entries and register the case in the calendar book, or the hearing register.

Filings dispatched on the same date to the same address through a local government or local administration body are, as a rule, placed in a single folder.

Article 210

Consignments dispatched through a postal services provider are classified into three groups: regular, registered and those with evidence of receipt, and are registered in this order in the mail book, which serves as dispatch register.

If mail charges are paid in cash, the amount of such charge is entered in the mail control sheet following the dispatch.

When documents are served electronically, a printed out electronic report on a filing sent out is attached to the case files to serve as proof of evidence.

Article 211

If a filing is served through a body or legal person licensed for service, filings addressed to several persons may be placed in a single folder, and where each filing requires evidence that the addressee has been served, evidence of service is attached for every person.

In the court seat, court filings are served by court employees.

Article 212

A judge, after having concluded a main hearing, identifies the place and time when the decision will be served in the court.

A person summoned to court for delivery of decision shall be served the summons by a registry employee so assigned under the assignment schedule.

A person who happens to be in the courthouse is served the filing in the courthouse provided the court employee serving filings either knows the person or has otherwise established his identity.

Defense counsels and other persons who are served filings often may be allowed by a chief judge upon their request to receive filings personally in court. In that case, filings are placed in the mail box of that person and served on him by a court registry employee upon request. The registry employee regularly inspects whether such persons take filings. If they are not taken within three days, such filings will be served on them just like on other customers.

Service of filings in a courthouse is confirmed by a signature on the evidence of service.

Article 213

Filings the court employees serve without evidence of service are registered in the internal logbooks for a specific place as well as in the register of duties assigned to court employees (Form 13).

Unserved filings are immediately returned to the court registry specifying the reasons for which they were not served, while the court employee cancels such filings from his duty register.

Article 214

Filings that are served by court employees together with evidence of service are registered in the duty register of the employee who has taken such filings for service.

Evidence of service, unserved summons, and other filings are immediately returned to the court, with an indication of the reasons for which the service was not effected.

Every evidence of service must have in its right corner the entry number under which the evidence of service was entered in the register. The register is kept by the registry employee so assigned under the annual assignment schedule. The employee who conducts service may not keep the mail book.

Courts using PRIS shall enter into PRIS the data on the date of service of filing or of evidence of service, data of attempted service, reasons for failed service, and any notes concerning the service.

Article 215

If mail charge is not paid in cash, a court registry keeps a mail control sheet in which it registers the stamps spent. The control sheets are bound in a book, paginated, and certified by the chief judge.

In courts using PRIS, data on case flow are created as a result of the service of filings. The system shows chronological case flow, including the date of dispatch and acknowledgement of receipt, as well as the organizational unit that sends and receives the filing.

5.4. Procedures Concerning Cases Tied to a Deadline

Article 216

Cases for which proceeding is pending are kept, as a rule, in the court registry office, in the register of hearings and deadlines, other than the cases that should be transmitted to chambers during the day, or the cases that have been transmitted to registry employees to be compared against originals or to be dispatched.

Case files may stay in a judge's office only for a trial, or where they are cases for which a decision is being drafted, or the cases for which a hearing or trial is scheduled, or in which a decision concerning other action is to be issued, for not longer than 15 days, with the exception of the drafting of decision, for which different deadlines are set by law.

The chief judge must be notified of any events where the deadlines under Par. 2 above are exceeded.

The record of where and which phase of proceeding an individual case is in is kept by the court registry by placing a note on case flow in the special section of the register. Where there is no such section, a note is made in the register section reserved for additional notes.

A note on case flow is made after examining the register to see where the case is, and after examining other registers for information on what phase of proceeding a case is in.

Register notes must be clear to allow easy monitoring of case flow.

5.5. Calendar Book

Article 217

The cases in which hearings, trials or deadlines are set are kept in the court registry in the calendar book, locked in a cabinet which is divided into compartments marked with numbers from 1 to 31.

Cases are placed in appropriate compartments according to their deadline, or preregistration and registration, irrespective of the month and year, ordered according to the serial number of the case mark, first for the current year, and then for earlier years.

If case files are removed from the cabinet for temporary use, they must be replaced by a note specifying the location of the case.

Courts with bigger workload may require a separate cabinet for deadlines (calendar cabinet) and a separate one for hearings and trials (hearing date cabinet).

The dates of hearing, trials, and deadlines are entered in the register. Hearings and trials are entered in the special section, and the deadlines are entered in the notes section.

In placing a case in the calendar case, hearing dates are registered in the court daily register.

5.6. Registration and Preliminary Registration

Article 218

Where the date and hour of trial has been announced to the parties and other persons and where no other actions are required, the cases are placed in the calendar cabinet compartment provided for the date of the trial concerned.

The case is placed in preliminary registration cabinet when it is necessary to leave some time before the deadline or other term set for a hearing or trial to check whether some actions have been taken so that other actions required for a hearing, trial or other term may be taken.

The term for preliminary registration is, as a rule, set in such a way to allow from the preliminary registration term until the hearing, or other deadline, sufficient time within which to take the required actions in time.

The judge sets the term of preliminary registration, or of registration, in his decision that is placed in the case files specifying the date and month and, where required, also the hour when the term expires (e.g. "Preliminary registration 15 May 2010, 10a.m.", Registration 15 May 2010, 11.a.m").

The cases for which hearings and trials have already been set are placed in the section for preliminary registration terms and the cases in which other deadlines are set, only where so required.

Article 219

A case is placed in an appropriate calendar or hearing date calendar according to its date, and the court employee places his signature below the judge's signature.

A court registry office examines on a daily basis the calendar and hearing dates due the next day.

The case files kept in the calendar cabinet for the next day are handed to the judge one day before the expiry of deadline for a specific action, unless otherwise ordered by the judge in relation to an individual case.

The cases directed for preliminary registration are examined to check whether all the actions ordered in the decision have been complied with as well as whether all the evidence of return and service has been returned and attached to the respective cases, whether the requested reports have been received and attached, etc, in which case a case files are removed from the section for preliminary registration and placed in the appropriate compartment, which matches the registration term.

Where the requested actions have not been conducted or where there is no evidence of their conduct, or where they have been conducted wrongly, the court registry, upon its own initiative or at the judge's order, takes all the necessary measures including *inter alia*: urging that evidence of receipt and service is returned to the court, that requested reports be delivered, that the documents are served again on the same or different address, that an irregularity identified be eliminated and, provided there is sufficient time, set a new term for preliminary registration.

Where there are obstacles to holding a hearing or trial, a court registry employee shall notify the judge so that he can issue a decision to adjourn the trial.

Where possible, the judge shall notify all the persons summoned of the adjournment of trial as well as of the date and hour of a new trial to avoid unnecessary expenses.

In courts using PRIS, the trial dates and dates for other actions are set by entering such actions in PRIS.

5.7. Joinder or Severance of cases

Article 220

Where several cases are joined for a joint proceeding, the later case is joined to the partly heard case. Where cases under the jurisdiction of an individual judge are joined with those that require a chamber or a higher court, all the joined case files are placed in the oldest case under the jurisdiction of a chamber or higher court.

The folder of a joined case bears the mark of the case that was joined for a joint hearing (e.g. "Joined to P.70/70"), and where the case folder bears some special marks, they are copied onto the folder of a joint case.

The joined case is entered in the case file repertory of an earlier case under the next repertory entry number. If cases were joined at a hearing or trial, only the minutes will be entered into the case file repertory. In both cases, a note is to be made in the notes section as to which case was joined for a joint hearing.

The joined case files are registered as finalized in the name of a judge who rendered a decision in the joint case only after the decision has been drafted and dispatched.

When a case file is attached another for the purpose of their examination only, the procedure under Paras. 1-4 above shall not apply. Instead, a note in red pen is made specifying the case joined on the folder of the case to which another case is joined (e.g. "P. 12/09 Joined"). If the case is severed, the note on the case folder is crossed out.

Article 221

Where before the end of a proceeding a case is severed for a separate proceeding, placed into a separate case file are only certified copies of the filings concerning that case.

Copied onto the folder of the severed case are also special marks that concern only that case while the same marks are crossed out on the folder of an earlier joint case.

A new case file repertory is made for the severed case.

CHAPTER VI OTHER PROVISIONS GOVERNING THE WORK OF COURT REGISTRY

Article 222

Court registry employees make every effort to ensure that the case files are handled properly, orderly and timely and particularly that the actions are taken by prescribed or otherwise set deadlines, to remove any registry related obstacles to timely administration of cases by the judges, to deliver all case files to the judges in time, or immediately upon arrival of a submission or report which requires a decision to be made or another action to be taken.

Court registry employees make every effort to ensure that judges, officers and employees return case files to the court registry in time for their filing into appropriate registers.

The court registry head clerk shall point to a judge, officer or employee sitting on the case to various deadlines and manifest errors in records and original decisions, as well as to manifest errors and omissions in the computation and collection of the fees, setting of deadlines, scheduling of hearings, etc.

The court registry head clerk reports regularly, not less than once a month, to the chief judge identifying the decisions that have not been made and the deadline for which has expired. A separate register is made of such cases for each judge.

A court registry employee places into the case files written statements concerning the actions taken or not taken by the parties and other persons, as well as the statements concerning the operation of the court registry (e.g. "evidence or service did not return", "requested report did not arrive", "response to claim did not arrive", "appeal not filed", "the party did not take actions within the set deadline", etc).

The legal remedy filed is served on the opposite side for response, while the stamp "Appeal served for response" is affixed on the legal remedy.

When the files are complete and ready for delivery to a second instance court, the court registry shall draft a report on its delivery to a higher court, which it hands to the judge for approval and signature.

The court registry head clerk examines whether the legal remedy is filed in time and allowed. If he finds that the legal remedy is not timely or allowed, he writes a note in pencil "untimely" or "not allowed" on the submission including the legal remedy, and hands the case to a judge.

Article 223

Registry case flow (transcript, comparison, dispatch, etc) is, as a rule, not filed in the register if the case is to return soon (immediately or during the same day).

If the case is delivered at the same time to another court, authority or other organizational units of the court, a note is written by a pencil in the registry notes section specifying when and who the case is delivered to. At the same time, the case is filed in the register of dispatched cases that are to be returned.

Article 224

Returned evidence of service and receipt showing that the service has been effected are immediately filed in the case files.

Courts with bigger workload may keep evidence of service and receipt of successful service filed by the dates of deadlines and hearings in a separate cabinet with compartments. Right before the deadlines or hearings, they are put in the case files.

Upon the receipt of summons and other filings that have not been served or have been served wrongly actions must be taken immediately, irrespective of the terms for preliminary registration and registration.

Evidence of receipt and service showing that the decisions and other filings have been served are put into the case files and attached to the decision that they refer to.

Article 225

A court registry oversees the case files and collects the required data, reports and information from other courts, authorities and institutions.

A court registry employee may be entrusted other operations under the supervision and upon the instructions by a judge including the following: drafting of simple submissions, drafting reports and letters, etc.

Article 226

A court registry office performs the following functions:

- 1) acknowledge that a decision is final and enforceable;
- 2) certify signatures, original written documents, and certified copies, other than the documents intended for use abroad;
- 3) give oral and written information based on data in registers and case files;
- 4) take minutes of make formal notices of short statements made by the parties and other interested persons on the change of address, place of residence, and the date of receipt of the decision when evidence of return or service has not returned or when they have returned but do not specify the date of service, etc.
- 5) examine the official files to check whether announcements in respect of come cases have been published, and make a formal note of that;
- 6) repeat the request (urge) in cases where the requests have not been complied with and where such urgencies do not require a decision of a judge;
- 7) eliminate the shortcomings identified in submissions provided they concern the operations within the competence of an employee assigned to filing intake;
- 8) take appropriate actions so that fines and costs of procedure are collected properly and immediately after a court order is issued;
- 9) see that all fees are duly collected and take required actions in case that the duty to pay is not complied with;
- 10) see that fees and costs of procedure for which advance payment was deposited have been collected from preliminary accounts, and
- 11) collect data required to strike off or revoke parole.

A chief judge may order that in addition to actions under Par. 1 above and other actions within the competence of the court registry the registry conduct other actions and operations that need not be conducted by judges or advisors.

6.1. Delivery of Cases to a Higher Court

Article 227

With respect to legal remedies filed against a court decision, the case is delivered to a higher court, together with the report (Forms 14 and 15) immediately, not later than within three days of the date the files are complete.

The case files are deemed complete after the appeal or response to appeal has been served on the opposite side and after the evidence of service has returned.

The case in which a legal remedy is filed against a second instance decision is delivered to the second instance court by the first instance court. The second instance court attaches its case and delivers it all to the Supreme Court. This procedure applies also to cases where the Supreme Court has jurisdiction over the legal remedy filed against the decision of its chamber.

Article 228

Together with the case to be delivered to a higher court also delivered are all the documents that are stored separately from case files. If the case files include certified copies of such documents, the originals are delivered to a higher court only at their request.

Before a case file is dispatched to a higher court, a court officer who prepared the report under Article 227(1) of the Rules shall check whether enclosed in the case files is the appropriate evidence of service and the required number of copies of the decision against which a legal remedy is filed, as well as whether the case files are in good order. The same procedure also applies to case files delivered to another court or state authority for their inspection.

6.2. Case Processing at a Higher Court

Article 229

Upon receipt of case files by a higher court on appeal, the higher court creates a new case and files it under the mark of appropriate higher court's register. The first filing to be entered in the case repertory is the report under which the case was delivered.

Article 230

A higher court shall immediately and not later than within eight days of the date of written decision return the case to the first instance court together with the required number of copies of its decision for the parties and the court, as well as a copy of the minutes from the chamber session held in the presence of parties, or the minutes from the main hearing if any.

The procedure under Par. 1 above applies also to cases where a third instance court returns the case to a second instance court after a legal remedy has been filed against the decision of the second instance court.

The higher court case files keep a certified copy of the first instance decision, original decision and the minutes from the chamber session and voting in a higher court, as well as any other filings and decisions that refer solely to the procedure before the higher court. Where the procedure involved a decision of a third instance court, the case file from that court shall also keep the certified copy of the judgments delivered by the second instance and first instance courts.

When deciding legal remedies filed against the decisions concerning the same case, actions shall first be taken on legal remedies files against the resolution ordering or extending detention, or on a bail, or the decisions concerning a bail or detention or decisions of temporary nature, etc. following which actions shall be taken with regard to the legal remedies filed against the decision on the main issue.

6.3. Handling a Case Referred Back by a Higher Court

Article 231

When a court receives a case from a higher court, a court employee registers the case in appropriate registers. Where a decision has been turned down wholly or partly by a higher court, a court employee files the case in an appropriate register under the new entry and immediately hands it to the judge. The judge shall

schedule within not later than one month a hearing date and order at the same time that the parties be served, together with the summons, a copy of the second instance court decision.

Where there are good reasons for which the hearing cannot be scheduled within the above term, the higher court decision shall immediately be served on the parties.

CHAPTER SEVEN ARCHIVING, STORING AND SEPARATING CASES

Article 232

Final cases are archived and stored under the decision to place case files in the archives, signed by the judge or duly authorized court officer who orders by placing his signature on the stamp affixed on the case folder that the case is to be archived.

Two types of archives are set up: reference and general archives. Reference archives form part of a court registry and are located, as a rule, in a separate room. Final cases may be kept in the reference archives for not longer than two years, following which they are delivered to the general archives for storage, together with their corresponding registers. General archive is a joint archive for all types of files and is kept separately from the court registry in a special room. Also stored in the archive are the registers and name registers from earlier years if they are not required for current operation.

Case files must be protected from moisture and fire and secured from damage, demolition and theft.

Article 233

Before archiving a case the following actions must be performed:

- 1) separate the cases that were attached to the case files without the proceeding previously joined;
- 2) separate from the case file the enclosures which are certified copies and do not have the effect of evidence, as well as evidence of service and receipt (other than service personally) etc.;
- 3) case files are put in the chronological order;
- 4) check whether case files contain filings that should be sent back to the parties or other authorities as well as whether the case has become final;
- 5) check whether the case folder has a stamp impression specifying that the fees have been collected and whether the order has been issued to a tax authority to conduct forced collection of fees;
- 6) check whether the criminal case files contain a judge's note that the authority in charge of enforcement of sanctions has been notified, whether a decision has been made on the costs of criminal procedure paid from the budget and whether such costs, fine and advance charges have been collected or filed in the register of fines, advance charges and costs, whether evidence of receipt and service have been attached to their respective files, and whether all other actions have been duly performed;
- 7) check whether there is a deposit and whether required decision in that regard have been made;
- 8) check whether statistical forms have been filled out and classified;
- 9) check whether relevant state authorities have been delivered data on the convicted persons;
- 10) check whether all persons and authorities that should be served decisions have already been served, and
- 11) check whether the victim has been informed about the final decision.

Where folders of bulky case files are damaged, such case files should be placed into new folders before archiving.

Article 234

Wills and other important documents kept under court custody are not archived nor can be kept in the reference archive but must be stored in the court deposit.

Article 235

The cases of historic or scientific significance or other cases may be stored, subject to decision of the chief judge, in a special place. A spare folder is placed in their place in the archive with a note specifying the location of storage.

The folder with case files must bear the case mark and case name and specify the reason for which the case is stored separately (historic, scientific, political).

Article 236

Final cases are classified in the archives by type (civil, criminal, non-contentious, enforcement, etc) as well as by their respective entry numbers in different registers. A short mark and the year of the case is placed on the front of a file folder, as well as the case serial number (e.g. O. 1/09, P. 200/09).

One or more visible signs are placed on the archive shelves to indicate their contents.

Article 237

Archived cases are handled by a court registry employee (archive clerk).

Cases are released from archive only at the request of the chief judge or a judge or another person nominated by the chief judge. They may be released to other courts, state authorities or institutions only when so approved in writing by the chief judge or a judge. The case files are removed from the shelf and replaced by a spare folder with the request and approval in it.

The archive clerk keeps a list of the cases released from archive (Form 16) specifying the time when the case should be returned to archive. The archive clerk must examine at least on a monthly basis whether the cases have been returned by the set deadlines and where they have not, he must notify the registry head clerk.

7.1. Storing and Separating Case Files

Article 238

Storage, selection and separation of case files, registers, name registers and other auxiliary books is done in compliance with regulations governing storage, collection and release of archive material and the Rules.

After a court proceeding has ended with a final decision, case files are examined and a decision is made on their placement in the archives.

Individual files are placed in archives under a judge's decision issued in writing but only after all the required actions have been completed concerning service, collection of evidence of service and receipt, as well as the actions concerning the enforcement of sanctions or collection of the costs of procedure.

7.2. Files Stored for Good

Article 239

Unless otherwise set by law, the courthouse will store for good the following:

- 1) files that because of their content or the parties involved are of historic or scientific significance, as well as the files that are significant for general or local history;
- 2) files relating to the courthouse and legal relations with respect to the courthouse and other immovable property given to court for use, together with appropriate plans, drawings, constructions agreements, etc;
- 3) court registers with documents;
- 4) wills and other documents placed under court custody together with the repertory of documents and respective registers;
- 5) criminal case files for offences punished by 20 or more years in prison;
- 6) judgments and court settlements from files concerning status commercial disputes, inheritance disputes and real estate disputes, death deeds and inheritance resolutions;
- 7) resolutions proclaiming missing persons dead and resolutions concerning proof of death;
- 8) files concerning cases of deprivation of business capacity;

- 9) annual reports and analyses of court operation;
- 10) personal files of court officers and employees;
- 11) registers and their corresponding name registers concerning cases that are stored for good, and
- 12) court's internal regulations.

7.3. Terms for Archive Storage

Article 240

The terms for storage of different case files in the archive, unless they are set for storage for good, are as follows:

- 1) for files concerning hearing on actual claims for immovable property in a court proceeding, thirty years;
- 2) for files in which a sanction was imposed for over ten years in prison, thirty years;
- 3) for files in which a sanction was imposed for three to ten years in prison, twenty years;
- 4) for files in which a sanction was imposed for up to three years in prison, ten years;
- 5) for files in which a fine or court admonition was imposed, five years;
- 6) for files in which a criminal proceeding was initiated by a private claim or petition, following which either the proceeding was suspended or a judgment was handed down to reject the charges, two years;
- 7) for files concerning payment orders, ten years;
- 8) for files concerning an enforcement procedure, five years;
- 9) for all second instance files, five years;
- 10) for court administration files, ten years;
- 11) for files concerning an administrative proceeding, ten years;
- 12) for all other files, ten years.

The terms under Par. 1 above run from the date of the final decision.

Upon expiry of the terms under Par. 1 above, the files are removed from archive to be destroyed or handed over to the relevant archive.

Article 241

Registers and name registers, except as those under Art. 239, paragraph 1, subparagraph 11 of the Rules, are stored for as long as the case files that they refer to.

Certification registers and money books are stored for ten years after they were last closed.

7.4. Collections of Court Decisions

Article 242

Courts may set up collections of judgments and other decisions that, at year end, all the judgments and other decisions that have become final are bound in.

A decision added to the collection is accompanied, if possible, by a decision of a higher court issued following a legal remedy, which is bound into the collection together with the decision that it refers to.

Decisions are bound according to the serial number of the case mark by the year when the case file was created.

Separate collections are set up for different types of cases (criminal, civil, inheritance, non-contentious).

Bound collections are stored in the court's general archive.

PART THREE
REGISTERS AND AUXILIARY BOOKS
CHAPTER ONE
GENERAL PROVISIONS

1.1. File Creation and File Marks

Article 243

Courts shall maintain registers and auxiliary books in compliance with the Rules and may maintain other registers and auxiliary books as may be necessary.

Registers are composed of a required number of double sheets of a prescribed form bound in hard covers. The register mark and the year that it is made for are written on the register covers (e.g. “Su.2009”, “P.2009”).

Courts with bigger workload may maintain two or more register books for the same type of cases (e.g. register for marital disputes only, for property disputes, etc) where the first register book is marked by Roman number “I”, the second one by Roman number “II” and so on (e.g. P:2009/I, P:2009/II).

Courts with smaller workload may use a single register book for more than one year. The mark for the year is placed in the middle of the first page with which a new year starts.

The procedures under Paras. 2, 3 and 4 above also apply to name registers and other auxiliary books unless otherwise set by the Rules.

Article 244

Registers and auxiliary books are maintained by court employees so assigned under the assignment schedule.

Registers are kept in such a way as to allow one to identify upon their examination the phase of proceeding in a case and where the case files are at a given moment, as well as the current state of court operations with regard to that particular type of case.

After work hours, registers and auxiliary books are kept in locked cases and cabinets.

Registers and auxiliary books may also be kept in PRIS.

1.2. Maintaining of Registers

Article 245

Filings are entered in registers in the chronological order.

Every case is kept in the register until the end of proceeding under the same number, except in cases under Article 220 of the Rules.

When a proceeding is initiated by or against several persons, the case is filed in the register under the serial number with small letters (a, b, c) being placed before the names of persons who initiated the proceeding, in the alphabetical order, and with Arabic numbers (1, 2, 3) being placed before the names of persons against which the proceeding was initiated.

Article 246

Initial filings by which a proceeding is initiated or a court action requested are filed in the appropriate registers and auxiliary books.

Filings that refer to already filed cases, which for reason of their significance should be visible in the register (appeal, objection, etc) are filed in the register under the case serial number. Other filings are put in the appropriate case files without being previously filed in the register.

Where next to an existing entry there is no sufficient space in the register for a subsequent filing, the filing will continue in the next free line following the last entry in the register. In order to mark the connection with the follow up entry, the case serial number for which follow up entry is made is written, in red pen or red ink, before the mark of the case serial number below which follow up entry is made. The line with follow up entries bears the serial number of the case that the follow up entry refers to.

Article 247

Filing in registers and auxiliary books is made by a ballpoint pen.

Notes on case flow and other notes are entered by pencil and deleted when they become irrelevant. Red pen for notes is only used where so set by the Rules.

Article 248

Entries may not be deleted or otherwise annulled.

Where a case has been wrongly filed in the register or supporting book, the entire entry is crossed out by a slash in red pen, and a note “wrong entry” placed in the notes section.

The case filed next after the wrongly filed case gets the next entry serial number. When a register is closed at the end of calendar year, annulled entry numbers are deducted from the last entry number.

Other incorrect entries in the registers and additional books are corrected by making a correct entry with a fine horizontal line being drawn across the incorrect text so that the crossed out text remains legible.

1.3. Marking Final Cases

Article 249

When a case has been resolved, the case mark is placed before the entry number (e.g. 585).

The case is marked as resolved when a decision has been dispatched irrespective of whether it has become final.

The case that concern several persons (more than one accused person, claimants, defendants, etc), the case is marked as finally resolved after the proceeding has been finalized and the decision dispatched to all the parties. When the case has been resolved only with respect to some persons, the mark of final resolution is placed only next to the letters and numbers that refer to those persons.

The case which has been partly resolved is marked by placing right before the register entry number the mark “L” in red pen.

With computerized registers, all finalized cases may be transferred into a special data base, while the existing data base would only keep the mark showing that the case has been finalized, as well as the basic data about the parties.

Article 250

When all the cases filed in a single page of a registry or supporting book are marked as resolved, the sign (“I__I”) is placed at the bottom left corner of the page in red pen or by a stamp.

The sign under Par. 1 above is also placed on the entry number of the case when such a case is placed in the archive.

1.4. Joining Cases in Registers

Article 251

Where several cases are joined for a single proceeding, the entry number of the joined case is marked in the register notes section (a joint case) that the case is joined to (e.g. “Joined to case P.50/09”).

A note (e.g. “Case K.50/09 joined”) is made in the register notes section under the entry number of the joint case.

The joined case is registered from then on under the mark of the joint case while it is classified in the register as a case finalized in some other manner.

Article 252

Notwithstanding Art. 251 of the Rules, where a case is enclosed to another solely for examination purposes, a note is made on the enclosure in pencil in the notes section under the entry for the case enclosed (e.g. “case P. 30/09 enclosed” followed by the date of enclosing).

The note under Par. 1 above is also made in the notes section of the register under the entry number of the case that the other case was enclosed to (e.g. “enclosed to K.50/09”).

1.5. Separating Cases in Register

Article 253

When a court decides to separately hear a case with respect to its respective crimes or the accused persons, or with respect to different requests within the same claim, the case is separated in the register by copying filings that refer to a separated case and filing them as a new case. A note is made in the notes section under the entry of the new case, for example “separated from K.40/09”, and “K.30/09 separated” under the previously joint case. In both cases a record must be made of the date of separation.

Notes under Par. 1 above are also entered in the case file repertory.

Entries that refer to the separated part of case files are transferred into the corresponding sections under the new entry number of the separated case.

1.6. Closing of Registers and Auxiliary books

Article 254

Registers and auxiliary books are closed at year end by entering after the last entry the following data: date, month and year of closing, the number of the last entry, number of wrongful entries, number of resolved cases and the number of cases unsolved at year end (note on the closing of registers).

Below the note under Par. 1 above, the signatures are placed of the register clerk, registry head clerk, and the chief judge.

1.7. Transfer and Transmission of Old Cases

Article 255

Cases that remain unsolved at year end are transferred to the register for the next year by specifying on the first page of the register the serial numbers of such cases. All entries that refer to such cases are still made in the earlier register. When a case is resolved in the current year, the mark of the final resolution is placed next to the serial number of the case in the earlier register, while the entry serial number on the first page of the new register is crossed out by a red pen.

Article 256

If there are cases that are not finally resolved in the year in which they were registered or in the next year, such cases are transmitted together with all the required entries (entries made when the first filing is registered) into the register for the current year and are filed before the new cases. The transmitted cases keep their register mark and number so that cases received earlier are filed earlier. Entered as the date of intake is the date of receipt of the first filing.

In the section reserved for notes in the register that the cases are transmitted from a note is made that the case has been transmitted into the new register, and the mark of final resolution is placed next to the entry number.

Below the last transmitted case a red horizontal line is drawn in the new register and filings received in the current year are filed below that line starting from number 1.

Article 257

If more than a hundred cases from the same register has remained unsolved from one of the previous years, the chief judge may decide not to have the cases transmitted under the provision of the Rules, a note on which is made below the note on the closing of register.

1.8. Re-registration

Article 258

When in a case filed in the register as finally resolved the proceeding continues because the decision was set aside (partly or wholly), or because the proceeding is repeated or suspended, the case is registered as a new case, with all the required entries, while the new case mark is added the last two digits for the year in which the case for registered for the first time. Entered in the notes section is the earlier mark and the mark

of the second instance decision, while the new case mark is added to an earlier entry (to link the first and second registration).

1.9. Registration in the Name Register

Article 259

The case entered in the register is immediately registered in the appropriate name register.

1.10. Examination

Article 260

The registry head clerk and head of a registry section make random examination at least once a month of the entries in all registers, name registers, and in other auxiliary books. In so doing they compare the entries with the case files and check whether they are accurate and complete. The head of a registry section informs the registry head clerk of the examination conducted, and the registry head clerk informs the chief judge and the head of a court division.

The chief judge makes examination at least twice a year of the registers and auxiliary books.

On that occasion he points to any errors, corrects them and gives necessary explanations.

The examination is verified by placing the signature and date below the last examined entry.

CHAPTER TWO REGISTERS

2.1. Registers Kept in All Courts

Article 261

All courts shall maintain the following registers:

- 1) Register of court administration – “Su” (Form 17)
- 2) Register of court administration for data labeled “top secret”, “secret”, and “confidential” – “Su-confidential” (Form 17).

2.2. Basic Court Registers

Article 262

Basic courts maintain registers for:

-criminal cases, including the following:

- 1) cases involving an investigation judge “Kri” (Form 18),
- 2) preparatory proceeding against juveniles “Kim” (Form 19),
- 3) first instance criminal cases “K” (Form 20),
- 4) criminal procedure cases against juveniles “Km” (Form 21),
- 5) issuance of certificate of criminal proceeding “Ku” (Form 22),
- 6) pardon cases “Kp” (Form 23),
- 7) criminal chamber cases other than main hearing “Kv” (Form 24),
- 8) various juvenile criminal cases “Krm” (Form 25),
- 9) various criminal cases “Kr” (Form 25),
- 10) enforcement of criminal sanctions “IKS” (Form 25);

-civil cases, including the following:

- 1) civil cases “P” (Form 26),
- 2) civil petty claim cases “Mal” (Form 27),
- 3) payment orders “PI” (Form 28),

- 4) enforcement cases "I" (Form 29),
- 5) inheritance cases "O" (Form 30),
- 6) complex noncontentious cases "Rs" (Form 31),
- 7) legal aid cases "Pom" and "Pom-I" (Form 32),
- 8) cases concerning placement of persons in health care "Os" (Form 33),
- 9) certification "Ov" and "Ov I" (Form 34),
- 10) certification of documents intended for use abroad "Ov-i", and "Ov-x" (Form 34),
- 11) various civil and noncontentious cases "R" (Form 38).

2.3. Higher Court Registers

Article 263

Higher courts maintain registers for:

-criminal cases, including the following:

- 1) cases involving an investigation judge "Kri" (Form 18),
- 2) preparatory proceeding against juveniles "Kim" (Form 19),
- 3) first instance criminal cases "K" (Form 20),
- 4) criminal procedure cases against juveniles "Km" (Form 21),
- 5) various criminal cases against juveniles" (Form 22),
- 6) various criminal cases "Kr" (Form 22),
- 7) pardon cases "Kp" (Form 23),
- 8) criminal chamber cases other than main hearing "Kv" (Form 24),
- 9) legal aid cases "Pom" and "Pom-I" (Form 32),
- 10) second instance criminal cases "Kz" (Form 35),
- 11) second instance criminal cases against juveniles "Kzm" (Form 36),

-special division cases, including the following:

- 1) cases involving an investigation judge "Kri-S" (Form 18),
- 2) first instance criminal cases "K-S" (Form 20),
- 3) criminal chamber cases other than main hearing "Kv-S" (Form 24),

-civil cases, including the following:

- 1) second instance civil cases "Gz" and second instance civil cases in commercial disputes "Pz" (Form 37),
- 2) various civil and noncontentious cases "R" (Form 38).

2.4. Commercial Court Registers

Article 264

Commercial courts maintain registers for:

- 1) civil cases "P" (Form 26),
- 2) petty claim cases "Mal" (Form 27),
- 3) payment orders "PI" (Form 28),
- 4) enforcement cases "I" (Form 29),
- 5) complex noncontentious cases "Rs" (Form 31),
- 6) legal aid cases "Pom" and "Pom-I" (Form 32),
- 7) various civil and noncontentious cases "R" (Form 38),
- 8) for entry of ships "R" (Uv) and aircrafts "R" (Uv) (Form 39),
- 9) bankruptcy cases "St" (Form 40),
- 10) forced liquidation cases "L" (Form 41).

2.5. Court of Appeals Registers

Article 265

The Court of Appeal maintains the registers for:

- 1) various criminal cases “Kr” (Form 22),
- 2) second instance criminal cases “Kz” (Form 35),
- 3) second instance special division criminal cases “Kz-S” (Form 35),
- 4) second instance criminal cases against juveniles “Kzm” (Form 36),
- 5) second instance civil cases in commercial disputes “Pz” (Form 37),
- 6) various civil and noncontentious cases “R” (Form 38).

2.6. Administrative Court Registers

Article 266

The Administrative Court maintains the registers for:

- 1) administrative disputes “U” (Form 42),
- 2) cases on extraordinary legal remedies against final resolutions in civil proceedings “Upv” and “Upz” (Form 43),
- 3) various administrative cases “Ur” (Form 44).

2.7. Supreme Court Registers

Article 267

The Supreme Court maintains registers for:

- 1) various criminal cases “Kr” (Form 25),
- 2) various civil cases “R” (Form 38),
- 3) various administrative cases “Ur” (Form 44),
- 4) applications for the protection of legality in a criminal proceeding “Kzz” (Form 45),
- 5) applications for extraordinary commutation of sanction “Kzu” (Form 46),
- 6) third instance criminal cases “Kz-I” and “Kzm-I” (Form 4),
- 7) review cases in civil and commercial disputes “Rev” and “Rev-IP” (Form 48),
- 8) applications for the protection of legality in a civil proceeding “Gzz” (Form 49),
- 9) applications for the protection of legality in commercial disputes “Pzz” (Form 49),
- 10) applications for extraordinary review of a court decision in an administrative dispute “Uvp” (Form 50),
- 11) applications on claims for fair compensation “Tpz” (Form 51), and
- 12) cases referred back for a new proceeding on constitutional complaint “Uz” (Form 52).

CHAPTER THREE

REGISTERS

3.1. Criminal Case Registers

Article 268

“Kri” register serves for the registration of criminal cases involving an investigation judge.

“Kri-S” register serves for the registration of the cases of organized crime, corruption, terrorism, and war crimes involving an investigation judge.

Article 269

“K” register serves for the registration of criminal cases tried by basic and higher courts in the first instance against adults.

“K-S” register serves for the registration of special division cases in the first instance.
“K” and “K-S” registers serve for the registration of cases resolved by plea bargain.

Article 270

“Kr” register serves for the registration of all submissions concerning a criminal proceeding that are not otherwise registered in other registers.

Article 271

“Kim” register serves for the registration of preparatory proceeding against juveniles.

Article 272

“Km” register serves for the registration of cases in which basic and higher courts conduct proceedings against juveniles.

Article 273

“Krm” register serves for the registration of submissions concerning criminal proceeding against juveniles that are otherwise not registered in “Kim” or “Km”.

Article 274

“Iks” register serves for the registration of persons who have received a prison sentence and are summoned to be brought to prison to serve their sanction or are referred from detention to serve their sanction.

Applications by convicts and juveniles for conditional release are also entered in the register under Par. 1 above.

Cases involving a community work sanction imposed on adults are entered in the register “Iks” by basic courts.

Article 275

“Kv” register serves for the registration of all cases tried by a court chamber other than main hearing if they are not registered in “Kz” or “Kp” registers.

“Kv-S” register serves for the registration of all cases of organized crime, corruption, terrorism and war crimes tried by a court chamber outside of main hearing, if they are not registered in “Kz-S” register.

Article 276

“Kz” register serves for the registration of criminal cases tried in a second instance proceeding on appeal.

“Kz-S” register serves for the registration of cases of organized crime, corruption, terrorism, and war crimes tried on appeal in a second instance procedure.

Article 277

“Kz-I” and “Kzm-I” registers serve for the registration of third instance criminal cases.

Article 278

“Kzm” register serves for the registration of applications for pardon of convicts.

Article 280

“Kzu” register serves for the registration of applications for extraordinary commutation of sanction.

Article 281

“Kzz” register serves for the registration of applications for the protection of legality in criminal proceedings.

Article 282

“Uz” register serves for the registration of cases referred back for a new proceeding on constitutional complaint.

Article 283

“Ku” register serves for the registration of customers’ applications to be issued an extract from the criminal record.

3.2. Civil Case Registers

Article 284

“P” register serves for the registration of civil claims.

Commercial courts register claims in commercial or maritime affairs disputes in the register under Par. 1 above.

Article 285

“Mal” register serves for the registration of petty claims.

Article 286

“Gz” register is kept by courts handling second instance proceeding against decisions given in civil, inheritance, noncontentious and enforcement cases.

Article 287

“Rev” register serves for the registration of cases decided by the Supreme Court in review proceedings.

Article 288

“Gzz” register serves for the registration of applications for the protection of legality in civil proceedings.

Article 289

Enforcement cases in basic and commercial courts are filed in “I” register.

Article 290

“O” register serves for the registration of the filings concerning inheritance proceeding.

Article 291

“Rs” registers are kept by basic and commercial courts.

“Rs” registers are used by basic courts to register complex noncontentious cases (e.g. cases concerning family relations between parents and children; pronouncing a missing person dead and proof of death, stripping one off or reinstatement of business capacity, determination of compensation of expropriated property, treatment and stay in a psychiatric or other health care institution, regulation of management and use of jointly owned property, division of jointly owned objects or property, and regulation of property borders).

Commercial courts use “Rs” registers to register complex noncontentious cases that include a hearing (settlement, recognition of foreign court decisions, collection of evidence, etc).

Article 292

“R” register serves for the registration of all cases not registered in other registers.

Article 293

“R” (Ub) register for registration of ships serves for the registration of cases concerning ships and navigation at sea and internal waters, as well as the disputes that are subject to maritime law, other than disputes concerning passenger transport.

“R” (Uv) register for registration of aircrafts serves for the registration of cases concerning aircrafts and implementation of airborne transport law, other than disputes concerning passenger transport.

Article 294

Basic and commercial courts that have a big legal aid caseload maintain a “Pom” register.

Article 295

“Os” register serves for the registration of the cases concerning placement in a health care institution. The basic court with a health care institution for psychiatric treatment in its territory maintains the register for placement of persons in a health care institution “Os”.

3.4. Registers for International Legal Assistance Cases

Article 298

“Pom-I” register serves for the registration of letters rogatory received from foreign courts and other bodies for service of filings abroad and provision of other legal assistance.

Article 299

“Ov-i” register serves for the registration of certification of documents intended for use abroad.

Article 300

“Ov-x” register serves for the registration of documents certified within the meaning of the Convention on Abolition of Requirement for Legalization of Foreign Public Documents.

3.5. Registers for other Cases

Article 301

“Ov” register is kept by basic courts for the certification of signatures, original documents, certified copies and documents.

Article 302

“Ov I” register serves for the registration of certification conducted outside of courthouse.

Article 303

“Su” register serves for the registration of filings concerning court administration.

Filings relating to matters that by nature are identical or similar are registered in groups or subgroups at the beginning of register, and all other filings that do not belong to any of the groups are entered in the order in which they are received under subsequent entry number, below the entry numbers reserved for individual subgroups.

Certain court administration operations are classified into groups or subgroups. When creating a register, courts may decide to form additional groups and subgroups.

When creating registers for each group several entry numbers are set, with each subgroup bearing a separate entry number.

For each subgroup a special folder is set at the beginning of year and registered in “Su” register under the entry number and name of subgroup into which all filings that belong there are placed throughout the year. When placing filings in the folder they get a joint entry number under which the subgroup is registered in “Su” register, as well as the sub number which corresponds to the entry number in the case repertory kept in each folder. Before the mark of filings the group mark in Roman number is also placed (e.g. “I-5-Su 4/93”,

which means that this filing belongs to group I, subgroup 5, under the name “Lay judges” and that it is entered in the case repertory for that subgroup under number 4).

Folders with filings that refer to court administration affairs are stored on court administration premises, classified by groups and subgroups.

Article 304

Filings concerning court administration operations are classified into the following groups and subgroups:

- I group: Organizational operations, general instructions, notices, statistics and reports,
- II group: Financial and material operations,
- III group: Human resources operations,
- IV group: Complaints, control requests and exemptions,
- V group: Miscellaneous.

The above groups include the following subgroups:

- 1) I group:
 - instructions and notices of organizational nature,
 - schedule of assignment,
 - court days,
 - inspection and court visits,
 - lay judges,
 - working and coordination meetings,
 - professional development of judges and officers,
 - systematization of jobs,
 - international legal assistance,
 - substantive law,
 - procedural law,
 - preliminary proceeding,
 - fees,
 - case law,
 - instructions and notices concerning statistics,
 - regular business reports,
 - ad hoc statistical reports,
 - media coverage of court operation;
- 2) II group:
 - instructions and notices,
 - official gazettes, books, journals, stationery,
 - heating and lightning,
 - travel and moving expenses,
 - cost of cleaning, maintenance, and security of courthouse and property,
 - mailing, telegraph and telephone expenses,
 - procurement of additional material resources,
 - cost of procedure,
 - cost of lay judges,
 - supply operations,
 - other financial operations,
 - deposits;
- 3) III group:
 - election of chief judges and judges,
 - instructions and notices,

- state exam for employees and officers,
- trainees and volunteers,
- vacation and leaves.

The III group of operations also includes other court administration operations.

Article 305

“Su-tajno” (Su-confidential) register serves for the registration of cases marked for level of confidentiality “top secret”, “secret” or “confidential” and is kept by the chief judge or other person assigned by him. Filings received from and marked by sender by a confidentiality mark maintain that level of confidentiality.

“Su-int” register serves for the registration of cases bearing the confidentiality mark “internal”.

Article 306

The register of professional development “Su-Us” includes the entry number, name and surname of recipient of professional development training, title of recipient (judge, advisor, employee), type of development (seminar, workshop, course, etc), institution or organizer of professional development, the topic and content of professional development and duration of professional development.

Article 307

The register for cases on claims for just satisfaction “Tpz” which is kept by the Supreme Court serves for the registration of claims for just satisfaction.

The cases on applications filed for speeding up of the proceeding (control request) is kept by courts in “Su” register, in the group for control requests.

3.6. Special Registers for Commercial Dispute Cases

Article 308

“St” register serves for the registration of petitions for bankruptcy proceedings.

“L” register serves for the registration of petitions for forced liquidation proceedings.

Article 309

“Pz” register serves for the registration of appeal cases filed against judgments and other decisions given by commercial courts, to be tried by the Court of Appeal.

Article 310

“Rev IP” register serves for the registration of review in commercial disputes.

Article 311

“Pzz” register serves for the registration of cases concerning requests for the protection of legality in commercial disputes.

3.7. Name Registers and other Auxiliary books

Article 312

Courts maintain the following name registers:

- “Kuo” book of sanctions on parole (Form 53),
- “Kdp” book of confiscated objects (Form 54),
- control book for fines, lump sum advance payment, cost of criminal procedure and confiscation of illicit proceeds (Form 55),
- control book for detained persons (Form 56),
- register of enforcement (Form 57),
- “Si” register of documents (Form 58),

- “Idk” internal service book (Form 59).

Courts also maintain the following auxiliary books:

- court trainee daily record,
- register of lay judges,
- record of invited lay judges,
- register of court experts,
- register of dispatched cases to be returned and cases referred to mediation,
- daily record of official visits,
- register of costs of procedure that parties were exempted from,
- register of enforcement,
- “file” register of inventory,
- “Pi” register of documents,
- A and B register for inventory of documents,
- control book for persons brought in for investigation,
- control book for persons detained during preliminary investigation and investigation,
- control book for persons detained after bringing charges,
- book of persons summoned to serve prison sentence,
- register of persons summoned to serve prison sentence,
- control book for enforcement of correctional measures,
- book of chamber sessions, and
- book of decisions served in courthouse.

Courts may also maintain other auxiliary books, subject to decision of the chief judge.

3.8. Maintaining Registers and Auxiliary books

Article 314

For easier and faster tracking of case numbers in various registers court maintain directories for registers (Form 60).

Name registers (directories) are kept as a book or in the card filing system. Where a register is kept in the electronic form the name registers are not kept.

Article 315

Name registers which are kept as books are organized by individual letters of alphabet, with a sufficient number of double sheets for every letter.

Name registers may be kept in a single book for several years. In that case at the beginning of year a year is written by red pen next to a letter.

Name registers for criminal registers are kept by the name of the accused, for civil registers by the names of claimant and respondent, for enforcement cases by the name of debtor and creditor, for inheritance cases by the name of the person leaving legacy, while for other registers they are kept by the name of the claimant, or the person that the proceeding refers to. For “Su” register both personal and actual name registers are kept.

Courts with small workload may maintain a single name register for cases from registers “Kv” and “Kz”, “Kr” and “Kri”, “PI” and “P”.

3.9. Book of Sanctions on Parole

Article 316

All sanctions on parole are filed in the book of sanctions on parole when they become final.

The book of sanctions on parole is created for several years ahead and is kept according to the calendar system, by years and months, according to the expiry of the supervision term.

Sanctions under two conditions (damages and prison sentence) are filed by first entering the deadline by which damages should be paid, after which the expiry term is entered of the supervision period.

When a sanction on parole is filed, the entry under which the sanction is filed in the book of sanctions on parole is placed in the appropriate section of “Ku” and “O” registers.

The entry into the book of sanctions on parole is marked with the mark of the final resolution after the court has made a decision on annulment or revocation of the sanction.

3.10. Book of Confiscated Objects

Article 317

The objects confiscated and stored in court during a criminal proceeding are registered in the book of confiscated objects.

An employee who maintains the book of confiscated objects shall check every month whether the book balance matches the actual state of confiscated objects. If he finds that some objects have been in court custody for over six months, he shall report to the judge and chief judge for a decision.

When a confiscated object has been sold, destroyed or sold under a court decision, the mark of the final resolution is added to the mark of the case entry in the book.

3.11. Control Book for Fines, Lump Sum Advance Payment, Cost of Criminal Proceeding and Confiscation of Illicit Proceeds

Article 318

The control book for fines, lump sum advance payment, cost of criminal proceeding and confiscation of illicit proceeds serves for the registration of fines, lump sum advance payment costs of criminal proceeding as well as of confiscated illicit proceeds under final court decisions.

After entering a debit in the control book under Par. 1 above, below the judge’s decision ordering debit a stamp is affixed specifying that debit has been entered.

The control book serial entry number under which a debit was entered is placed in the appropriate section of the criminal register for that case.

Article 319

A court employee assigned to run the control book shall check on a monthly basis, by comparing control books against the daily record of fines, cost of criminal proceeding and confiscated illicit proceeds, whether the debited amounts have been collected. If he finds that some debit items have not been paid, he will examine the reasons and report to the chief judge for him to make a decision on the issue.

Article 320

A case is marked in the control book with the mark of the final resolution after the debit under that case has been either been wholly collected or written off.

The control book is concluded at year end by summing up on each double sheet the debits, collected, written off, and unpaid amounts, while below the last entry number a recapitulation is made with the totals for individual columns and the total unpaid balance. Recapitulation shall be confirmed by the employee who maintains the control book, the court registry head clerk and the chief judge.

Unpaid amounts are transferred into the next year’s control book together with all the entries from various sections and cases. In the earlier control book, the case is marked by the mark of the final resolution, and its new serial entry number is entered in the notes section.

Article 321

The control book of fines, lump sum advance payment, cost of criminal proceeding, and confiscated illicit proceeds keeps the register of the amounts of unpaid fees and expenses paid out from the court’s preliminary calculation of funds (preliminary accounts), as well as the required data concerning the order made to the party following the final decision to pay the expenses previously covered from the court’s

preliminary accounts. The fee and any expenses paid in advance from the preliminary accounts are collected by the court ex officio from the party under the duty to pay them.

3.12. Control Book for Persons in Detention

Article 322

The control book for persons in detention registers detained persons.

The control book under Par. 1 above makes separate registration of the persons under investigation from the persons charged with an offense.

3.13. Enforcement Register

Article 323

The enforcement register is a register of enforcement cases which serves for the control of work in enforcement cases.

3.14. Inventory Register

Article 324

The inventory register serves for the registration of data on the inventory of movable property.

Before the beginning of inventory, an officer shall check whether the property is already under lien and whether the inventory of debtor's property has already been made, to avoid duplication of procedures.

The inventory register is kept as a card-file system. The entries made in the inventory register are also entered in the inventory record.

Where the creditor gives up his claim or enforcement is suspended or where the debt is paid, the case entry in the inventory register is marked by the mark of the final decision.

3.15. Documents Register "Si"

Article 325

The documents register is the register of wills and other important documents handed to the court for custody.

The documents are delivered to the court by a special submission or orally, with the minutes taken. If the documents are delivered open, they will be placed in an envelope and sealed, while the number under which the envelope is filed in the register is placed on the submission or the minutes.

The folder which contains the document must bear the register's serial entry number, the last two digits of the year in which the document is filed in the register, and a short description of content (e.g. "Si 10/10 the will of Sajko Sajkovic, a teacher from Podgorica"). The document is kept in a safe place in the court, separately from other cases and files.

The documents are returned to the parties only under the court's decision. When the will is proclaimed, it is attached to the remaining inheritance files.

3.16. Service Log Books

Article 326

The court maintains separate log books for mail and transfer log books for other modes of service.

Filings that are served by mail are filed in the service log book whose form and content must be in compliance with the regulations governing postal services. In a service log book separate entries are made for evidence of receipt, registered and regular mail.

Before a filing is handed to a postal services provider the value of stamps is added up and the total amount is entered at the end of the last entry. The accuracy of the entry is checked by an employee from the accounting department.

The service log book also registers filings that are served in the court's seat by court employees.
The transfer log book registers filings that are transferred to the judges and different services in the courthouse.

CHAPTER FOUR PROVISIONS BY DIFFERENT TYPES OF PROCEDURE

4.1. Actions in criminal cases

Article 327

In emergency criminal cases the court acts without undue delay, particularly in detention cases, cases in which petition for pardon has been filed, or a petition for extraordinary commutation of sanction, cases of enforcement of criminal sanctions, procedures against foreign nationals, cases against juveniles, and procedures for a crime of neglect and abuse of minors, domestic violence and incest cases.

4.2. Investigation Judges

Article 328

Chief judges of higher and basic courts hold working meetings from time to time with investigation judges and the chambers deciding cases in the first instance without a main hearing and take any measures necessary for orderly and timely work during preliminary investigation and investigation.

Where upon the inspection of cases the chief judge identifies unorderedly or untimely actions in a case, he shall caution the investigation judge and take measures to ensure orderly proceedings without delays.

Article 329

When an investigation judge, because of a large number of accused and detained persons, extensiveness of a case, complexity of a large number of actions and measures that must urgently be taken or because he is busy with another partly heard case, cannot carry out all the required measures by the prescribed deadlines, he shall immediately report to the chief judge who will assign one or more judges to conduct investigation actions and measures.

The procedure from Par. 1 above particularly applies to the cases where there is a need to observe the deadlines concerning the duration, prolongation, or termination of detention.

4.3. Notification of the Proceeding and Decisions

Article 330

The court shall immediately, subject to special regulations, inform the immediate superior or employer where the person is employed of any detention order, or a final judgment under which an employed person is convicted.

The procedure under Par. 1 above also applies to the situations where under a final judgment criminal proceeding against the person under Par. 1 above is suspended, or where under a final judgment such person is acquitted or where the charge has been dismissed, for reasons other than the court's lack of jurisdiction.

In the cases under Paras. 1 and 2 above, where the person concerned is a lawyer the court shall notify the Bar, and where the person is a lay judge, the court shall notify the relevant chief judge.

Article 331

Any detention order or start of criminal proceeding against staff of diplomatic and consular representative offices who are foreign nationals shall immediately be notified by the court to the ministry of foreign affairs.

Article 332

Any security measure imposing a ban on one to engage in a profession, activity or duty imposed under a final order shall be notified to the relevant professional organization.

The court shall regularly deliver to the body in charge of maintaining criminal records the resolutions on rehabilitation and resolutions ordering deletion of convictions from a record.

Article 333

When so required by the special rules under which the court has the duty to report to bodies, institutions, and organizations or deliver final judgments to that, the court shall comply.

4.4. Detention

Article 334

In the registry with an entry on the case under which a person has been placed in detention the word “detention” is written or a stamp with the same wording inscribed placed before the name of the person. The word will be crossed out after the person has been released.

Article 335

The chief judge of a higher court or a judge duly assigned by him to visit detainees enters his observations into the register on the supervision he has conducted.

The chief judge of a higher court or a judge duly assigned by him informs the judge sitting on the case about the observations and, where necessary, the prison management as well. Where shortcomings or irregularities have been identified, the chief judge takes measures to eliminate them.

Article 336

Where a resolution is made to extend or terminate detention and it is obvious that the resolution will not be delivered in time to the investigation judge, the investigation judge will be notified of the resolution so that he can instruct the prison management to detain or release the accused.

4.5. Enforcement of Criminal Sanctions

Article 337

The prison sentence enforcement order is registered in the register for cases of enforcement of criminal sanctions “Iks”.

Article 338

The chief judge examines at the end of each month the register for the enforcement of criminal sanctions “Iks” which he verifies in the notes section under the last entry for that month.

When examining the register, the chief judge checks in particular whether convicted persons have been summoned to serve their prison sanctions, whether some of the convicts are at loose, and, depending on the status, he shall take appropriate measures.

Article 339

The chief judge who has handed the judgment for enforcement and the chief judge of the court responsible for enforcement of prison sentence compare the data on decisions handed for enforcement against the data kept in the registry for the cases of enforcement of criminal sanctions “Iks” every six months.

4.6. Collection of fines, costs of criminal procedure and confiscated illicit proceeds

Article 340

Final decisions ordering the payment of a fine, costs of procedure or confiscation of illicit proceeds are entered in the register of fines, costs of criminal procedure and confiscated illicit proceeds(Form 61Fm1)

as well as in the daily register of fines, costs of criminal procedure and confiscation of illicit proceeds (Form 61Fm2) separately for each person.

Article 341

After the debit and the term of payment has been entered in the register of fines, costs of procedure and confiscated illicit proceed, at the bottom of the filed judge's decision ordering debit as well as on the folder of the file the number is written under which the debit is registered in the appropriate section of the criminal register.

Article 342

After entering the necessary data in the register of fines, costs of criminal procedure and confiscated illicit proceeds, the debtor is invited to pay the fine, costs of procedure and confiscated illicit proceeds (Form 61 Fm 3) by a deadline set in the decision ordering payment. The payment deposit slip is enclosed with the invitation.

The invitation includes the warning that evidence of payment should immediately be sent to the court.

Article 343

Every payment is notified to the court registry office by filling out a notice on the collection of a fine, cost of criminal procedure and confiscated illicit proceeds (Form 61 Fm 4), which is placed in the court files.

Article 344

The amount of fines, cost of procedure and confiscated proceeds is paid into the budget of Montenegro.

Article 345

An employee assigned to maintain the register of fines, costs of criminal procedure and confiscated illicit proceeds shall check the collection and take measures to collect payment as soon as possible for the receivables registered in the daily register and register, particularly before the expiry of the term of limitations.

At the end of each month the employee assigned to maintain the daily register shall check all the open items and inform the relevant judge by sending him a notice on the expiry of the term (Form 61 Fm 5) that the term set for the collection of payment has expired. The enforcement procedure for the collection of debt is initiated after the notice has been received.

If the court which issued the decision requested the enforcement of a fine, cost of criminal procedure and confiscated illicit proceeds from another court, the court responsible for enforcement will notify the court which requested the collection that the enforcement procedure has been initiated and specify the mark of its file.

Article 346

If the term running from the service of the enforcement notice, as set in the judgment ordering enforcement, has expired and enforcement has not been conducted, the employee assigned to maintain the register of fines, costs of procedure and confiscated illicit proceeds shall request from the court responsible for enforcement a notification specifying the reasons why enforcement was not conducted within the set term. The notification shall be sent on the form (Form 61 Fm 6): request for notification of the status of enforcement of a fine, costs of procedure, and confiscated illicit proceeds. The chief judge shall also be notified of the status identified.

Article 347

If the accused does not pay within the set term the fine, costs of criminal procedure and confiscated illicit proceeds, the case shall be transferred to the judge for his decision on the matter (e.g. to convert a fine into a prison sentence, to make a resolution on exemption from the costs of procedure, etc).

Once the decision to convert a fine to a prison sentence, or a decision to exempt one from the costs of criminal procedure has become final and when it is established that the enforcement of fine or collection of costs of criminal procedure and collection of confiscated illicit proceeds have become barred by statute of limitations, the debit previously entered in the register and daily register of fines is annulled by the book-keeping red cancellation stamp and the number and date is entered of the resolution under which cancellation is effected.

The chief judge makes an order to also cancel the debits for which forced collection is irrational other than debits for fines.

Where after the adoption of resolution under Par. 2 above, a fine, costs of criminal procedure, and confiscated illicit proceeds are paid, the same debit is then filed in the same register.

The procedure under Par. 3 above also applies to fines pronounced and collected over disrespect of court.

4.7. Confiscation and Storage of Objects

Article 348

The objects confiscated in a criminal procedure or found with the accused without knowing who they belong to, as well as any bails are filed in the register of confiscated objects.

If confiscated money, securities and valuables should serve as evidence in procedure, they are stored in the treasury safe. If they have other purpose or if they have been given as a bail, they are handed to the court deposit for storage.

Other objects are handed for storage to the employee assigned under the Rules to store them.

If the objects concerned are financial statements and reports that may serve as evidence, such statements and evidence are put in order, placed in the folder and stored in the manner described under Paras. 2 and 3 above.

Article 349

Upon receipt of an indictment, the judge orders inspection of whether the objects have been confiscated and handed to the court. If such objects are not with the court, he shall order that they be surrendered to court, or taken from the persons who they are found with.

Confiscated objects, depending on their size and property, are stored in the court deposit until the final decision, in compliance with the Rules.

Perishable objects are sold by court if necessary and the money will be placed in the court deposit.

4.8. Acting upon Pardon Petitions

Article 350

Pardon petitions are handled in an emergency procedure.

If an pardon petition is granted, the original decision is placed into “K” case, and the certified copy is kept in the case “Kp”.

If an pardon petition is turned down, a note is made in case “K” that the petition has been turned down, while the original decision is kept in case “Kp”.

4.9. Acting in Enforcement Cases

Article 351

The court which has issued an enforcement order, where it is not the court of enforcement, shall deliver to the court in charge of enforcement a sufficient number of copies of the enforcement order together with the enclosures for the court and the parties.

A copy of the motion, together with the original enforcement order, is kept in the files of the case in which the enforcement order was issued.

Article 352

Every motion for enforcement is filed in “I” register as a new case, irrespective of how many objects of enforcement are proposed, or allowed.

Where the same creditor based on the same enforcement title against the same debtor requests by making several special motions several new objects of enforcement, such motions are filed in “I” register as independent cases.

Article 353

Where the same creditor based on the same enforcement title requests under a new motion the expansion of enforcement over the same object of enforcement or requests several identical objects of enforcement that were not covered by the previous motion or the enforcement order already issued, the new motion is not filed separately in “I” register but is placed in the existing case files and entered in the case repertory under the next serial entry number.

Article 354

The court directly conducts the enforcement actions that are within its jurisdiction.

Article 355

The court conducts enforcement without any delays, as a rule, in the order in which the enforcement cases were received.

The cases under which enforcement needs to be conduct are entered in the register of enforcement.

4.10. Bankruptcy and Liquidation Cases

Article 356

Upon receipt of the motion to initiate a bankruptcy or liquidation proceeding, the registry clerk checks by inspecting the register of bankruptcy and liquidation whether there is another bankruptcy or liquidation proceeding filed that has either already been conducted or is now pending against the same debtor, which he verifies by entering a note “register examined” on the motion.

If it is established that a proceeding has been already conducted or is now pending, a formal note is made on the filing and signed by the registry clerk.

Any subsequent filings concerning a pending case are handed by the registry clerk to the judge in charge of the bankruptcy or liquidation proceeding.

Article 357

A judge in charge of a bankruptcy or liquidation proceeding shall direct, where necessary, that a separate register of creditors be made and that registered receivables be placed into a separate folder. A separate register of receivables will be kept on such a separate folder.

The register of creditors includes the following: entry number, date, creditor’s name, reported liabilities, and disputed liabilities.

If a judge in charge of the bankruptcy or liquation case decides that some other filings should be registered separately, he shall specify the data to be entered in that register.

The basic number of “St” register, or “L” register remains unchanged until the proceeding has been finalized, irrespective of the duration of a bankruptcy or liquidation proceeding.

PART FOUR
CHAPTER ONE
FINANCIAL AND MATERIAL OPERATIONS

Article 358

Financial and material operations with the parties and other physical and legal persons with respect to the receipt of money and other valuables for specific purposes in a proceeding, and the receipt of money and

other valuables the user of which has been identified in the proceeding, as well as the collection of fines, costs of criminal procedure, confiscation of illicit proceeds and bail is carried out in accordance with law.

Article 359

Financial and material operations in the court rests within the responsibility of the chief judge, as the initiator, the judge sitting on the case concerned as a person who gives orders, and employees who are in charge of financial and material operations as accountants.

Article 360

When accountants and entrusted or cleared of the duty to run financial and material operations and when accountants are replaced, a formal handover shall be made, the minutes of which are taken.

Article 361

Financial and material operations in a case are conducted in compliance with the judge's orders. All receipt and issuance of money and other valuables must be entered in the registers, as set by the Rules.

An entry is made in the case files of the receipt or deposit concerned specifying the serial entry number from the daily register under which the transaction was registered.

Article 362

Money and valuables are received and issued based on receipts, certification or records all of which are stored as financial documents, i.e. they require that the signature of the recipient be placed in an appropriate section of business books and records.

Article 363

Exceptionally, in particularly justified situations or when so ordered by the judge, the court may directly receive the money, a receipt of which is issued to the party, while the copy of the receipt is kept as an accounting document.

If based on the party's statement it is impossible to establish whether the deposit or payment of money is necessary, the accountant shall immediately seek the instructions from the relevant judge.

CHAPTER TWO COURT DEPOSIT

Article 364

The court deposit serves for the deposit of money and valuables that are either intended for use for specific purposes in the proceeding (temporary deposit) or for which the user is to be identified in the procedure (permanent deposit).

Money and valuables deposited in the court deposit are stored in the court's treasury, in the court's special cash account or in the bank safe.

If for reason of its properties or size, an object may not be kept in the court deposit or safe, a decision will be made to have it stored with an appropriate third party legal or physical person.

Article 365

The individual court deposit has its name in which entries are made of the depositor and the legal matter that the deposit refers to.

Article 366

Court deposit assets are under financial and material operations management of the judge sitting on the case.

Any receipt and issuance of money and other valuables is entered in appropriate registers (daily register and account ledger).

A note must be made on the case folder on any deposit and receipt effected, specifying the entry number from the daily register.

Reports on any changes in the deposit balance are attached to a special card in the chronological order and put in the case files.

2.1. Receipt of Money

Article 367

Money is received in the court deposit by the depositor making a payment into the court's account where the court keeps its deposit.

Notwithstanding the above, when deposited assets are to be used for certain purposes immediately or within a very short period of time, the court may receive the money through its treasury, provided it is not in violation of the maximum petty cash amount set for the cash account.

The treasury's maximum is set by the chief judge in accordance with the regulations governing financial operations.

The money received into the account of a court deposit and the money paid directly into the court's cash account is entered in the daily register of money deposits which is kept in the court's treasury or in the court's bank account (Form 61 Fm 7).

Article 368

Cash payment is understood to include electronic payment from an account held by a physical or legal person.

The money received through mail is treated like the money received at the court's treasury.

2.2. Receipt of Valuables

Article 369

The court receives valuables directly or through mail. Received valuables are inventoried and assessed.

The inventory of valuables is conducted by the commission appointed by the chief judge, and the assessment by a court expert.

A person assigned to look after the non-monetary deposit is, as a rule, a member of the commission for inventory of valuables.

The received articles are inventoried by the number of items, quality, quantity, weight, form, and other specific characteristics so as to eliminate any possibility that articles will be mutually confused.

The record the inventory and assessment is made in two copies, of which the original is placed in the folder together with the inventoried valuables, and the copy into the appropriate case file. The folder bears the name of the deposit, case mark, and a warning that a copy of the record is found in the folder.

Valuables are assessed on the basis of their market value on the date of their receipt in the court.

The costs of inventory and assessment are determined by the judge, who decides who will cover such costs.

2.3. Receipt of Securities

Article 370

Securities are received by making an inventory of them and specifying the following: state of issuance, name of issuer, series and number of securities, amount entered in the ticket, tickets attached to the securities, and the date when the payment is due or when the first ticket is to be released.

If securities were issued in Montenegro, their value is marked in their par value. If the securities do not have all the coupons, i.e. if when collecting the ticket amount in addition to interest part of principal is also paid out, the amount of value entered will be the reduced value of securities.

Where it is not possible to immediately establish par value for securities issued abroad, their value will be temporarily specified in the amount of one euro (registration euro).

2.4. Receipt of Savings Books

Article 371

A savings book is inventoried by specifying the following: name of issuer, name of holder and user, book number, amount of balance entered in the book, and a special code, if any.

The value of a savings book issued in Euro will be recorded according to the balance that the book shows in nominal value.

If a savings book was issued in a foreign currency, its value will be stated in Euro after the exchange transactions effected at the rates valid on that date. Where its value may not be established in that way, its value will temporarily be recorded as one Euro (registration euro).

2.5. Receipt of Documents

Article 372

Documents are inventoried by specifying their type, issuer, date and place of issuance, and other particulars.

Documents are entered by individual items, without any specification of their value.

2.6. Receipt of Foreign Currency

Article 373

If the object of deposit is a foreign currency, the inventory will specify the state in which the currency is the official tender, number of banknotes and their par value, name of issuer, series, and other data as may be necessary.

The value of received foreign currency is entered according to the rate of exchange valid on the date of receipt.

The foreign currency funds received at treasury will be paid into the court deposit account unless otherwise decided by the judge sitting on the case, depending on the need to present evidence.

2.7. Storage of Money

Article 374

Money handed to the court is kept in the court's special bank account.

The received money may by exception be kept in the court cash account if there is a need to immediately pay it out.

If the money directly received may not be paid out for specific purposes within five days of receipt or if it cannot be kept on the court's cash account because the amount exceeds the petty cash account maximum as set by the relevant regulations, it will immediately be paid into the court's bank account.

2.8. Storage of Foreign Currency

Article 375

Money in a foreign currency is kept at the court's bank account.

2.9. Storage of Valuables

Article 376

Received valuables (valuables, securities, savings books, and documents) are stored in the court's treasury or at a bank safe.

In the ledger heading, a specification is made of the place of storage by the following marks: “treasury” or “safe”.

Article 377

Received valuables are placed in separate folders which carry an outside mark specifying the case mark, number of deposit under which the valuables have been received, legal matter that they refer to, a brief specification of the contents, and depositor’s surname, name and address.

The record of inventory and assessment is placed into the folder together with the deposited objects. Once the folder is opened, the commission members sign the folder next to the stamp.

Article 378

The received valuables are filed in the register of non-cash deposit (Form 61 Fm 8).

2.10. Deposits Stored by Other Persons

Article 379

Before the court orders that the deposit be stored at the persons under Art. 364(3) of the Rules, it shall request of the claimant to deposit an advance for the cost of storage and handling with the deposit.

Before the court hands over the objects of deposit, it shall do the inventory and assessment of the deposit and make a record of it in two copies, of which one is placed in an appropriate case file, and the second one is handed to the deposit keeper together with the object of deposit.

The receipt of the deposit under Paras. 1 and 2 above is filed in the register of deposits stored by other persons (Form 61 Fm 9).

2.11. Issuance of Money

Article 380

Money stored in court’s deposit is issued only under the judge’s written order and in the manner determined by him. The order to issue money from the court’s deposit specifies: object of issuance, surname, name, name of the user that the object of deposit is issued to, as well as the name and number of deposit.

Cash is paid to the user at court’s treasury, by mail or through a bank. Money kept on the court’s bank account is, as a rule, paid out through the bank under an appropriate order.

Money intended for specific purposes in the proceeding may be withdrawn from the bank and paid out to the user at the court’s treasury.

When individual items are requested from a sealed folder, the court issues a resolution ordering that the sealed folder be brought. The sealed folder is opened by the commission, and the items requested are handed to the user against a receipt, which is placed into the case files, and a correction is made in the record of inventory and assessment that the commission signs and closes back again.

If the user is not present at the time the item is separated out, the item will be temporarily handed to the court’s treasury, an entry of which is made in the appropriate daily register and accounts book, and the user is invited to take the deposit within a certain time period.

2.12. Issuance of Valuables

Article 381

Valuables are issued to the user directly or through mail, or through the requested court.

If valuables are handed to the user directly, they are issued against a signature placed on the transcript of the judge’s order to issue valuables, which is stored as a book-keeping document.

If valuables are issued through mail or requested court, the chief judge appoints a commission of three members, of whom one is a person authorized to store non-monetary deposit, who examines the consignment, closes it again and hands it over for dispatch.

2.13. Temporary Issuance of Money and Other Valuables

Article 382

Temporary issuance of money and valuables for use in a court proceeding is done against the evidence of return (receipt) which is placed into the appropriate folder at the court's treasury. When a temporarily issued item is returned to the deposit, the evidence of return (receipt) is annulled.

Article 383

A deposit may be issued to the user only under a court resolution and in the manner set in the resolution.

The resolution granting issuance of deposit specifies the cost of storage, the person responsible for covering the cost, and any further procedure concerning the deposited advance.

Article 384

If due to a change of the court's actual or territorial jurisdiction, the deposit needs to be handed to another court, a resolution is issued to regulate that. The court then delivers the deposit by mail or through bank to the court as set in the resolution.

Article 385

Any problems concerning the issuance of deposit or individual legal operations (e.g. ban on disposing of the item or placing any burden on it, right of use, fulfillment of orders on the basis of a will, etc), or certain handling operations that are repeated are entered by a red ball pen into the section of an appropriate accounts book.

2.14. Procedure with Court Deposits Barred by Statute of Limitations

Article 386

The resolution ordering the issuance of deposit to the user sets a term within which the deposit must be taken and specify the legal consequences of failure to comply with the term.

If the user does not take the deposit within the set term which makes the issuance time-barred, the court shall issue a resolution stating that the right to be issued the deposit has expired, and that the deposited object has become state property.

Where the deposit barred by time limit is valuable, the court will sell the valuable object to the benefit of Montenegro's budget.

Article 387

Provisions of the Rules regulating court deposit also apply to deposits of bail in a criminal procedure.

CHAPTER THREE BUSINESS BOOKS FOR FINANCIAL AND MATERIAL OPERATIONS

Article 388

Business books for financial and material operations with the parties are kept in the system of double book-keeping and as part of the account plan set for courts.

To record deposits and withdrawals of cash, securities, and other articles, the court maintains prescribed daily registers and their corresponding ledgers, as well as the required auxiliary books and records, in the forms set by the Rules and in other prescribed forms.

Records are kept for the account of every single deposit separately.

3.1. Daily Registers

Article 389

For receipt and issuance of cash, valuables and other articles concerning financial and material operations with the parties the following daily registers are used:

- 1) cash deposit daily register which is stored at the court's treasury or at its bank account;
- 2) daily register of non-cash deposits;
- 3) daily register of fines, costs of criminal procedure, and confiscated illicit proceeds.

Daily registers are kept on sheets that once filled out are verified by the chief judge. Daily register sheets are stored away in special folders in the order of their page numbers and are bound at year end into books and stored together with other book-keeping documents for that calendar year.

Book-keeping is done in the chronological order through appropriate ledgers.

3.2. Ledgers

Article 390

In addition to individual daily registers, ledgers are also kept, in a manner set by the Rules, to keep a record of court deposit balance.

Before a new account is opened, it is necessary to check whether in the same legal matter there is a deposit already placed and whether a special account (ledger) has been opened for that purpose.

Every ledger must be verified by the chief judge after the first entry made in it.

Article 391

Attached to any daily register is a ledger, namely:

- 1) ledger of cash deposits stored in the court's treasury or at the court's bank account (Form 61 Fm 10);
- 2) ledger of non-cash deposits, and
- 3) ledger of fines, costs of criminal procedure, and confiscated illicit proceeds.

Article 392

Ledgers of different types differ one from another in the color of their upper edge, as follows:

- ledgers for cash deposits are stored at the court's treasury and are marked by a red edge;
- ledgers for cash deposits are stored at the court's bank account and are marked by a blue edge;
- ledgers for non-cash deposits are marked by a yellow edge, and
- ledgers for fines, costs of criminal procedure, and confiscated illicit proceeds do not have a colored edge.

Ledgers are stored separately by different types and are put in order by their individual numbers in the cardboard boxes with a sufficient number of compartments.

Article 393

Every ledger has a heading and columns with their respective names.

In the top left corner of the heading, after the first entry is made, the chief judge verifies each ledger by his signature and court's seal.

The case mark and account name is written in the middle of the heading, and below that space is left for notes.

The account number, number of account register, and the page numbers are written in the top right corner of the heading. The ledger of cash deposits also makes an entry on the place of storage, while in the ledger for fines, costs of criminal procedure and confiscated illicit proceeds, the term of payment is also entered.

If one ledger used for one type of account is already filled out, this ledger is added another one. The added ledger maintains the same account number and number of ledger, while the page numbers continue from the previous one.

Article 394

Every book-keeping change in business books and records for financial and material operations with the parties is registered solely based on a written document, in accordance with the regulations on financial and material operations.

Article 395

All receipts and issuance of cash deposits stored in the court's treasury are conducted through the treasury's report on the cash paid in by individual parties (Form 61 Fm 11), following the order of their receipt and issuance, after which, based on the original treasury report for cash payments by individual parties, such receipts and issuance is registered in the daily register of cash deposits, which is stored in the court's treasury through appropriate ledgers.

Receipts and issuance of cash deposits stored in the court's bank account are filed on the basis of the bank report. Reports on deposits and payments of cash deposits stored in the court's bank account are stored by the employee assigned to maintain the daily register of cash deposits, ordered by the number of extracts, in a special folder.

Receipts and issuance of non-cash deposits are registered on the basis of the receipts record and the judge's order on issuance and are registered by a copy method in the daily register of non-cash deposits through appropriate ledgers.

3.3. Auxiliary Books and Registers

Article 396

In addition to daily registers, ledgers and business books for financial and material operations with the parties, the court also maintains the following auxiliary books and records:

- treasury report for cash payments by individual parties,
- record of deposits stored with other persons,
- name register of accounts (Form 61 Fm 12),
- register of deadlines for court deposit management (Form 61 Fm 13).

Article 397

In addition to daily registers and ledgers, the courts, where necessary, may maintain the name register of accounts in the alphabetical order of account holder's names.

Article 398

The deadlines by which certain measures must be taken with respect to deposit operations and management are entered in the deadlines register for management of court deposits in the system of calendar.

Deadlines are registered one month in advance.

3.4. Closing of Business Books and Books of Financial and Material Operations

Article 399

If there have been any payments in and out, the treasury transactions are entered in the treasury report by individual parties for any cash paid. Such entries are made and closed on a daily basis. The treasury report is handed to the staff in charge of financial books with the documentation for any further booking under the account plan.

Monthly sums of accounts payable and receivable in the daily cash deposit register, which are kept in the court's treasury or on the court's bank account, as well as the daily register of non-cash deposits, are entered in the court's financial books under the account plan.

Article 400

If there is no judge's order present at the time of receipt of an amount or article, the accountant shall request that such an order be immediately issued. Where there are no case files, a new case will be created for that purpose and be filed in the "R" register for various civil cases.

All receipts and issuance of money and other valuables are filed in appropriate registers in the manner set by the rules and the instructions for various registers.

A note is entered in the case files on the deposit or receipt conducted specifying the register entry number under which the registration was made.

Article 401

Money and valuables are received and issued on the basis of receipts, certificates or records, all of which are stored as financial documents, or against placing the recipient's signature in the appropriate section of the business books and registers.

Article 402

At the end of a business year all business books and registers for financial and material operations with the parties are closed in compliance with law, separately for:

- court deposits in the special form for the list of court deposits (Form 61 Fm 14),
- fines, costs of criminal procedure and confiscated illicit proceeds in the form: list of pronounced and uncollected fines, costs of criminal procedure and confiscated illicit proceeds (Form 61 Fm 15).

Article 403

Business books prescribed by the Rules are closed by the accountant.

Article 404

Daily registers, auxiliary books, and registers, as well as the lists of court deposits and pronounced and collected fines, costs of criminal procedure and confiscated illicit proceeds, are signed by the chief judge and the accountant.

Article 405

The list of court deposits and the list of pronounced and collected fines, costs of criminal procedure and confiscated illicit proceeds make a special annex to the court's final balance sheet.

PART FIVE CHAPTER ONE PROVISIONS ON INFORMATION TECHNOLOGY AND PRIS

Article 406

For the purpose of performing court management functions and discharging office and other duties important for court's internal operations courts may use electronic information technologies ("IT").

Courts, as a rule, use IT in their work for text processing, record keeping, processing and collection of statistical data for electronic data exchange, accounting operations, as well as for keeping up to date with regulations and case law in both judiciary and prosecution services.

In their work with IT courts apply the regulations governing IT *mutatis mutandis* as well as the provisions of the Rules.

The data entered through IT are treated in the manner set by law.

Article 407

Courts may use IT that allow the following:

- 1) maintaining of registers and auxiliary books that must include, at a minimum, all the data as the registers and auxiliary books,
- 2) registration of judges, chambers, lay judges, court experts, etc.
- 3) random case assignment,

- 4) text processing (drafting of documents, orders, decisions, etc),
- 5) maintaining a register of case law and regulations,
- 6) joinder and severance of cases,
- 7) scanning and storing of documents in their original form,
- 8) creating and printing of statistical reports,
- 9) generating data in any format and their recording on a medium (disks, USB-flash disc, USB-hard disc, etc),
- 10) monitoring the flow of cases and case files within a court and with respect to other courts and authorities.

Article 408

The Judicial Council Secretariat is responsible for the provision and maintenance of IT in courts, keeping up-to-date and implementation of new technological advances, data and system security, training for judges, officers and employees, and provision of technical assistance to PRIS users.

In courts using PRIS, the chief judge is responsible for the provision of necessary human resources and organizational conditions for the functioning of IT, for correct and timely entry of data and for the implementation of security measures and protection of data and IT necessary for PRIS usage.

Article 409

Persons authorized for access to PRIS are persons authorized to conduct certain operations with IT support (“users”) such as data entry and case management within their assigned roles, authority and powers as set by the chief judge in the assignment schedule.

Other than the users, right of PRIS access is also granted to officials authorized to have insight into the data of a given court who may be employed with that court, another court, the Judicial Council Secretariat or the Ministry. Such persons are not authorized to enter or change any case file data but are authorized to have access to data based on their respective roles and powers with respect to PRIS.

Other than the users, experts and IT administrators maintain proper PRIS operation.

IT experts are persons responsible for the development and maintenance of PRIS so assigned and authorized by the Judicial Council Secretariat. They are assigned responsibility for individual areas of IT development and maintenance (computer equipment, program solution, data base, communications, education, etc), and their authorization is defined by their scope of work, obligations and responsibilities.

IT administrators are persons responsible and authorized for the entry of all the data on the courts, users, their roles, and other data necessary for smooth operation as well as for issuance of binding operating instructions for PRIS.

IT administrator at the Judicial Council Secretariat is a person responsible for granting and withdrawal of usernames, roles and authorizations for PRIS access in courts.

Article 410

The forms 1 through 61, together with the instructions for their keeping, make an integral part of the Rules.

CHAPTER TWO FINAL PROVISIONS

Article 411

As of the effective date of the Rules, the Court Rules of Procedure (“Official Gazette of RMNE”, NO. 36/04 and “Official Gazette of MNE”, No. 62/09) shall be repealed save for the provisions from Articles 347-356 and Articles 366-368, which will be implemented until public enforcement officers start to operate.

Article 412

The Rules shall enter into force on the eight day of their publication in the “Official Gazette of Montenegro”.

No. 03-3866/11
Podgorica, 25 May 2011

Minister,
Dusko Markovic



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