

Version 1.11

(Draft)

ACT of ... 2018,

amending and supplementing Act No 385/2000 on Judges and on Lay Judges and on the Amendment and Supplementation of Certain Acts, as amended by further regulations, and amending and supplementing certain other Acts

Article I

§ 5

Prerequisites for appointing a judge

- (1) A citizen may be appointed as a judge provided he/she
- a) has attained the age of at least 30 years as of the day of the appointment,
 - b) has a master's degree in law awarded by a faculty of law of a university in the Slovak Republic²⁾ or a recognised document confirming the award of a master's degree in law issued by a foreign university; if he/she has a first-level degree followed by a master's degree, both degrees should be in law,
 - c) is fully competent and medically fit to perform the duties of a judge⁴⁾,
 - d) has no criminal record,
 - e) meets the prerequisites of judicial competence guaranteeing that he/she will properly perform the office of a judge (hereinafter "the prerequisites of judicial competence"),
 - f) has permanent residence in the Slovak Republic,
 - g) has passed a specialised judicial examination,
 - h) has successfully undergone a selection procedure unless this Act stipulates otherwise,
 - i) consent to his/her appointment as judge and to his/her assignment to a pre-determined court **or to his/her assignment for a Regional Court area as a guest judge**; this consent must be in writing.

§ 11

Assigning a judge

(1) The Judicial Council shall assign a judge to serve at a district court **or to serve as a guest judge** from amongst candidates for the post following a mass selection procedure. The Judicial Council shall assign a judge to serve at a Regional Court, a Specialised Criminal Court and the Supreme Court of the Slovak Republic (hereinafter only "the Supreme Court") following a mass selection procedure whose results shall be notified by the chairperson of a Selection Committee.

(2) Only a judge who has practised law for at least 15 years may be assigned to the Supreme Court.

(3) Only a judge who has practised law for at least seven years may be assigned to a Regional Court and Specialised Criminal Court if this involves assignment to the law administration section of a Regional Court, and at least ten years in other instances.

(4) The assignment of a judge to serve at a pre-determined court **and the assignment of a judge as guest judge for a Regional Court area** shall take effect on the day of the appointment. The Judicial Council shall notify the minister of the assignment within three days of the assignment being made.

§ 11a Guest judge

(1) A guest judge is a judge who has consented to his/her assignment to a vacant post of guest judge for a Regional Court area.

(2) A guest judge shall serve as a judge under subsection 1 at a District Court as specified in writing by the President of the Regional Court after discussions with the Minister of Justice during a period of

- a) absence through maternity leave or parental leave,
- b) absence for sickness exceeding six weeks,
- c) a temporary assignment,
- d) a study stay elsewhere,
- e) or due to rescission of the office of a judge under § 24(1–3),
- f) a suspension of the office of a judge, or
- g) a judge's secondment to undertake tasks in a body of the European Union.

(3) A guest judge may serve as a judge at a higher level court only if the assignment is temporary (§ 12).

(4) Performance of the office of guest judge at a District Court under subsection 2 shall end on the day the substituted judge resumes office.

(5) After five years as a guest judge, a guest judge may be transferred at his/her own request to a vacant judge's post at a District Court or, following a selection procedure, to a Regional Court. The above time period shall not include any period of absence due to maternity or parental leave or study stay elsewhere or secondment to undertake tasks in a body of the European Union or when the judge's office was rescinded or suspended.

(6) The Ministry shall maintain a list of guest judges and publish it on its website.

§ 12 Temporarily assigning a judge

(1) ~~In order to secure proper running of the justice system, a judge may be temporarily assigned, with his/her own consent, to serve at another court.~~ If the proper running of the justice system cannot be secured through the assignment or transfer of a judge or guest judge, a judge may be temporarily assigned with his/her consent to another court for reasons as under subsection 2. Holding office at two courts is excluded, save for serving as chairperson of a disciplinary tribunal or member of such a disciplinary tribunal.

(2) A judge may be temporarily assigned only for the purposes of securing the proper running of the justice system for reasons as under § 11a(2).

(3) The Judicial Council shall decide on the temporary assignment of a judge at the proposal of the president of the court to which he/she is to be temporarily assigned and after obtaining the opinion of the president of the court where the judge is currently in post ~~and if a guest judge is involved and if it relates to the assignment of a guest judge to the Supreme Court, after obtaining the opinion of the president of the Regional Court.~~

(4) A temporary assignment of a judge may not exceed one year within a three-year period.

(5) For the duration of a temporary assignment, the assigned judge shall be a member of the plenum of the court to which he/she is temporarily assigned, but shall not be entitled to election to the judicial self-governance bodies of that court; however, he/she will continue to hold the elected post at the court from which he/she was transferred.

§ 13

Study stay attachments

(1) A judge may, if he/she consents to do so, occupy the post of a study stay

- ~~a) at the Office of the President of the Slovak Republic,~~
- ~~b) at the Office of the National Council of the Slovak Republic,~~
- a) at the Office of the Judicial Council of the Slovak Republic (hereinafter “the Office of the Judicial Council”),
- ~~d) at the Office of the Government of the Slovak Republic,~~
- b) ~~at the central authority for the state administration of courts,~~ at the Ministry of Justice,
- c) in an institution providing for the training of judges,^{5c)} or
- d) as a judicial adviser⁶⁾ at the Constitutional Court of the Slovak Republic.

(2) During a period of study stay under subsection ~~1a) to 1f)~~ 1a) to 1c), a judge may not occupy the post of a judge. A study stay of a judge under subsection 1 shall be regarded as carrying out the duties of a judge.

(3) The study stay of a judge under subsection ~~1e) and 1f)~~ 1b) and 1c) shall be decided by the Minister following discussion with the president of the court where the judge is currently in post. In other cases the study stay of a judge shall be decided by the Judicial Council after obtaining the opinion of the Minister and after discussions with the president of the court where the judge is currently in post.

~~(4) A study stay of a judge shall last for no more than two years unless otherwise stipulated by special legislation; if this is necessary for ensuring the activity of bodies listed in subsection 1, the study stay may be extended for no more than a further two years. A study stay of a judge shall last for no more than two years unless otherwise stipulated by special legislation; if this is necessary for ensuring the activity of bodies listed in subsection 1, the study stay may be extended for no more than a further two years.~~

(5) The provisions of this Act concerning the temporary assignment of a judge shall likewise apply also to the study stay of a judge.

§ 24
Rescinding the office of a judge

(1) The office of a judge shall be rescinded on the day the judge becomes

- a) President, a member of the Government, a National Council Deputy, chairperson or head of another central authority of state administration, or Secretary of State **or head of a civil service authority,**
- b) a Judge of the Constitutional Court of the Slovak Republic, or
- c) President of the Judicial Council.

(2) The office of a judge shall also be rescinded on the day that the judge registers as a candidate in elections for the presidency of the Slovak Republic, in elections to the National Council or in local government elections. The rescission of the post shall remain in force for a further three months after the declaration of the results of such elections if the judge is not elected, or for a further three months after the end of the period of the office to which he/she was elected in the elections.

(2) The Minister shall rescind the office of a judge who is engaged in an international organisation or in international judicial bodies established for the purpose of implementing an international agreement that is binding on the Slovak Republic, and if this activity prevents him/her from properly carrying out the office of a judge.

(4) The Minister shall rescind the office of a judge who satisfies the conditions for entitlement to an allowance for having performed the office of a judge under § 95(1). If the judge resumes the office of a judge after such rescission, this allowance will not be paid to him/her during his/her resumed performance of office.

(5) The Minister may upon receiving the opinion of the Judicial Council grant an application from a judge to rescind his/her office for serious family or personal reasons. The rescission shall not be in force for more than five years.

(6) The post of a judge whose office has been rescinded under subsection 4 may at the direction of the Minister under special regulation^{5a)} become vacant.

(7) A judge whose office has been rescinded under subsections 1 and 3 or subsection 5 may reoccupy his/her post at the court where he/she served as a judge before the rescission; **or at another court to which he/she was transferred by the Judicial Council;** the judge shall notify the Ministry of Justice of the Slovak republic (hereinafter “the Ministry”) of this fact at least 60 days before commencing performance of the office. If the office of a judge was rescinded for reasons of his/her becoming president, a National Council Deputy, member of the Government, chairperson or head of another central authority of state administration, Secretary of State or head of a civil service authority, he/she may not apply for the post of president of a court or vice-president of a court for a period of one year after the end of the rescission of his/her office as judge.

(8) A judge whose office has been rescinded under subsection 4 may with the approval of the president of a court and of the Judicial Council reoccupy for a certain time

~~his/her post at the court where he/she served as a judge before the rescission, if there is a vacant judge's post at this court, or at another court to which he/she was transferred by the Judicial Council.~~ A judge whose office has been rescinded under subsection 4 may with the approval of the president of a court and of the Judicial Council reoccupy for a certain time his/her post at the court where he/she served as a judge before the rescission, if there is a vacant judge's post at this court, or at another court to which he/she was transferred or temporarily assigned by the Judicial Council, if there is a temporarily vacant judge's post at the given court designated by the Minister. The time of commencement and duration of office shall in this case be set by the president of the court by arrangement with the judge.

(9) A judge whose office has been rescinded under subsection 4 may on the day of his/her election as a member of the assessment committee occupy the office of judge at the court where he/she served as judge before the rescission, if there is a vacant judge's post at this court, or at another court to which he/she was transferred by the Judicial Council.

§ 25

Legal relationships of a judge

(1) A special relationship shall arise between a judge and the State upon his/her appointment as a judge and shall end when he/she ceases to serve as a judge, implying certain rights and obligations of the judge and State as regulated by this Act. In this regard the State is represented by the central authority for the state administration of the courts, whose jurisdiction is governed by special regulation.⁹⁾

(2) A judge's office shall start on the day he/she takes the oath of office and shall end on the day his/her office ends or on the day it is rescinded, unless stipulated otherwise by this Act.

(3) A Personnel Department shall maintain records relating to the judge and to the performance of his/her office as judge, in the judge's personal file. The judge shall be entitled to be informed of the content of his/her personal file and of how his/her personal file is presented or made available to another court or central authority for the state administration of the courts, and of the reasons for this procedure. The judge's Personnel Department shall provide the judge with written copies of documents that are kept in his/her personal file and shall permit him/her to obtain extracts and make photocopies of documents kept in his/her personal file.

(4) A judge's Personnel Department is the court to which he/she was assigned, transferred or temporarily assigned under § 12a. **The Personnel Department of a guest judge is the Regional Court.** A judge's Personnel Department is the Ministry, if the judge has terminated his/her office as judge and is in receipt of an allowance in respect of his/her work as a judge, or a surviving family member of a deceased judge is in receipt of such allowance in addition to the family member's pension,

(5) A judge's Personnel Department shall issue him/her with a judge's ID pass on the day he/she takes office as judge. A judge whose office has been rescinded or whose office has been suspended shall surrender his/her ID pass to the Personnel Department.

§ 27c

An assessment of a judge shall proceed on the basis of

- a) a scrutiny of his/her decision-making activity, the smoothness and dignity of the conduct of judicial proceedings during the period of assessment, with due regard to the legal and factual complexity of the cases assigned to the judge,
- b) opinions expressed by appeal panels or appeal review panels,
- c) the opinion of the president of the court relating to the activity of the judge under assessment **and, if the judge under assessment is a guest judge, the opinions of presidents of courts where the guest judge served as a judge during the period of assessment,**
- d) the personal findings of the person carrying out the judge's assessment (§ 27b) and the opinion of the Chairperson of the panel,
- e) the status and causes of older unresolved cases and delays in proceedings and from findings under § 27,
- f) the opinion of the Judicial Council regarding the judge's abidance by the principles of judicial ethics **and, if the judge under assessment is a guest judge, the opinion of the Collegium of Presidents of the Judicial Council.**

§ 27d

(1) Scrutiny under § 27c(1)(a) shall be carried out by an assessment committee. Scrutiny of a judge's court department shall be on the basis of a report on the outcome of an internal review carried out at the court to which the judge was assigned, ~~or~~ transferred, **or at which he/she served as a guest judge.** If the report on the outcome of an internal review is not adequate for the purposes of an assessment of the judge, the assessment committee shall direct its attention particularly to

- a) abidance by regulations pertaining to proceedings before the courts, record-keeping and decision-making matters, abidance by statutory timelines for proceedings and for the issue of court decisions,
- b) the promptness of elaboration and the plausibility of decisions,
- c) the level of preparation and the course of judicial deliberations, the utilisation of deliberation days and the reasons for any deferral of deliberations; to this end, committee members shall take part in randomly selected deliberations conducted by the assessed judge.

(2) In scrutinising the court records of an assessed judge, the committee shall examine at least 10 and no more than 15 case records, with at least two being from each assessment year, and five being selected by the assessed judge; these must not pertain to similar cases and at the same time the majority of the court records must involve cases in which decisions were issued on merits. The scrutiny of court records may relate only to cases which are properly concluded; it shall not apply to outstanding cases.

(3) On the basis of its scrutiny, the assessment committee shall award the assessed judge a no more than 30 points.

(4) Activities under subsections 1 to 3 at the Supreme Court shall be carried out by a three-member committee established by the Judicial Council from among the judges of this

court; on the basis of their scrutiny the committee shall award the assessed judge no more than 30 points and shall submit a written report to the chairperson of the relevant collegium.

(5) On the basis of opinions voiced by appeal panels or appeal review panels and of opinions of the Judicial Council regarding abidance by the principles of judicial ethics, and in accordance with his/her own findings relating to the activities of the assessed judge, the person performing the assessment (§ 27b) shall award the assessed judge no more than 35 points.

(6) On the basis of results obtained under § 27b and his/her own knowledge of the activities of the assessed judge, the President of the Court in question shall award the assessed judge no more than 35 points and shall submit a written report to the person performing the assessment (§ 27b).

Selection procedure

§ 28

(1) Each vacant judge's post **and guest judge's vacant post** designated by the Minister under special regulation^{5a}) shall be filled on the basis of a selection procedure; ~~if not filled,~~ a vacant judge's post may be filled by the transfer of a judge to a court of the same level under § 24(1) **and a vacant post at a District Court may be filled by the transfer of a guest judge under § 11a(5) and § 14(1)**. Records of judges' applications for transfer to a court of the same instance shall be kept by the Judicial Council, which shall inform the Ministry forthwith of each granted application.

(3) The selection procedure for the post of judge at a District Court shall be conducted out as a mass selection procedure for an undetermined number of vacant judges' posts **and vacant guest judges' posts**. The permitted number of candidates for the post of judge in a mass selection procedure shall be set for the area of each Regional Court by the Minister after discussions with the Judicial Council on the basis of the number of vacant judges' posts **and vacant guest judges' posts** expected in the respective calendar year.

(4) The selection procedure for the post of judge at a Regional Court, Specialised Criminal Court and Supreme Court shall be conducted for an undetermined number of vacant judges' posts.

(5) The selection procedure for the post of judge shall verify the candidate's specialist knowledge, the general knowledge required in view of the level of the court for which the selection procedure is conducted, the candidate's creative thinking ability, speed of consideration and ability to arrive at decisions, his/her verbal expression, his/her personality, state of health and knowledge of foreign languages.

(6) The selection procedure shall be public, save for the selection committee voting and the psychological evaluations carried out. If a greater public interest in the session can be expected, the authority administratively and organisationally obliged to arrange the procedure shall ensure that it is held in an appropriate room with regard to the anticipated interest and the available capacity.

(7) The selection procedure shall be conducted in accordance with the principles of equal treatment.⁷⁾

§ 28a

(1) A mass selection procedure shall be promulgated by the President of the Judicial Council at least once a year during the spring or autumn for the areas of all the Regional Courts so that all mass selection procedures take place at the same time. A selection procedure under § 28(3) shall be promulgated by the president of the court at which a vacant judge's post is to be filled; **the president of the court must promulgate a selection procedure within 30 days of the designation of a vacant judge's post, otherwise the designation of a vacant judge's post shall lapse.**

(2) A selection procedure shall be publicised on the website of the Judicial Council and Ministry, in the nationwide periodical press and in other generally publicly accessible communication media at least 60 days before it is conducted.

- (3) The selection procedure shall be administered and organised by
- a) the president of the appropriate Regional Court, in the event of a mass selection procedure, or
 - b) the president of the relevant court, in the event of a selection procedure under § 28(3).

§ 28d

(1) The Ministry shall create a database of candidates for the office of judge, one for each Regional Court area, on the basis of the results of a mass selection procedure.

(2) A vacant judge's post at a District Court within a Regional Court area **and a vacant guest judge's post** may be filled only from among the database of candidates for the office of judge created for the given Regional Court area. If a procedure in accordance with the preceding sentence cannot fill the vacant judge's post **or vacant guest judge's post** because no candidate is included in the database for the post, the vacant judge's post may be filled from among candidates for the office of judge created for the area of another Regional Court; the provisions of subsection 3 shall be appropriately applied.

(3) Candidates for the office of judge shall be included in databases under subsection 1 in the order of their success in a mass selection procedure. Databases under subsection 1 shall be supplemented on the basis of the next mass selection procedure by candidates for the office of judge from the next mass selection procedure in the order of their success through their inclusion in place of candidates for the office of judge who were earlier included in the database. A vacant judge's post **and a vacant guest judge's post** shall be filled from among candidates for the office of judge in the order of their success in the mass selection procedure listed as first in order in the database under subsection 1.

(4) A candidate for the office of judge shall be obliged to undergo preparatory training to attain the practical skills required for the office of judge and to notify the Ministry of their successful completion of such training.

(5) Databases under subsection 1 shall be published on the Ministry website. Apart from the title, given name and surname of the candidates for the function of judge, they shall also state details of the candidates' fulfilment of the preconditions for their suitability as a judges and their completion of preparatory training.

Judge's basic salary, pay categories and pay scales

§ 66

(1) The basic monthly salary of a Supreme Court judge and a Specialised Criminal Court judge shall be equal to 1.3 times the salary of a National Council Deputy, and he/she is entitled to this pay from the first day of the month in which he/she was assigned to or transferred to the Supreme Court or Specialised Criminal Court.

(2) District Court and Regional Court judges are categorised for basic salary purposes into two pay groups and seven pay scales.

(3) District Court judges and guest judges are in pay group I and Regional Court judges are in pay group II.

(4) Judges under subsection 2 are categorised in appropriate pay scales according to length of service depending on the institution.

§ 71a

Extra allowance for serving as a guest judge

A guest judge serving at a District Court shall be due an extra allowance for serving as a guest judge, amounting to 20% of the basic monthly salary.

§ 130

Serving of decisions

The decision of a disciplinary panel shall be served in person on a judge against whom disciplinary proceedings were held. The decision shall further be served on the judge's defending counsel, if he/she has one, the body which proposed the initiation of disciplinary proceedings, and also to the president of the court where the judge is acting if that person did not lodge the proposal for the initiation of disciplinary proceedings, and to the Minister.

§ 151zd

Transitional provisions regarding the regulations effective from 1 July 2019

(1) If a judge has been temporarily assigned under the regulations in effect until 30 June 2019 to serve as a judge at a higher court, this temporary assignment shall cease on 30 June 2020, unless it is terminated earlier for another reason.

(2) A study stay of a judge under § 12(1)(a), (b), (d) and (e) under the terms effective until 30 June 2019 shall end on 1 July 2019.

Article II

Act No. 185/2002 on the Judicial Council of the Slovak Republic and on the Amendment of Certain Other Acts, as amended by Act No. 267/2003, Act No. 426/2003, Act No. 458/2003, Act No. 548/2003, Act No. 523/2004, Act No. 597/2008, the Finding of the Constitutional Court of the Slovak Republic No. 290/2009, Act No. 291/2009, Act No. 400/2009, Act No. 495/2010, Act No. 467/2011, Act No. 195/2014, Act No. 322/2014, Act No. 362/2014, Act No. 171/2015, the Finding of the Constitutional Court of the Slovak Republic No. 374/2015 and Act No. 152/2017 are amended and supplemented as below:

§ 27fa

The filling of vacant judges' posts at District Courts **and vacant guest judges' posts**

(1) The Minister of Justice shall notify the President of the Judicial Council in writing without delay of the designation of vacant judges' posts at District Courts **or vacant guest judges' posts** and shall publish a notice of the designation of vacant posts on the Ministry website.

(2) If one vacant judge's post and a vacant guest judge's post are to be filled in the area of a Regional Court, the President of the Judicial Council shall send a written invitation to a candidate for the post of judge to consent to his/her appointment to serve as a judge and to his/her assignment ~~to the District Court~~ **to this vacant post at a District Court or vacant guest judge's post**; in the invitation the President of the Judicial Council shall state the **number of vacant guest judges' post**. If vacant judges' posts are to be occupied at two or more District Courts **and a vacant guest judge's post**, the President of the Judicial Council shall send a written invitation to a candidate for the post of judge to consent to his/her appointment to serve as a judge and to his/her assignment to one of the District Courts pertaining to the invitation of the President of the Judicial Council **or to the vacant guest judge's post**; in the invitation the President of the Judicial Council shall list all the District Courts at which vacant posts are to be filled **and the number of guest judges' posts**.

(3) If there is only a vacant guest judge's post to be filled in the area of a Regional Court, the President of the Judicial Council shall send a written invitation to a candidate for the post of judge to consent to his/her appointment to serve as a judge and to his/her assignment to the vacant guest judge's post. If there is only a vacant judge's post to be filled at a District Court or vacant judges' posts at two or more District Courts, the invitation under subsection 2 shall not contain the number of vacant guest judges' posts and the President of the Judicial Council shall ask for consent to assignment to the vacant judges' position at the District Court.

(4) The President of the Judicial Council shall proceed as under ~~subsection~~ **subsections** 2 and 3 such that he/she first invites the candidate for the office of judge who is listed as first in order in the appropriate database, and thereafter the next candidates for the office of judge, until all vacant judges' posts **and vacant guest judges' posts** are filled.

(5) Further to a notification from the Minister of Justice as under subsection 1, the President of the Judicial Council shall send a written invitation to attend the next session of the Judicial Council to candidates for the office of judge who satisfy the conditions for judicial competence and who have successfully undergone preparatory training and have granted consent under subsection 2 or subsection 3, to enable the Judicial Council to decide on the submission of a proposal for appointment as judge and to fill vacant posts as under subsection 1.

(6) If a candidate for the office of judge does not grant consent even a second time under subsection 2 or subsection 3, second sentence, he/she shall be excluded from the database of candidates for the office of judge; this shall not apply if it is a candidate for the office of judge from the database of candidates for the office of judge for another Regional Court area. A candidate for the office of judge shall also be excluded from the database if a majority of members of the Judicial Council do not agree to his/her appointment and assignment as a judge. The President of the Judicial Council shall notify the Minister of Justice forthwith of the exclusion of a candidate for the office of judge under the first and second sentence above.

§ 32

Transitional provisions regarding the regulations effective from 1 July 2019

A candidate for the office of judge included in a database of candidates for the office of judge up to 30 June 2019 who does not grant consent to an appointment to serve as a judge and to his/her assignment to a vacant guest judge's post shall not be excluded from the database of candidates for the office of judge.

Article III

Act No. 7657/2004 on Courts and on the Amendment of Certain Other Acts, as amended by Act No. 517/2008, Act No. 59/2009, the Finding of the Constitutional Court of the Slovak Republic No. 290/2009, Act No. 291/2009, Act No. 318/2009, Act No. 33/2011, Act No. 192/2011, Act No. 467/2011, Act No. 335/2012, Act No. 1952/2014, the Finding of the Constitutional Court of the Slovak Republic No. 216/2014, Act No. 332/2014, Act No. 87/2015, the Finding of the Constitutional Court of the Slovak Republic No. 374/2015, Act No. 125/2016, Act No. 301/2016, Act No. 2/2017 and Act No. 152/2017 are amended and supplemented as below:

§ 50

(1) For the purposes of this Act, the schedule of work of a president of a court shall be understood to mean running the organisation of the court's work whilst ensuring the administration of the justice system for the given calendar year.

(2) The schedule of work includes:

- a) setting up court panels and nominating sole judges, court clerks and notaries delegated to handle the various kinds of cases that arrive at the court,
- b) composing the panels, nominating their chairpersons and other panel judges; the schedule should also include delegating which of several available senate chairpersons are to serve in any given panel and which are to run and organise the panel's activity,
- c) establishing how panels, judges, sole judges, panel chairpersons and court clerks are to deputise for one another to ensure that proceedings and decision-making in ongoing cases should comply with special statutes relating to procedure and decision-making in the event of an exclusion of a judge or court clerk and in the event of a sudden obstacle preventing a judge or court clerk from carrying out individual tasks,
- d) managing how to incorporate guest judges into the schedule of work with due regard to the list of available guest judges for the relevant Regional Court area,
- e) managing how to effect changes in the schedule of work in the event of a long-term absence of a judge and to handle how this changes court staffing,
- f) managing how to effecting changes in the schedule of work for reasons of substantial differences in the workload of judges and delegated court staff that might emerge for objective reasons in the course of the calendar year,
- g) managing how to assign cases to sole judges and panels should it become impossible to make use of information technology and software due to breakdown resulting in a lack of access to data required for assigning cases which lasts at least two working days,
- h) managing a duty schedule for sole judges or panels and managing their substitution in the event of it proving impossible to assign a case by random selection, if this involves deciding on the provision of a defence counsel, the issue of an arrest warrant, a custody order, a search warrant, permission to carry out telephone surveillance and recording telecommunications, the recording of images, sounds or other recordings, a mental health examination order, an approval for the use of IT equipment under a special statute⁵⁾ and an order for urgent measures under a special regulation.
- i) setting a maximum difference in the number of assigned cases under § 51 between panels, sole judges and court clerks,
- j) including of judges into individual advisory boards and collegia,
- k) managing the delegation of notaries in probate proceedings and their representation¹⁶⁾ (hereinafter "the notarial schedule"),
- l) assigning court clerks and other court staff involved in tasks associated with the working of the justice system to individual court departments,
- m) any other matters as provided for by special statute.

(3) If a judge is also carrying out other activities pursuant to this Act or to a special statute,^{16a)} the schedule of work may also contain a reduction of the extent to which this judge is involved in the working of the justice system.

(4) The schedule of work, together with the opinions of the Judicial Council, are open to the public. The President of any court shall be obliged to provide a schedule of work to every judge in that court. Everyone shall be entitled to inspect the schedule of work and to make notes and take copies from it.

§ 51

Managing the assignment of cases in accordance with the work schedule

(1) Unless otherwise stipulated, cases listed according to the subject of the proceedings shall be assigned in accordance with the work schedule to individual court panels or sole judges by random selection using information technology and software approved by the Ministry, so as to exclude the possibility of undue influence on the assignment of cases. **A guest judge may be assigned in the criminal law agenda only cases of preparatory proceedings.** Court clerks shall be assigned cases according to the work schedule in such a way as to ensure an equal share of workload and the proper running of the court.

(2) The condition of random selection under subsection 1 is satisfied if the case is to be assigned to one of at least two panels, sole judges or court clerks.

(3) If a case cannot be assigned by random selection and there is a need to assign it for decision without undue delay where it involves deciding on the provision of a defence counsel, the issue of an arrest warrant, a custody order, a search warrant, permission to carry out telephone surveillance and recording telecommunications, the recording of images, sounds or other recordings, a mental health examination order, an approval for the use of IT equipment⁵) or an order for urgent measures under a special statute and in other cases as stipulated by a special statute, then matters shall be assigned in accordance with the schedule of work in a manner stipulated in the schedule of work so as to exclude the possibility of undue influence on the assignment of cases.

(4) **Unless otherwise stipulated under subsection 5, ~~Random~~ random** selection using information technology and software approved by the Ministry shall be used in accordance with the schedule of work or any change thereof to reappportion pre-assigned cases in the event of

- a) a long-term absence, in excess of six weeks, of the legal judge to whom the case was assigned,
- b) a change in the complement of judges within the court, including any change resulting from the temporary assignment of a judge; where there is a change in the composition of a panel the case shall be left with the original panel or reassigned to another panel where a judge-rapporteur will be included to ensure that a balanced workload of the panels at the court is maintained upon the reassignment,
- c) a substantial imbalance in the judges' workload,
- d) an exclusion from proceedings and decision-making on merits of the legal judge to whom the case was assigned.

(5) If a guest judge or temporarily assigned judge substitutes for a legal judge conducting and deciding on a case as a sole judge, then cases originally assigned to the substituted legal judge shall be assigned to the guest judge, and once there is no longer a reason for the substitution or if the temporary assignment ends, the assigned case shall be assigned to the original legal judge.

(6) In proceedings at a Specialised Criminal Court or Regional Court under a special statute¹⁷) or in proceedings concerning regular remedial measures or extraordinary relief, a case shall be dealt with by a panel to which it is assigned by random selection in accordance with the schedule of work, provided that the facts justifying the reappportionment of the case under subsection 4 do not relate to all the judges.

(7) In the event of a sudden hindrance that prevents the legal judge to whom a case was assigned from carrying out his/her tasks and from deciding in the matter for a period of less than six weeks, the case shall be assigned to a judge designated to substitute this legal judge according to the schedule of work; the assignment shall take place when the sudden hindrance is found. For the purpose of these provisions, absence through the taking of leave is also understood to mean a sudden hindrance at work.

(8) If a case is returned to a court for further proceedings and decision-making on merits, it shall be assigned to the judge to whom it was originally assigned as legal judge; if such judge is not at the court, the case shall be randomly assigned using information technology and software approved by the Ministry in accordance with the schedule of work.

(9) Should it become impossible to make use of information technology and software for assigning a case due to breakdown resulting in a lack of access to data required for assigning cases which lasts at least two working days, cases shall be assigned in accordance with the schedule of work in a manner stipulated in the schedule of work so as to exclude the possibility of undue influence on the assignment of cases.

(10) A court shall issue a party to proceedings with confirmation that the case has been assumed and assigned. Record-keeping concerning the assignment of cases for deliberation must ensure that anyone with a rightful interest in the case should be able by inspecting the file and record-keeping devices to verify the allocation of the case to a legal judge.

(11) A notarial schedule may be established on

- a) a district system, subdividing the area of the District Court into notarial districts, whose number is equal to the number of notarial offices in the area of this court,
- b) a time system, according to which notaries are delegated tasks in probate proceedings depending on the time of death of the of the testator within the calendar year,
- c) a combination of systems as under (a) and (b), with the boundaries of the notarial district generally respecting the territorial and administrative arrangement of the Slovak Republic.

§ 51a

(1) A judge may be assigned by the schedule of work to proceedings and decision-making in a case pertaining to another agenda, if the bulk of their decision-making activity is created

- a) only with his/her prior consent, or
- b) when it is without his/her consent only after prior deliberation of the Judicial Council in the event of a change in the schedule of work resulting from an imbalance of the workload of judges or from safeguarding of proper running of the court.

(2) In instances under subsection 1 the president of a court shall take into account the facts presented during the administration of justice by the affected judge, particularly in the three-month period following the assignment of the case.

- d) (3) The provisions of subsections 1 and 2 shall not apply if the judge is a guest judge or a temporarily assigned judge.

§ 71

- (1) The Ministry shall perform administration of courts by
- a) in the field of staffing
1. within the framework of Government-approved limits on the numbers of employees in the budget chapter of the Ministry by setting the number of judges, court employees, and vacant judges' posts, vacant posts of guest judges and temporarily vacant judges' posts,

(2) The numbers of posts of judges and court employees under subsection 1(a) point 1 shall be defined by the Ministry as total numbers of judges' and court employees' posts including the number of judges and employees at individual courts during the establishment of conditions for the setting of a public administration budget, and this after discussions with the presidents of the courts and the Judicial Council. If setting a vacant judge's post should change the number of judges' posts at a court as defined by the first sentence, a vacant post shall be set following discussions with the Judicial Council. The number of vacant posts of guest judges shall not exceed 4% of the total number of judges.

Article IV

This Act shall take effect on 1 July 2019