

# COURT RULEBOOK

(Unofficial Translation of the Court Rulebook from Official Gazette no.9; Wednesday, 5 March 1997)

## PART ONE

### BASIC PROVISIONS FOR INTERNAL WORK OF THE COURTS

#### Chapter One

#### BASIC PROVISIONS

##### Article 1

With the Court Rulebook it is regulated the internal organization of the courts, the mode of the court, the way of running the subscriptions and other books, handling with the documents, forms, the work according the international legal aid and how to proceed presumption, denominating and scheduling of the jury judges, the way of proceeding of the permanent court translators, interpreters and experts, running the evidence and statistics, and professional training of the staff, as well as other questions which are important for the operation of the courts.

##### Article 2

The internal work of courts is providing legal, on time and efficient exertion of the function, as well regular, judicious time frame and economic accomplishment of the wrights and duties of the clients.

##### Article 3

The president of the court is providing the usage of the Court Role-book. The judges and other staff of the court, according their framework, directly are applying the Court rule book.

The ministry of Justice (hereinafter the Ministry) It is taking care about practicing the rule book and gives advices and explanations for it's usage and assessing the application of the rule book.

##### Article 4

In accomplishing the duties by the court directorate (administration), the application of the rule book it is followed by the President of the higher instance court, especially by following the work of lower instance courts, detour checks, reports, holding meetings with the Presidents, Judges and other staff, as well as, through checking the work of court administration.

For the confirmed mistakes and anomalies in applying the Court rule book, the President of the higher instance Court will indicate for that the President of the adequate Court and will inform the Ministry about the same.

##### Article 5

In the working program are finalized the duties and obligations court scope, especially:

- the type and number of cases, from which the Court will proceed.
- Duties and obligations according to studying the problems, which are outcome of the judicial practice, and which are of interest for a proper and unique application of the law.
- Duties and obligations about starting procedure for evaluating the constitutionality and legality, if a question like that is raised in the procedure before the Court.

##### Article 6

In order to accomplish a larger publicity, the trial is held in a courtroom (space), which can fit larger number of people.

Article 7

The representatives from the press, radio and TV, and other tools for information, are informed by the President of the Court or the Judge that is going to be appointed by him, having in mind not to undermine the reputation of the Court, the honor and dignity of a person and if that is not in disadvantage of the independence of the Court.

WAY OF KEAPING AN OFFICIAL SECRET

Article 8

The staff in the Court while accomplishing its duties with the data, cases and materials are acting in the way so the **official secret** is saved and that in the relation of putting it in and transmitting it, relocating the writs, issuing them for inspection and not allowing unauthorized people to read them, to copy and write notes from them according to Article 86 and 87 from the Law on Courts.

**Chapter Two**

COURT DIRECTORATE

**1. Issues from the internal work of Court's directorate**

Article 9

As duties of internal work of the courts are counted the following:

- way of implementing the duties in the internal operation of the court, departments and service;
- Preparation for confirming the yearly program of work.
- Accurate providing of efficient and up-to-date work;
- Preparation of a financial plan, accounting and final balance;
- Accomplishing Court-administrative duties with

- applying the most complete technical tools and methods;
- Preparation of basic records for internal setup and systematization of the work and duties, work relations, forming and distributing of working tools and according to the work and other basic records with what are regulated the internal relations in the Court and agreements between colleagues.
- Preparations materials, draft decisions, and doing administrative works in relation with the job;
- Taking care of evidence and to call the court jurors;
- Doing works of judicial statistic;
- Doing works of international legal aid;
- assuring material-financial, facility and staffing conditions for the work of the Court;
- accomplishing the duties related with issuing of the court bulletin;
- managing with the court building and the property, and taking care of their maintenance;
- accomplishing duties related with the permanent court interpreters, translators and experts;
- taking measures for efficient and on time accomplishment of criminal sanctions; and
- professional training and preparation of judges and other staff in the Court;

**2. President of the Court**

Article 10

The President of the Court in accomplishing the care about the conditions of Court's work, he is providing the direct usage of the provisions form the Court Rule Book, he is taking direct measures about eliminating the weaknesses and the gaps, with care for tide, efficient and on time doing the works (work

of court directorate), preparing, delivering, and acting according the decisions.

#### Article 11

The President of the Court is checking the reasons if a main hearing or session is not scheduled in a certain period of time, or if the time limit for bringing, publishing or making a decision has passed, he is taking action for accomplishing this duties.

The President of the Court is supervising the work of departments and sections of the Court, the evidence department and other services with checking the record books and other support books of a permanent evidence of the cases.

Through the evidence and the review of the obligations and efficiency of departments and department services, he is doing continuous insight in the work of the Court and employees in general, and is taking concrete steps to avoid canceling of procedure at the cases, which decision takes longer, and to eliminate the gaps and shortages in the work of the Court.

The President of the Court or a Judge that he is going to appoint is giving information for the work of the Court directorate scope.

#### Article 12

The President of the Court can propose certain issues and duties to be overviewed in the sessions of Judges and to be taken steps to eliminate the irregularities and the weaknesses I the work and for advancing the method of work and achieving better results.

#### Article 13

The President of the Court is confirming the yearly schedule of work after prior opinion gathered from the séance of judges.

### 3. Meetings and advises

#### Article 14

The President of the Court, if necessary is calling the jury judges for discussing important and actual questions in accomplishing their duties.

#### Article 15

The Courts from time to time are holding advisory and consultative meeting with representatives from other courts and other bodies and organizations applying the law.

At the meeting and advising sessions are present all Judges, and if they are held only for certain issues or questions there are present only judges which work on those departments.

#### Article 16

Over viewing the draft-prescription and other materials for which the Court is supposed to give its opinion, proposals or remarks, it is done by rule in a session of judges, and in the Supreme Court of Republic of Macedonia at an ordinary séance.

At the joint meeting of the Court with the Advocacy and the notaries from the region are over viewed the issues and questions of a joint interest, work of the court, giving legal aid and accomplishing the court function.

### 4. Evidence and specializing the staff in the court

#### Article 17

For the Court aspirants there is evidence, and for every aspirant there is a carton in which is putted data for the time passed in the court departments and services or other bodies where the aspirant is taught about the practice and duties which they have done. (exemplar no.1)

In the diary which is lead by the court aspirants fro their work, are recording the duties work done during the day. (exemplar no.2)

After practice is finished, the leader of the department is verifying the diary and in that way is confirming the correctness of evidence for the duties and work done in the Court i.e. body.

The President of the Court, or the Judge which is appointed by the President, is taking care about the write direction of the aspirants in accomplishing the practice, and because of that he is doing direct supervision on their work.

### 5. Professional library

#### Article 18

The professional library in the court buildings it is organized only for the Court or together with other bodies and the fond of books

with what they have in disposal (laws and other official books, and needed literature collection of video audio cassettes and discs) are used in the premises of the library, and if necessary outside with prior permit of the Court.

## **6. Evidence of guides and other records**

### Article 19

The guides, circulars and letters linked with the application of the Rule Book are recorded in the book of records "Su" and in a usual way the information to be given to the employees.

### Article 20

The guides and other letters from article 19 are kept in a way that allows their usage and they are kept until the day of their validity. In the new guides it is also recorded the number of the previous one. In the inner side of the cover dedicated for the inventory, are written the guides and other letters with their writing.

## **7. Judicial statistic and reports**

### Article 21

The President of the Court i.e. the appointed employee it is taking care for regular accomplishment of the statistical works, for on time delivery of reports to the bodies and for saving a copy of the statistic data, which will be used work of the Court by other bodies as well as for doing science research in the field of jurisdiction.

### Article 22

The evidence of the time limit in which have to be handed statistical records to the responsible bodies, contains: name of the statistical exemplar, the body where it should be delivered the completed exemplar and a date until when the data has to be delivered. Occasionally, but at least ones in a three months are made summaries of the work from which we can see the number and the type of not solved cases, number of received cases, number of scheduled, held, not held and canceled preparation sessions and sessions for main hearings and searches, number of cases which at the end of the reporting time haven't been

finished and the number of confirmed, corrected and stopped appealed decisions.

### Article 23

According to the data from the subscripts and the cases, are filed out statistical reports and pages, and in a certain period are delivered to the responsible bodies. According to statistical reports the states are seen, and made yearly and periodical reports for the work on the Court.

### Article 24

Statistical data is used for on Yearly Reports for the work.

### Article 25

The President of the Court on a Judges Séance and the President of a higher instance Court, separately and joint, occasionally are analyzing the data from the Court statistics and the reports for work of the basic courts and taking steps for equaling the judicial practice, and the President of the higher instance Court is pointing at the weaknesses of the work with a proposal for eliminating the same, for which at the same time is informing the Ministry.

## **8. Judges jurors**

### Article 26

For the Judges jurors there is a directory (list) for denominating and changes according to the lodger (exemplar 3). In the lodger is also written data about accomplishing the duty by the Judge juror.

### Article 27

The request for denominating the Judges jurors contains: type and number of the case, date and time of the session and notice in relation with the professional level (exemplar 4). The request from paragraph 1 from this article is placed in the evidence- calendar for the called Judges jurors (exemplar no. 5). If the session is canceled, in the request it will be appropriated by name, the Judges jurors who have participated in the previous session to be called.

### Article 28

While calling the Judges jurors there is always care taken about their capability and other qualities what are important for a fair decision of the case, as well as the distance from the court, traffic links and the equal participation in accomplishing the function (role) for the length of the mandate.

#### Article 29

The president of the board, before the session, feeds the Judge juror with information about the case.

#### Article 30

According to the request by the Judge juror about the reimbursement for the expenses and the lost profit during accomplishing the duty Judge juror, decides the President of the Board. The decisions from paragraph 1 of this article accept the type and number of case in which participated the Judge juror it holds the number of book of records "Su". Immediately after the session is finished, the President of the Board gives a confirmation letter to the Judge juror about the time passed while accomplishing the duty, in order to be submitted to the organ.

### **9. Experts, interpreters, translators and estimators**

#### **Experts**

##### Article 31

In the decision with which the President of the Court is denominating the expert for permanent or specific case is added the basic data about the expert and the field of expertise. Before denominating the experts, data has been collected about the professionals and the field of work from competent organs. The first instance court handles the list of experts to the Court of Appeal, and the Court of Appeal handles this list to the Basic Courts (exemplar no.6)

##### Article 32

The statement that experts are signing before the President of the Court, also contains

the words "conscious and responsible" will accomplish the duty of the expert.

##### Article 33

The list of permanent experts is handed to be published in "Official Gazette of Republic of Macedonia"

##### Article 34

The data that the expert is no longer accomplishing the duty because of change of address, or the residence, age, illness, losing working ability, inefficiency, or other excused reasons, are given to the person who is running the list of permanent experts, to delete him from the evidence.

#### **Permanent interpreters**

##### Article 35

In the decision, with which the President of the Court is denominating the interpreter for permanent or occasional case, is added the basic data for the interpreter and the category of people with which has to be communicated (deaf, dumb, deaf and dumb) – (exemplar no.7). Prior denominating the interpreters, data has been gathered for the professionals, for the category by the competent organs and other legal persons.

#### **Authorized estimators**

##### Article 36

The Basic Courts are appointing people – authorized estimators according article 116 par.2 from the Law on trade associations, according conditions and procedure for experts and interpreters.

#### **Permanent Court Translators**

##### Article 37

The permanent court translators, placed by the Ministry of Justice, after the application from the court, state organ, other institution or citizens are doing translations of speech and written text from Macedonian to a foreign language and vice versa.

#### Article 38

It is necessary, the permanent court translators to have a very good knowledge of the language they translate from and to, to have a very good knowledge of the Macedonian literature language and it's Cyrillic letter.

Also, there are appointed court translators for a special case, if the court hasn't got a permanent translator for the certain language.

#### Article 39

The request for a court translator shall be delivered to the Ministry of Justice.

#### Article 40

The permanent court translator it is appointed at the Basic Court, in the region where his /her living address or residence is.

In the decision for appointing the translator it is stated the language for which is appointed the translator.

If the permanent court translator, changes his living address, could be transferred to another Basic Court by his request.

#### Article 41

The permanent court translator gives a protest before the President of the Court where he is appointed.

The protest is given orally and it reads:

"I declare that the obligation permanent court translator for \_\_\_\_\_ language, will accomplish consciously and responsibly"

The date of the protest is added in the directory of permanent court translators, which is located at the Basic court.

At the directory of the permanent court translators which is lead by every Basic Court is added data for the translators and the translations (exemplar no.8).

The court is informing the Ministry about date of the protest from the permanent court translator.

#### Article 42

The main register for permanent court translators shall be updated and kept in the Ministry of Justice, for each Court and language separately by alphabetic order of the translators. In the main register is added the following information:

1. Ordinal

2. Surname, Father's Name and Name of the translator.
3. Profession, exact address and telephone.
4. Number and date of the decision of appointing and No. of "Official Gazette of RM" in which is published the appointment.
5. The Basic Court where the translator is appointed.
6. Date and place where the protest is given.
7. Number and date of the decision for discharging the translator.
8. Note.

#### Article 43

The permanent court translator has a round stamp, with diameter of 33mm. which contains the name Republic of Macedonia, surname and name of the translator, note – permanent court translator on which foreign language he translates, name of the basic court where he is appointed and his /her seat (address).

#### Article 44

The permanent Court Translator runs a diary for the translations that are already done and verifications (exemplar no.9).

The permanent Court Translator accomplishes his duty in a conscious and regular way, and every translation that he does, he verifies it with his signature and stamp.

#### Article 45

The verification of the translator which is added after the translation has a number of a diary where is registered and date. The text of the verification is as it follows:

"I confirm that I translated properly from \_\_\_\_\_ to \_\_\_\_\_ language.

Stamp

No. \_\_\_\_\_ Translator

Date \_\_\_\_\_

The text of the verification is written on Macedonian language and on the translated language, where on the left side of the page is the text on Macedonian and on the right half the text of the translated language.

#### Article 46

If the written text, which has to be translated, is made of couple pages or more, all pages are going to be marked with numbers, the

pages will be bound, and at the end will be confirmed in an appropriate way.  
Every page from the translation has a signature and stamp of the translator.  
The clause of verification is added after the made translation.

#### Article 47

The President of the Basic Court is supervising the work of the permanent court translators; he takes care about regular and efficient work, and for the confirmed shortages, mistakes during work he informs the Ministry of Justice.

The President of the Basic Court helps the translators for proper accomplishing of the duty, from time to time he checks the Diary of a made translations and for the state he writes a report.

One copy goes to the Ministry of Justice and the translator who's "Diary of translations and records" is checked.

On the notice-board in the basic court shall be announced a list of translators for the region of that court by alphabetic order and the language that they translate, separately.

The President of the Primary Court at the end of the year is informing the Ministry of Justice about the situation and the work of the permanent court translators, and if necessary he does that even during the year.

#### Article 48

The permanent court translator will be discharged from his duty:

1. if he personally requires to be discharged;
2. if he is unable to accomplish this duty;
3. if, it is confirmed that the translator accomplishes his duty unprofessional, not regular and unconscious;
4. if it is confirmed that he is unworthy for accomplishing that duty;
5. if he stops living in the region, where the Basic Court is;
6. if he charges for translation more than set with this rulebook;
7. if he is convicted for criminal act with imprisonment, minimum on six months;

The procedure of discharging is carried out by the Ministry of Justice, after prior statement of the permanent court translator.

#### Article 49

In case of determination of employment contract with the translator, the President of the Court where the translator has worked, in the period of three days will close the "Diary of made translations and records" and he will put that in the court's archive. The stamp of the translator will be made not valid and within 15 days he will inform the Ministry of Justice. The diary of made translations will be permanent.

#### Article 50

The Ministry of Justice announces the list of permanent Court Translators in the "Official Gazette of Republic of Macedonia".

#### Article 51

The translator has a right to be awarded for his work according the bylaw for reimbursement of expenses in the criminal procedure before the courts.

#### Article 52

The translator is entitled on reimbursement of expenses when he translates outside his area of residence, according the bylaw on reimbursement and the allowances of the witnesses, experts and interpreters in the criminal and civil procedure.

According the rules from paragraph 1 of this article, the permanent court translator is entitled to reimbursement for his lost earnings.

#### Article 53

For oral translations in criminal, civil proceedings and executive procedure or by a request from a state body, notary, other institutions, or citizens, the translators are entitled to reimbursement of expenses for lost earnings according the provisions from articles 51 and 52 of this rulebook.

The time used for translation is counted

#### Article 54

The Court translator gives a receipt (confirmation) for the remuneration to the submitter of the translation.

## Chapter three

### COMMUNICATING WITH PARTIES AND OTHER PERSONS AND ORGANS

#### 1. Orientation in the Court building

##### Article 55

On the building where the Court is placed the name “Republic of Macedonia”, the name of the Court, the place, the coat of arms and the flag of the Republic of Macedonia should be placed.

##### Article 56

On a visible place on the entrance of the Court, orientation board is placed which contains: overview of the working rooms according to the type of the job, numbers of the rooms where the sections and the services are placed, the court chambers with the names of the presidents in fact of the judges separately as well as the clerks that have more important job connected with the parties.

On the entrance of every room a small board with the name of the section, the chamber or the service, the name of the judge is placed (like an example: “Crime Chamber – President of the Chamber NN”, “judge NN”, “Court Registry”, “Crime department of the court registry”, “Bookkeeping office”).

##### Article 57

The announcing of court advertisements and announcements is done on the announcement board that is placed on visible place in the court.

Every day before the start of the working time, on the entrance of the rooms where the trials are taking place and on the announcement board, the list of the scheduled trials for that day is displayed, and the lists of the trials that were already held are removed.

The list contains: calendar of the scheduled trials, number of the case, names of the parties and their authorized persons, time of the trial and the room where the trial will be held.

##### Article 58

The court should secure rooms for the law judges and the lawyers, and they should be equipped with the most necessary technical means.

#### 2. Equipping the rooms

##### Article 59

The working rooms of the court should be equipped with office and other most needed technical means, put in order and maintained.

##### Article 60

The cases, the official materials, the round shape stamp, the square shape stamp and the office items from greater value should be kept locked.

#### 3. Working with parties

##### Article 61

Receiving applications and other writs and registrations can occur during the whole working time.

Receiving parties and other persons, which are not called at the court in certain time, in order to look into the writs, for issuing certificates and for requesting information can occur in determined time.

In all court departments and services same time table is determined for receiving parties.

The time of receiving parties is determined in accordance with the working schedule and it cannot be shorter than five hours daily and it is announced on the announcement board as well as on the entrance of the working room where the parties are received.

The Court Chambers and the judges are not receiving parties and other persons if the parties are not summoned.

The parties and the other persons, who because of the distance or other justified reasons cannot come again in the court, are received out of the time determined for receiving parties.

##### Article 62

When the work is stopped for certain time, because of justified reasons, the competent worker will secure appropriate replacement.

In the court register the information which are based on the data from the entry and the writs are given. The information is limited only on the necessary data about the phase of the procedure in which the case is.

Other information about the condition of the writs can be given only to persons that are authorized to look into the writs.

The information can be given via telephone and in written, but the expenses will be paid by the party that is asking for them.

Explanation regarding the act standards of the court actions, the decisions as well as telling assumptions about the possible result of the dispute are not allowed.

#### Article 63

Looking into and rewriting the writs is done in the court register on determined place and time, under control of a certain clerk.

The records for advising and voting, the court decisions and the court notes are previously separated from the case.

#### **4. Issuing, receipts, certificates and copies from the public books**

#### Article 64

By the request of the parties and third persons that have legal interest, receipts, certificates for different facts consisted in the writs or for which there is official register in the Court and copies of the public books can be issued, if the president of the court e.g. the judge who is working on the case evaluates that the request is justified.

For the content of the court decisions, the records and the other acts in the writs, receipts are not issued, only rewrites and copies can be issued.

#### **5. The communication between the courts and the other organs**

#### Article 65

According to the regulations the President of the Court is communicating with the courts and the other organs.

In the procedure for separate cases, the judge that is working on the case is communicating directly with the other courts, the public prosecutor's offices and the other organs, and the other employees can do that if they are authorized.

#### Article 66

The persons that are requesting legal help and the letters with which reports, information or taking certain measures are requested, should be clear and typed understandably on a typing machine. They are consisted of: sign of the case, name and surname of the party e.g. the authorized person and subject and short content of the request.

If hearing of the parties or other persons is requested, the circumstances for which the parties should be asked are supposed to be stressed.

In the requests for citizen cases is mandatory to stress whether the public is excluded from the trial, whether the parties have canceled the right to be present on the trial and whether the party requested the statement of the witness to be given with oath.

Because of justified reasons, the case is submitted together with the request to the court.

The time for returning the case is registered in the list for delivered items that should be returned. (Form number 10).

In the answer of the request, the court that was working according to the request is calling upon the sign of the case on which the court was working on.

#### Article 67

In the procedure for certain cases, when it is about more important notes of the court in connection with the work of the other organs that have general meaning, the letters are signed by the president of the court and a copy is delivered to the Ministry.

When legal help is given among the courts, delivering summons, decisions and other types of writs is not allowed except in cases when it is determined with the law or when the delivery should be done in the court, and the person who should receive it is living in the area where that court is competent.

#### **6. Taking court actions out of the court building**

#### Article 68

The court is also performing court actions out of the court building in the moment when it will be evaluated that those actions are complete or if it is not possible the actions to be conducted in other way.

For performing court actions out of the court building, the chamber is deciding or the judge like individual upon his own initiative or by recommendation of the members in the procedure, when it is about having a hearing out of the court building, conducting inspection, expertise, concluding, changing or withdrawing testament.

#### Article 69

With one exit from the court building, efforts should be made for conducting more court actions.

The exits are registered in the book for official exits (form number 11).

#### Article 70

The court function out from the court building is conducted on certain days determined by the court.

The time and the place for holding the certain days is written in the working schedule and it is put on the announcement board of the court and in the municipal council.

#### Article 71

The certain days, according to the rule, are used for having hearings for the crime cases, for trials in the civil procedure and in the non-civil procedure, executive cases if the persons who are summoned for that purpose are in the area where the certain day is held.

The hearings are organized in that way that the summons and the other writs are delivered on time, with stressing the time and the place where the certain court day was held, taking care about the scheduled terms and the time that should be given to the parties for the preparation.

#### Article 72

The cases that are in procedure in the court day are registered in separate list (form num.12).

The list is registered in the entry "Su" and together with the cases it is delivered to the judge.

The received writs in the court day and the concluded records that are not referring to the cases registered in the list from paragraph 2 from this article are registered in separate list according to the term of receiving that is registered by the judge and the typist after the end of the court day.

The remark is put on the writ about the day when it was received and that is considered like day when it was received in the court.

The writs and the records, received or concluded during the court day, after coming back in the court are immediately transferred to the employee who is determined to receive the writs, and when he will confirm the number of the writs and the input in the list, behind the appropriate number of every writ, he will put stamp that it was received and he will write: "accepted in the court day in (place, day, month and year) under number \_\_\_\_ from the list, and after that he will transfer them to the manager of the court register in fact to the person that is responsible in the unit or in the service.

The list of the activities that were done in the court day is delivered to the president of the court and it is kept with the writs from the court management.

For the registration that was conducted out of the court, separate record "ZAV II" is formed.

### **7. Proceedings about the issues regarding the international legal help**

#### Article 73

In the basic courts the things from international legal help are carefully performed (registration of the documents for foreign countries and other issues from that type). With special attention list is formed, the form and the readability is secured, paper with good quality is used, print of the stamp is put, quality in the communications is secured and the dignity of the court is protected.

If the document is not fulfilling the conditions from paragraph 1 from this article, and if it is harming the dignity of the court, the president of the court or the judge that is determined and under whose control the issues regarding the international legal help are conducted won't register the document and will tell the person who submitted the request to

submit complete document that can be used in foreign country with the exterior look.

#### Article 74

The basic court is having the following registers regarding the international legal help:

1. Entry "ZAV-S" for registration of documents for use in foreign country (form num.13).
2. Entry "ZAV-H" for registration of documents in connection with the convention for repealing the need of legalization of foreign public documents (form num.14).
3. Entry "ZAV-S" in which the requests for delivering writs in foreign countries and giving international legal help from domestic and foreign organs are registered (form num.15).

#### Article 75

The president of the basic court or the judge that is determined, with the given identical signature in the Ministry is confirming that the person came and signed the document in front of the court or has admitted like his the signature put on the document.

The text of the registration is put immediately after the end of the document.

### **8. Proceedings for the proposals and recommendations**

#### Article 76

The president of the basic court or the judge that is determined are taking the proposals and recommendations that are submitted by the citizens immediately and after the check of the content, and at latest 30 days after receiving them he is answering the persons that have submitted them.

#### Article 77

The president of the basic court or the judge that is determined will secure the transfer of needed data and explanations to the authorities for the questions that are mentioned in the proposal i.e. in the recommendations and will give information about the measures that were taken.

#### Article 78

Every three months, on the session of the judges, the problems about the proposals and recommendations are analyzed and necessary measures in order to remove the weaknesses and the missed issues are determined.

### **Chapter four**

## **MUTUAL PROVISIONS FOR THE COURT WORK**

### **1. Originals, transcripts and copies**

#### Article 79

Original in the court work represents the decision consisted in determined form (verdict, decision, order, agreement, certificate or other kind of document), signed by the judge, the president of the chamber and authorized employee for conducting this work.

The original is done in written form, in accordance with the provisions for the procedure for forming the decisions.

The original of the decisions, according to the rule, is completed on a typing machine and it is remaining in the writs.

#### Article 80

The transcripts are done on typing machine and other means for typing, clear and readable, with content and form appropriate for the original.

The copy should allow the text to be readable and should allow recognizing of the marks on the writ.

The transcript and the copy are conducted in the court register i.e. in the copy office and they are delivered to the parties when the manager of the court register or the authorized employee will confirm his signature in the empty part of the note: "the accuracy of the transcript i.e. the copy is confirmed by \_\_\_\_\_"

If for certain types of decisions, because of their similarity, there is possibility forms to be used, the transcripts can be conducted by appropriate filling of the forms.

#### Article 81

For the decisions that are repeated very often original in short form can be conducted.

The original of the decision that is referring to the management of the procedure is consisted of the basic words that are important for the decision and from what it can be seen the meaning (e.g. “trial 18.11.1996, at 8 o’clock: 1. the accused\_\_\_\_\_ 2. The private prosecutor\_\_\_\_\_ 3. The witness\_\_\_\_\_”.

When the proposal is accepted, on the original of the decision it will be written that the proposal is accepted (e.g. the proposal is accepted. The expenses of the person who submitted the proposal are \_\_\_\_\_ denars. Date. Signature.) In the meanwhile, the number of the form can be underlined if the decision can be concluded with filling of the printed form or to be sent like example of the form that is in the book of forms (e.g. “the form number \_\_\_ is approved. Expenses \_\_\_\_\_ denars. Date \_\_\_\_\_. Signature \_\_\_\_\_.” And that to be delivered to the party.)

When the decisions are delivered in short form, in other words with putting stamp, the note for acceptance of the proposal will be put on the print of the stamp.

For the usage of the stamp, the employee will write the words: “Stamp is allowed. Expenses \_\_\_\_\_ denars. Date \_\_\_\_\_. Signature\_\_\_\_\_”.

## **2. Short transcripts**

### Article 82

When the proposal for allowing the execution, for issuing paid order or for issuing similar decision is concluded in that way that it fits to the decision that should be brought, and it is submitted in satisfying number of copies, short form of the decision can be issued by putting official stamp that has the text of the decision that is brought because of the proposal.

The short transcript will be conducted when the court decision is put like stamp on the original.

The courts are taking care about the documents for the cases that can be issued in short form, the parties and their authorized persons to submit them in the needed number of copies and paragraphs, and because of their content to be suitable for usage like short transcripts and to have space for putting the stamp.

## **3. Form of the court decisions and writs and way of writing and signing**

### Article 83

When the written decisions are prepared legal terminology is used, foreign words and words that are not generally accepted in the court work should not be used. The written things should be clear and understandable, and the expression should correspond be in accordance with the dignity of the court and not to offend the personality of the foreign and the other persons.

In the headline and in the explanation of the decision, the time, the type and the length of the sanction, the amount of money in the civil disputes and the expenses of the procedure are marked with numbers and letters, and the parties that are involved in the process with name and surname (e.g. the first plaintiff, the second defendant, the third accused).

The names of the laws and the other regulations that are mentioned in the text can be written in short form, while the title of the laws and the other regulations that are not in frequent use are written with their full title and with the number and the date of the official gazette where they were published.

In the text the short words can be used only if they are generally accepted and easy to be understood and if they are not giving sign for suspicion for their real meaning.

### Article 84

The decisions from the field of the court management and their transcripts are signed by the president of the court or by the judge who is replacing him in case of his absence or if he is stopped to conduct his work.

The silent orders and the other writs that are referring to the cases that are pending in the court departments are signed by the president of the court i.e. by the individual judge.

If the decision or the writ is prepared according to the written decision or by instructions from the president of the chamber or the individual judge, and it is about summoning parties, witnesses, experts, delivery of the complain, answer to the complains and other things that are belonging to the field of the court register, the signing can be conducted by the manager of the court register i.e. the authorized person for the department of the court register.

### Article 85

The text of the court decision has to be readable and clear, prepared on a typing machine, computer – Macedonian Cyrillic font, compiled in literate language. By exception, because of the nature of the certain court work, the decision or the writs can be written with ink (record for conducted inspection, destroying items in the executive procedure).

In the decisions and in the other writs that have no introduction, in the upper left angle the name of the court is written, note about the case, date and the residence of the court.

#### 4. Forms and stamps

##### Article 86

For certain actions and for the need of the registration the court is obliged to use printed forms that are part of the court regulations.

The court for its needs can compile and multiply other forms for certain actions and issues that are repeated very often, like the usual correspondence, certificates or reports with what the other institutions are asked about data or proceedings.

##### Article 87

For short and frequent remarks, signatures, marks, court orders, working guides and similar issues in the court work appropriate stamps are used, which text, type and size are foreseen with this regulation book.

Beside the mandatory stamps foreseen with the article 88 from this regulation book, the court can use other stamps as well if they are making the work easier.

##### Article 88

In the courts it is mandatory to use the following stamps:

1. for stressing the urgency of the procedure – “urgent”, or the nature of the case – “pre-trial detention”, “minor”, “support”, “obstruction in the use”, “securing evidence”, “temporary measures”, “working disputes”, and “bankruptcy”;
2. for giving order for establishing hearings.
3. for confirmation that against the verdict or the decision there is no complain.

4. for confirmation that the original is given for further work in the court register and a remark about that.
5. for issuing order for sending the writs in the archive.
6. for confirmation that the writs are received.
7. for putting remark that the taxes are paid before the writs are taken into the archive.
8. for putting remark that not paying taxes and expenses is allowed.
9. for issuing an order for sending the writs to the higher court for analyses.
10. for permission after proposals for execution i.e. for issuing travel order.
11. for signatures on the transcripts.
12. for confirming the validity i.e. the execution based on the decision of the judge.
13. for confirmation the registration of the signatures and stamps in connection with the article 3 from the convention for repealing the need for legalization of foreign hearings.
- 14.
15. for noting the obligations in the control book for paid fine,
16. for delivering appeals to the opposite side for answer;
17. for verifying signatures;
18. for verifying transcripts;
19. for verifying the signature of the translator on the documents that are supposed to be used in foreign countries.
20. for verifying the signatures of persons that are authorized to sign documents that should be used in foreign countries.
21. for verifying the signatures put on the statements given by citizens, power of attorney and other writs that should be used in foreign countries.
22. for determination of term when the writs will be kept in the court archive.

##### Article 89

With the round shaped stamps, the square shaped stamps and the seals authorized persons are working.

The round shaped stamps, the square shaped stamps and the seals are kept locked.

All round shaped stamps, square shaped stamps and seals are registered (form number 16)

## Article 90

On the transcripts of the court decisions that are referring to the parties, on the official certifications and on the other writs that are delivered to the parties, courts and the other institutions, round stamp of the court is put.

The sealing-wax is confirmed by metal seal that has same text like the round shaped stamp.

### 5. Renewal of cases and writs

#### Article 91

If a certain case or a part of it is lost, destroyed or it is damaged by what it is becoming useless, a procedure is started for renewal of the writs.

When it is about cases that are pending, the procedure for their renewal is started ex officio by decision that is brought by the president of the court.

If it is about cases with closed valid procedure, the procedure for renewal is started if there is certain interest. That kind of decision is brought by the court ex officio or after the request submitted by the party or by the public prosecutor.

The procedure for renewal of the case cannot be started if the term that is foreseen according to the regulation for preservation of that kind of cases has ended.

The procedure for renewal of cases that are pending is conducted by the president of the chamber i.e. the individual judge who has the case given to him because of the working schedule, and in connection with the writs for which the procedure is finished, the president of the chamber i.e. the individual judge that will be determined by the president of the court by decision for starting the procedure for renewal.

Only the writs that are of great value for the procedure are renewed.

The renewal is conducted based on the transcripts of the lost, destroyed or damaged writs that are in possession of the party or the court, data from the entry and the additional books, and if there is a need on the statements from the parties, witnesses, experts, lawyers and the other persons that were involved in the procedure.

When for certain actions data do not exist, and the statements of the mentioned

persons are not identical, those actions are going to be repeated if final decision is not brought.

The parties will be informed only for the lost of the writs for which the procedure is pending, and in the same time they are called to deliver the transcripts of the writs, records, court decisions and the other writs that are in their possession.

#### Article 92

The proposal for renewing a case or a part of the writs for certain case is registered in the entry "Su".

After the end of the procedure for renewal, the basic and the renewed case or writ is having the mark of the case or the writ that was lost.

### 6. Paying taxes

#### Article 93

The tax stamp is attached on the first page of the writ, according to the rule in the right upper angle of the copy for the court.

When the tax stamp is attached and then annulled the person should be careful in order not to damage the text of the writ.

The tax stamp that is planned for the writs and for the transcripts is transferred in the court not annulled.

#### Article 94

If the writ is sent through mail with submitted money for taxes, it will be ordered, attached and annulled.

The eventual surplus of money or if their usage is not known are transferred to the accounting office of the court with special report.

The employee in the accounting office in the court is confirming the received money and is noting the executed accounting and he is transferring the writ to the competent unit for further work.

#### Article 95

The president of the court, the president of the chamber, the individual judge and the

manager of the court registry are conducting permanent observation of the charging and the annulling of the tax stamps in all procedures.

The case cannot be transferred to the archive till the manager of the court registry or other authorized person is not putting his own written signed note that the needed tax is paid and annulled according to the rules i.e. that a request was submitted for forced remuneration to the competent institution for finance issues.

On the cover page of the writs in the right angle print of a square shaped stamp is put;” the tax is paid-the report is delivered”.

#### **7. Excusing from paying taxes and expenses in the procedure**

##### Article 96

The excusing from paying taxes and expenses in the procedure is noted in the right upper angle of the cover of the writ, and on the records and the other writs on the first page, by putting certain square shaped stamp.

The decision for excusing from paying taxes and expenses is put on the day when it is brought.

The certain amounts of taxes and expenses that are not paid by the parties because they were excused are written by order in the listing of taxes (form number 17).

The expenses of the procedure that are not paid by the parties because they were excused and they are paid from budget means are registered in the listing of expenses (form number 18).

After the end of the procedure, the party will be summoned to pay the tax that was not paid if according to the regulations is obliged to pay it in constrained way.

The case cannot be transferred in the archive if the court hasn't decided about the compensation of the expenses of the procedure and he didn't execute the payment i.e. it didn't determine the inability for payment.

##### Article 97

After the final decision by which the party was ordered to pay the expenses that were previously paid by the budget of the court, the court registry i.e. the unit of the court registry is inputting the needed data in the control book of

the expenses of the procedure that the party was excused.

#### **8. Previous input of the determined amount of means for expenses in the procedure**

##### Article 98

When one or both sides should previously input (invest) certain amount of means for expenses that will appear because of admission of evidences, the president of the chamber i.e. the individual judge will summon the parties in the accounting office of the courting order to write the amount of money.

The decision according which the amount is written is consisted of: name, surname and address of the summoned party, the amount of money that is determined for the input, term and consequences that will occur if the input is not given in the determined term.

If by the decision from paragraph 2 from this article decision is brought for holding a trial for admitting evidence, the summons for the hearing will be sent when it will be confirmed that the certain amount of means will be inputted.

When the hearing for admitting evidences will be determined the term for investing is important and there should be enough time for giving the summons to the parties and to the other summoned persons on time.

##### Article 99

The accounting office of the court will inform the court registry that previous input of certain amount was conducted in order then the court registry to perform the necessary actions connected with the further development of the procedure connected with the case.

If previous input of the certain amount is not done in the determined term, the manager of the court registry in the order for delivery of the decision for inputting the amount is realizing the condition and is delivering the case to the president of the chamber i.e. the individual judge.

#### **9. Input of the general power of attorney**

##### Article 100

If the person given the power of attorney is pleading on the general power of attorney that is in the writs, the court registry i.e. the unit of the court registry, before to deliver the case to the president of the chamber i.e. to the individual judge, will check if to the case transcript of the power of attorney is attached and whether it is not revoked.

That kind of condition will be realized in the case with pleading the working number of the writ that has like an attachment the original of the power of attorney i.e. the number of the entry of the court management under which number the general power of attorney was entered.

#### **10. Reimbursing means that were paid because of the lost proceeds.**

##### Article 101

If by special regulations it was admitted the right of the institution to request, for reimbursement of the amount paid to an employee like compensation for lost proceeds because he was summoned, after the conducted activities, the court is obliged to issue certificate for effectuating the right for compensation of the lost proceeds to the employee (form number 19).

The certificate is compiling data about the time that the summoned employee spent in the court and what was his role, as well as the term till when persons from the paragraph 1 can look for reimbursement of the paid amount.

If the reimbursement is done from the inputted amount for the expenses of the procedure, in the certificate will be stressed that the amount will be reimbursed to the person who inputted this amount, if in the determined term reimbursement for the paid amount is not requested.

##### Article 102

The court registry is registering the issued certificates for the employees that were absent from their working place because they were summoned (form number 20).

##### Article 103

The case is not brought to the archive till the accounting office of the court is not realizing that the payment to the court has

occurred, for what special register can be implemented.

If the institution, in the determined term is not submitting request for payment, the case will be brought to the archive when it will be realized that the term has ended.

##### Article 104

If the court in the decision has already decided about the expenses of the procedure, for the paid expenses that are not covered by the decision of the court will decide in addition.

#### **11. usage of technical means, equipment and other devices**

##### Article 105

For the usage of technical means, equipment and other devices, for phone calls, for sent or received announcement and intervention, official note is concluded and it is attached to the case – writ, with data, date and signature of the employee who has concluded it.

##### Article 106

Telegram or fax will be used in urgent cases or if it is not possible to remove the damage for the parties in other way.

With telegram or fax or e-mail the hearing can be approved, schedule, postponed or re-transferred and also summon can be revoked.

#### **Second part**

### **THE COURT WORK**

#### Chapter five

### **PROCEEDINGS WITH THE BRIEFS SENT TO THE COURT**

#### **1. Receiving briefs**

##### Article 107

Receiving the briefs (writs, money letters, telegrams, packages and other letters) is done on the determined place in the court registry. During the receiving the briefs it is especially important to remove the deficiency

because what the proceeding are not possible or they are occurring with difficulties.

#### Article 108

The briefs are received during the entire working day.

After the working time as well as in the days when the court is not working, only the telegrams, faxes and the other urgent briefs are received.

The determined employee is receiving the briefs.

#### Article 109

The employee is entitled to receive the briefs directly from the parties; he cannot refuse to receive the briefs addressed to the court.

If the writ is consisting formal deficiency (e.g. it is not signed, it has not the appendixes noted in the text, and the address of the party is not noted), the employee will point out and will request removal of the deficiency.

If the party besides the pointing out wants the brief to be received, the employee will receive it and will mark in the brief what he has pointed out.

If the court is not competent to proceed for the brief, it will be sent by the employee to the competent institution, but if the party continues to insist to be received than the employee will receive the brief and will mark inside what he has pointed out.

#### Article 110

The employee that is determined to receive is confirming the receiving by putting square shaped stamp of receiving on the copy of the brief.

#### Article 111

The receiving of the briefs from other institutions is confirmed by putting date and readable signature and stamp in the delivery book, on the delivery note, on the returning note or on the copy of the brief, if it is submitted.

The time of the receiving (hour and minutes) is put in cases when it is foreseen in certain regulations or when it will be determined by the president of the court.

This data is marked on the cover of the received brief, if the employee who is receiving it is not authorized to open it.

#### Article 112

The authorized employee is receiving the briefs that are forwarded to the court through the post office and he is taking the mail from the mail boxes.

If the mail with marked value or the special mail is damaged, the authorized employee will reject the receiving of the case and will ask the post office to determine the condition and the content of the shipment in front of a commission, and after that will receive the shipment together with the record for the actual condition.

#### Article 113

If the employee who is entitled to receive the mail is not allowed to open the shipment he is obliged immediately after the receiving the mail, after he will put the date and the time of the receiving (hour and minutes), and to transfer it to the authorized person for opening. This is especially referring to the mail that is addressed directly to the president of the court, the investigative judge, marked like confidential or strictly confidential and the mail connected with job announcements, bidding etc. This shipments not opened are transferred to the president of the court, the investigative judge and the envelope with the statement of last will to the competent judge.

The delivery of the ordinary shipments to the authorized person for opening is conducted directly and for the special shipments, marked as confidential and strictly confidential and other type of mail, which receiving is confirmed in written, through book.

## **2. opening and checking the mail**

#### Article 114

The ordinary mail received in closed envelope is opened by an employee from the court registry who is entitled to receive the mail.

The mail marked as confidential and strictly confidential and the mail that is addressed personally to the president of the court is opened by the president of the court.

The mail that according to the mark on the envelope is indicating that it compiles statements of the last will or it is referring to previous statement is opened by the competent judge.

The letters with money and the other shares are opened in front of commission.

#### Article 115

The opening of the mail is done carefully, in order not to damage the writs, not to mix the attachments, not to leave writ or attachment in the envelope and it is checked whether the numbers written on the envelope are same with the number of the received letters.

If a writ is missing or if only the attachments are received without the letter or if the sender cannot be discovered, in the official note that is attached to the envelope the condition will be determined and the sender will be informed about that.

To the received writs the envelope is attached, in cases when the date of the delivery of the mail is important for the terms (appeal, job announcement) or when from the writ the place from where the mail was sent cannot be discovered as well as the name of person who sent it, and the data is given on the envelope.

If many writs have been sent in one envelope, then the envelope is enclosed to one of them, while on the others only the number of the entry under which the writs have been registered is being noted (e.g. "envelope to P.br.180/96").

If the date on the mail seal placed on the envelope is unreadable and the date of delivery cannot be established for sure, a report will be requested from the post office if there are no other means for determining the time of delivery.

If a damaged envelope has been received and there is a doubt that it has been subjected to unauthorized or unintentional opening, then a record in which the type and the volume of the damage is determined is to be prepared in presence of two court employees. The record is to be signed by the persons present.

The flaws and irregularities established during the opening of the correspondence are described in short notes which are being placed next to the print of the seal of reception (e.g. "received without appendixes") or, if some appendixes are missing, their titles are listed.

If inside the envelope there is a writ addressed to some other organ, a note is given to it ("incorrect delivery") and it is sent to the addressee in the most appropriate way.

Such writ is enlisted in the "Kr" or "R" registry.

Previous remarks are assembled and signed by the employee who is responsible of opening and authentication of the correspondence.

When opening the correspondence it will be established that money, bonds or jewelry were appended to the writ, a short note is to be assembled containing the kind and the value. The valuable items after the registering of the writ are handed over to employee responsible for the material and finance works with a signature.

When a delivery note is appended to the writ, the reception is to be confirmed on it by writing down the date and putting a signature and the official seal on it. It is sent back to the sender immediately after.

### **3. Conduct with submissions which are due for tax**

#### Article 116

The employee responsible for reception of writs determines which writs are due for tax payment, the amount of the tax and is there a legal base for release from tax payment.

If during the authentication it is established that due taxes have not been paid for certain submission, it was paid less than the necessary amount or the submission is tax free, then it will be noted with the print of the appropriate seal.

If no receipt of paid tax is appended to the submission, the employee will warn the party to pay the tax in due time.

### **4. Placing a seal of reception**

#### Article 117

A seal of reception is to be placed on every new sample of the submission which was addressed to the court (article 88, paragraph 6 of the Court regulation).

The print of the seal of reception is to be placed on the first page of every sample in the middle of the writ's upper part. If there is no room enough, the print is placed on any suitable place on the first page but, if there is no room there either, it is to be placed in the upper left corner of the back side of the sheet. If both sides of the writ are fully filled with text, the print of

the seal of reception is to be placed on a piece of paper which is to be attached to the writ.

#### Article 118

No reception note is to be placed on the record of reception of oral statements, but it is to be handed over immediately to the manager of the court registry. The record for received oral statements that are referring to the entry in the public books are handed over immediately to the employee entitled to receive the writs in order to put note for receiving.

### **4. transferring the received writs**

#### Article 119

The received writs are transferred according to the mark on the entries and immediately they are transferred to the manager in the court registry.

The writs that are referring to the work in the public books are transferred immediately and directly to the employee that is working with the public books.

The writs that are referring to urgent cases or the cases that should be in procedure immediately are transferred without delay, and the others are transferred during the day, in time determined with the working schedule.

The writs connected with the term and the ones with important documents are transferred separately.

The writs that are mentioned in the paragraph 2, 3 and 4 from this article the mark that is determined with the special provisions for separate types of the procedure is put (article 88 from point 1 - 22).

#### Article 120

If with the writ items are received, money, stocks or valuable items, in the upper right corner of the writ with red pencil is written "deposit" and the further work with them is done in accordance with the provisions of the Court regulation book for material and financial work of the court.

## **Chapter six**

### **WORKING FOR THE RECEIVED WRITS**

#### **1. Forming a case**

#### Article 121

The authorized employee is transferring the received writs to the employees assigned for working on the issues and tasks in the court registry.

The received and the transferred writs with which the new case is formed are registered in the appropriate entries under the date of their receiving and they are registered in the determined registries.

System of using cards can be implemented instead of the entries.

The telegrams, the faxes, the writs with determined terms and other urgent writs, after the registration in the entry register are delivered to the appropriate section within the court.

If because of the number of the received writs or because of other justified reasons they cannot be registered in the same day when they are received, they will be registered the next day at latest, before to register the new mail, and they will be registered under the date when they were received.

#### Article 122

The writs with which new case is formed are getting new cover for crime cases (form number 21), for the economic penalties (form number 22), for the civil cases and economic disputes (form number 23) in which register of the cases is made (form number 24) for penalties (form number 25), for the customs (form number 26). In the same way and with appropriate content covers are created for other cases as well (e.g. non-civil cases, executive cases etc).

#### Article 123

The title of the Court is to be placed in the top left corner of the front page of the writ's envelope, the upper right and lower left corner are to contain the code of the writ, while the middle part is filled in with information about the subject and the names of the parties.

Over the starting text "A Writ Envelope", short marks are placed in accordance with article 87 of the Court Rules of Order.

#### Article 124

Before the number of the file, the abbreviation of the entry is placed, record number and the last two figures of the year when

the writ has been received (for instance, K.181/96).

#### Article 125

If, during the procedure, the number of the file as well as the type of the entry or the court is being changed, the previous code is being overwritten with the new one.

### **Registration of the writs**

#### Article 126

During the forming of the file, the worker who is in charge of the entry is registering the writs based on which the entry has been formed and he also marks the number of the sheets.

The entries received in the time when the file was at the Court Chamber or individual judge are also being registered and chronologically marked.

For the large files which were previously in procedure, the registry can be managed for each defendant or a criminal act separately.

Along the entry number in the registry, the writs are also designated with a sub-number. The Court decisions made in the writ itself and which are entered in the registry are not designated with a new sub-number.

The sheets of the writs are designated with their current number with red pencil in the upper right corner. The count starts from number one regardless of the sub-number.

The number of the sheets is also stated in the appropriate pattern within the writ registry. Short reports which are of no meaning for the course of the procedure are not due for registering. Returned receipts for the performed delivery of a Court decision are entered as a supplement designated with the number of the decision to which they refer and they are also attached to it.

#### Article 127

The writs which are referring to current cases are being attached to the respective cases in the same chronological order in which they were received.

In accordance with the subjects that are needed to be joined in order to join them in a unified procedure, the authorized worker maintaining the entry will check the entry list

(data) and the entry whether that case is still ongoing or the procedure has ended and he will inform the Manager of the Court Recorders who will relay this information to the competent judge.

### **3. Managing the writs**

#### Article 128

The writs are recorded and attached in the order in which they were entered in the writs register. The entries from previous dates are placed in the writs which were received later.

Workers who are entering the writs in the writs registry are obliged to perform the attaching immediately.

The writs are being attached on a binder which is being inserted in the writs registry.

The binder are consisted of ten, twenty or fifty leafs in length of 30 cm and 5 cm wide. They are perforated in two places and sewed.

During the forming of a case ten or twenty binders are being placed in the writs registry or, by an exception, even fifty depending on the volume of the case.

The entries are being sewed prior to that.

The entries which, due to their volume and unsuitability can not be placed in the writ, are to be kept separately and there should be a remark in the writ regarding this.

#### Article 129

The employees who are proceeding with the case, they deal with them very carefully and they take care that the writs are always neat and sealed. If the case is not fixed as foreseen in art.126, the second instance court will return the case as fixed in order as foreseen.

### **4. Handover of cases and writs at work**

#### Article 130

Handover of cases to the competent chamber, individual judge or a service, if no further actions are needed to be taken in regards to them, is being performed by the Court Register, while the writs which are urgent are being handed over immediately and without delay.

Handover and return of the cases to the Court Recorder are being annotated in the Register of Moved Cases.

Writs received and kept in the time period allowed for submission are being handed over after that time period has expired after they have been designated appropriately (e.g. “there is no other appeal”, “no response”, “no complaint”). Requests for exemption of judges, juror judges, as well as the proposals and complaints are handed over to the Chairman of the Court, the judge or a worker designated by the judge for that.

#### Article 131

Records of obligations of the Chairman of the Chamber or a judge are being kept for the cases which were received by a Chamber or a judge (pattern br.29).

#### Article 132

The handover of cases and writs from the Court Recorder to the Court Chamber or a judge and the service are being performed through an inner delivery book which is being maintained for every Court Chamber, individual judge or a service (pattern br.30).

Taking and returning of certain cases from a writ are being registered with a short note inside the writ.

When a Court Chamber, an individual judge or the service return the cases and the writs to the Court Recorder, it will also be annotated in the writ.

#### Article 133

When, in accordance to the law, a member of an ethnical minority, a citizen of Republic of Macedonia is provided with the right to use his mother tongue in the procedure, the writs are translated in Macedonian and its Cyrillic letters, right before they are handed over to the competent judge for further work and to the parties.

Translated writs are being verified in the Court by a Court appointed translator.

The writs are translated in the same order as in which the entry was submitted to the Court, with an exception that, in case of writs which refer to pre-trial detention, appeal or other urgent matters, they are being translated in due time designated for the action by a law.

## CHAPTER SEVEN WORKING IN A CHAMBER AND AS AN INDIVIDUAL JUDGE

### 1. Order of resolving the cases

#### Article 134

The cases are being solved in accordance with the order in which they were received, unless in urgent or other justified cases only if such aberrance from the established order does not harm the rights of the parties in other cases.

In the criminal procedure, priority is given to cases in which some person is detained or is serving a sentence or he/she has been removed from the working post or he/she was temporarily prohibited to perform certain activity.

In the litigation procedures, priority is given to cases related to support, behavior disorders, evidence obtaining proposals and determining temporary security measures, commercial trials on bankruptcy, or lawsuits on cancelled contracts for use of an apartment.

In the criminal, litigation, court-managing and other procedures as well, priority is given to cases which are in process for longer time and cases which, on basis on special regulations, are treated as such or cases which are designated by the Chairman of the Court as priority.

In charge of solving the cases in order of their reception or of giving priority to urgent and other cases is the judge who is working on the case as well as the Chairman of the Court.

### 2. Scheduling of hearings and trials

#### Article 135

The chairman of the court or the individual judge is studying the case and, if there is no need of any further actions, he determines the day and the time of the hearing, the disputation and the trial.

Scheduling of hearings and trials for more cases at the same time is not allowed except when several cases are joined in order to conduct a single process.

The number of the hearings and trials during one day is determined in accordance with the duration of certain official actions, the number of the summoned persons, the type and the number of the evidences as well as the complexity of the procedure, making sure that the working hours of the Court and the parties to be spent rationally.

Scheduling is usually conducted in a manner that hearings and trials are being held every second day.

In the next, free day, the decisions which were brought are elaborated, the cases are being studied, and final preparations are being done for the following day.

In the elementary courts, judges who are performing their duties as an individual judge and a chairman of chamber at the same time, will schedule hearings and trials in which they perform as an individual judge and a chairman of chamber taking care of the individual judge cases before the cases of which the chamber is to decide.

When summoning persons who reside outside of the courts' seat, the following issues will be taken in consideration: the distance between the persons' homes, the possibility for on-time delivery of the summons, traffic connections, weather conditions, and other circumstances which can influence the working awareness.

When scheduling hearings and trials which require delivery of summons abroad, the date of the trial or the hearing will be taken into consideration, so the delivery of summons should be executed on time, in accordance with the international conventions.

Usually, the time frames for paragraph 8 of this article can not be shorter than three months.

#### Article 136

Decisions for scheduling trials and hearings must be clear and complete. They contain the exact information for: the first and the last name of the persons who were summoned as well as their personal data: nickname (if any), occupation, place of dwelling, the address as well as the reason for summoning him/her.

Certain seals can be used to mark the decision for trial or a hearing.

If, with the decision for scheduling trial or a hearing, evidences designated with numbers have been suggested in the submitted writs, complaints, charges, proposals or other writs, then it is enough to point out the particular writ by stating the queue numbers of the person who are to be summoned to the trial or the hearing.

#### Article 137

When the trial or the hearing is interrupted or postponed, the Court is obliged to immediately determine the date and the time when the trial or the hearing is to continue or take place,

determining the persons which are to be summoned as well.

The persons who are present and who are affected by that decision will be informed by the Court of the both date and time when their presence will be needed at the trial or the hearing and they will be also told by the Court that the summon is replaced by that notice.

If certain persons were not present during the hearing, their exact addresses will be included in the decision for interruption or postponement.

It will be insisted to have always the same judges – jurors present at the trials or hearings which were postponed. They will be separately informed of the date when the postponed trial or hearing will continue or when their action is needed.

#### Article 138

The chairman of the Chamber or the individual judge will enter the scheduled trials and hearings by their dates in his/hers work diary or a time table (pattern br.31).

Same action is to be taken in regards to other time related matters.

### 3. Decisions on other actions

#### Article 139

Decisions (orders, errands) regarding other actions must be clear and consisted of all the necessary data, based on which the court recorder can take prompt actions.

#### Article 140

The chairman of the chamber or the individual judge will determine the dead line for pre-registering in the orders by which a trial or a hearing is being scheduled, while they will also determine other actions and the dead line for registration.

Durations of the dead lines are being designated on the envelopes of the writs in the lower right corner of the front page in the appropriate column.

#### Article 141

Decisions by which trials and hearings are scheduled, as well as those related to the delivery and other actions are being imprinted on clean white sheets of paper. For that purpose, the Court can print out an appropriate pattern.

It is not allowed to write these decisions on the complaint, prosecution writs or proposal, supplements, delivered and other writs.

#### 4. Records

##### Article 142

A record is being made of the following actions: actions of the court taken during the procedure, the trial or the hearing; more important statements and reports given by the parties or other participants in the process; statements which they give apart from the trial or the hearing; other actions of the court when it is requested by special regulations.

The record is, usually, prepared in one sample and typed on a type writer.

Upon a request from the parties and their representatives, the chairman of the chamber or the individual judge will order the record to be prepared in several copies. One of those copies will be given to the party which requested it. The party is obliged to pay designated taxes for the copy of the record.

By except, when the record is prepared outside of the court (on the spot), it can be written with a pen.

There can be stenographical, or audio and video records of the course of the trial and the hearing, or certain parts of it.

Stenographic notes are being decoded and rewritten on a type writer within 48 hours. They have to be reviewed by the stenographer and signed by him/her.

The content of the audio recording is typed on a type writer within 48 hours and it is to be signed by the employee who did the recording.

The stenographic notes and the decoded text are attached to the record.

The audio and video tapes are being kept or destroyed, depending on the decision made by the chairman of the chamber or the individual judge. The place and the ways of their safeguarding are being determined by the same decision.

##### Article 143

If a preparation of an official note for a conducted official action has been ordered, then the date and the place of the action are to be entered in it, especially if it is related to cases when less important statements are to be taken or reports from parties or information of parties are to be received.

Official notes are signed by a judge or an employee who prepared them. If the note contains a statement given by a party or a report given to a party which is present, the party shall also sign the note.

##### Article 144

A registry of the chamber's sessions, when it is deciding apart from the main process or disputation, is being maintained in a special book which contains: the number of the chamber; date of the session; name and surname of the chairman and recorder; information whether parties were present at the session related to a criminal case; proposals that were given; type of the request in regards to which a decision was made (e.g. an appeal from the prosecutor, defendant or an objection against the prosecution); and what decision has been brought. Decision is designated in the shortest form (verdict, decision-confirmed, altered, appeal rejected).

##### Article 145

The record of the counseling and the voting bears the same number as the record of the hearing or trial that was held.

The record of the counseling and the voting is prepared by the recorder and is enclosed in a special envelope on which the following is written: "Record of counseling and voting as of \_\_\_\_\_ (date)", while in the upper right corner the number of the case and a seal of the court are being imprinted.

The sealed record of counseling and voting is being enclosed in the case documentation upon which it was decided and is supplemented to the record of the hearing or the trial. If the decision was made apart from the main trial, the record of counseling and hearing is enclosed in that case.

##### Article 146

In cases when instead of a record of counseling and voting a note has been made, such note must contain the following: date of the counseling, full names of the chairman and the members of the council as well and the reporter as well as a declaration that the decision has been reached unanimously or by a majority of the voters.

The note is signed by all members of the council and the recorder.

## 5. Other matters

### Article 147

Decisions that were made are delivered in their original form to the court registry with instructions for further actions.

### Article 148

With the instructions it is decided if the clerical office will keep the case on pre-evidence or evidence, or will be attached to another case and which other steps have to be taken.

### Article 149

If a legal remedy is allowed after the decision, a tutorial will be given in the copy which is to be delivered to the interested party. The tutorial of the legal remedy contains: type of the legal remedy, to whom, in what due time and in how many copies it is to be submitted, the way of delivery (personally or by mail) as well as the total amount of due taxes.

### Article 150

The verdicts and other decisions are delivered to the court registry in order to be copied with the necessary instructions no later than the time foreseen in the special procedures for their preparation. Delivered order also contains the date when it was given. The cases in which hearings and trials took place and which were decided to be further worked on are to be returned to the court registry on the same day or no later than the next day in order to be registered or deregistered in the registry and to enable further actions.

### Article 151

The cases which are being worked on should be kept in by the chamber or the judge only as long as it will take to prepare a decision in regards to the case. In the process, the foreseen time frames will be austerey respected.

## CHAPTER EIGHT WORK OF THE COURT DEPARTMENT DURING SESSION

### Article 152

Every court contains criminal department and civil department.

The criminal department is divided in branches as follows: penal, investigative, juvenile, criminal and military.

The civil department is divided in branches as follows: civil, executive, commercial, work related, non-civil, for heritage etc.

### Article 153

The chairman of the department calls up a session of the department on his own initiative, upon request from the judges in the department or the chairman of the court and designates a reporter and co-reporter. He takes care of formulating legal opinions and conclusions brought at the session as well as the execution of the works which are of importance for the functioning of the department and the execution of the program.

### Article 154

Together with the session summon the agenda is being proposed and materials which are going to be discussed are distributed as well. The summon and the materials for the session are distributed to each judge, counselor and expert associate within the department as well as to the chairman of the court no later than eight days before the session takes place. This dead line can be shorter for urgent and actual issues.

### Article 155

When two departments take part in making decision upon certain legal issue, the chairmen of those departments are organizing a joined session on mutual agreement. Each department assigns a reporter. The chairman of the department covering the issue which is to be discussed is to chair the joined session.

### Article 156

Standalone court counselors, court counselors and expert associates in the department have the right to take part in the discussion in accordance with the agenda of the department session and the joined session.

### Article 157

In order to have a valid decision making, the attendance at the department sessions must be at least two thirds of the judges comprising the department, while the joined session must be attended by at least two thirds of the judges from each department.

#### Article 158

If an agreement between the voters at the department session is not reached or there are different opinions of the two departments at the joined session, that issue is raised at the session of the judges, while in the Supreme Court of Republic of Macedonia it is discussed at a general session.

The same course of action is to be taken in cases when the chamber does not take action in accordance with the legal opinion given by the department.

The judge who disagrees with the accepted legal opinion at the department session or at the joined session, can suggest to chairman of the court to raise the issue at the session of the judges or at the general session of the Supreme Court of Republic of Macedonia.

In that case, he is to prepare a written proposal for his legal opinion.

#### Article 159

A record of the work at the session is being kept in which are entered all of the opinions brought up at the session as well as the result of the voting.

The record is signed by the chairman of department who was chairing the session and the expert associate who was keeping the record.

#### Article 160

The reporter prepares a draft of the legal opinion accepted at the session but, if his proposal is not accepted, then that assignment is given at the session to a judge.

The draft is distributed to all members of the department. The final text is adjusted to any potential remarks.

The legal opinion is considered as accepted if it was voted for by two thirds of the judges from the departments.

The legal opinion, in its written form, is signed by all members of the department. A judge who disagrees with the accepted legal opinion or with its written form or the explanation, will not sign the legal opinion, but instead he will separate his

opinion and he will add it to the original form of the accepted legal opinion.

#### Article 161

The chairman of department determines the way in which the unit for court practice will register the legal opinions accepted at the department session.

### **Session of the unit for court practice**

#### Article 162

The unit for court practice coordinates the work of all court departments while performing their tasks which refer to registering and studying of the court practice.

In the unit for court practice within the courts with larger volume of work, a special service for registration of the court practice can be organized.

#### Article 163

At the sessions of the unit for court practice, a plan is being made for follow-up of the court practice, social relations and affairs, in order to have them studied and for the future work. Also, suggestions are being assembled regarding questions which that are being raised at a general session or a session of the judges in order to assume certain position for adjustment of the practice.

## **Chapter nine**

### **WORK OF THE COURT REGISTRY AFTER THE COURT DECISIONS HAVE BEEN MADE**

#### Article 164

The competent person in the court registry or the department is scheduling the cases of the employees who, by a working schedule, had been assigned to certain duties and, by doing that, he ascertains when was the case received by the court registry.

The court registry or the department of the court registry performs the necessary actions like summoning the parties and other persons to the scheduled hearings and trials, copying, adjusting, sending, and joining of the writs as well as giving the necessary notes.

A note about the delivery (article 88, paragraph 4 of the Court Guideline) is being placed on the original form of the decision if the registry has been ordered to deliver the court decision.

If only an enclosure of certain writs, delivery note or a report has been ordered, then under the order a note is being placed saying whether the order was followed or explaining the reasons why it was not followed.

If the verdict and other decisions are being prepared on basis of a dictate or some other way, the necessary number of copies for the parties and the court are to be made at the same time and, after that, the case will be delivered to the court registry for further proceedings. In such cases, the court registry performs the adjustment and registering with a note of delivery.

#### Article 165

De-registering from the registry is being done by annotating the dates of the hearings and trials that were held, decisions made, sentences, correctional and other measures given, or appropriate marks are being made for the final resolution of the case.

In the appropriate column of the registry or, in case that there is no such column, in the column for remarks it is written the dates of the time frames in which the following is to be performed: delivery and registering, information regarding the circulation of the case within and out of the court, so it will be possible to determine at any time where the case is and what stage the procedure is in.

#### Article 166

Summoning of parties and other persons to a hearing or a trial is being done by a court summon which is filled in for each person separately.

Employees are obliged to fill in the summons in a designated pattern in accordance with the type of the case, while the names and the addresses are to be fully and clearly filled in on a type writer.

The summon must contain the following: the title of the court, label and the number of the case, full name of the person, the address, the role and the reason for which the person is being summoned, date and time on which the person should come, the address of the court, the number of the floor and the room as

well as the note on the consequences for not coming.

The seal of the court is to be placed on the court summon, a facsimile of the chairman of the chamber or the individual judge, under which the competent employee in the court registry places his/hers signature.

The writ in its appropriate form is to be enclosed to summon, clearly filled in on a type writer (pattern br.32).

An appropriate delivery note is to be enclosed to the summon (pattern br.32-33)

On the delivery note or the receipt in its upper right corner, under the number of the case, the due time for registering and pre-registering is to be annotated (pattern br.33).

The appropriate text for the means of delivery is marked on the delivery note.

## 2. Writing, copying and adjusting

#### Article 167

Request notes, commands or orders for organs and parties which are due to be followed in a certain period of time are being assembled in sufficient number of copies having one of them in the case.

Request notes by which the organs request reports and information or a conduction of certain actions in certain cases are to be signed by the chairman of the court or an individual judge.

Request notes which are being sent out of the country are to be signed by the chairman of the court.

#### Article 168

All court decisions and other writs which are being typed or copied on a type writer are delivered to the court registry.

The preparation of decisions and other writs can also be done if they have been previously recorded in audio or other means.

Type writing is performed on a standard size paper.

#### Article 169

The duplicate writs are prepared in sufficient number of copies in accordance with the decision for delivery.

When decisions against which no legal remedy is allowed are being copied, a sufficient number of copies should also be prepared for the second instance court.

When copying, cases with priority are being particularly regarded.

Duplicate writs which are to be delivered to the parties must be neat and readable.

After the copying, dactylographer is obliged to remove all errors which occurred during the copying process, to make note of the date when the copy was created in the part of the delivery seal designated for that purpose where he will also place his own signature.

#### Article 170

All of the duplicate writs are to be carefully adjusted to the original form.

The adjustment is, usually, performed by two employees assigned to that duty with the working schedule. After the adjustment is done, the employees place on the writs an appropriate seal, the date and their signatures.

If large scale errors have been done during copying, the competent person within the court registry or department will order the copying of the whole decision or just a part of it to be performed all over again.

### 3. Sending and receiving decisions

#### Article 171

The chairman of the council or an individual judge is obliged to determine, through means of the order, the way in which the decision or the writ is to be delivered to the addressee.

If there is no such order, the employee who is sending the writs will send the decision in a way which is most appropriate for certain cases in accordance with the appropriate delivery or he will ask the judge for instructions.

#### Article 172

Employees of the court registry or department who are following orders are obliged to make note under the order of how many delivery notes, envelopes and other writs are to be delivered as well as the way of delivery (by mail, courier, court delivery or through the appropriate service within the local self-government unit or a local office).

#### Article 173

Delivery of court decisions and other writs is, usually, performed by mail.

#### Article 174

If a proof of the performed delivery of court decision or other writ is needed, the decision or writ is being sent in an envelope with a return note if delivery is by mail.

If the delivery is performed in another way, a delivery note is enclosed together with the decision and other writs.

The full name and the address of the recipient as well as the number of the case is being annotated on the on the envelope with the return and the delivery note.

When the delivery is being done in person, a blue envelope with return note is being used, while in the rest of the cases the envelope is to be white.

When summons for hearing or a trial are being delivered, above the text of the return or delivery note the last date in the timeframe for pre-registration is being placed. In the rest of cases, the last date of the timeframe for registration is to be placed.

Delivery of short notes to the parties is performed in an envelope without return or delivery note.

#### Article 175

Writs which are to be delivered must be sent the same day.

Urgent writs are being sent with the first mail or through some employee of the court immediately after they were received in the registry. Writs received after the closure of the delivery book, if they are not urgent, are sent on the following day.

On the copy of the writ which is to remain in the court or under the delivery order a seal for sending is placed, along with the date and employee's signature, number of the delivery notes, envelopes and other writs, and the way of delivery is also being designated (by mail, through the unit of local self-government, court employee) and, after that, the case is returned to the competent person in the court registry or to the department of the court registry responsible for de-registering and enlisting in the scheduler.

The writs which are sent at the same day to the same address through the competent service of

the general management, local self-government or local office are, usually to be enclosed in one envelope. If one of those writs is being sent by express mail, the rest of the writs which would have been sent by regular mail are also enclosed with it.

If larger number of writs is to be sent to the same address which cannot be enclosed in one envelope, they are sent in different envelopes.

#### Article 176

All deliveries are divided on regular and express and are recorded in the mail delivery book (pattern br.34)

Mail delivery book serves as a record of the performed deliveries by mail and the mail expenses as well. For that purpose, each day after the mail has been sent, the postal expenses are being summed up and the final amount is recorded in the control book (article 181 of the Court Regulative).

#### Article 177

If a proof of delivery (receipt) is needed, then a special delivery note will be delivered to every person as of article 174.

If the writs are delivered by the court employee or in the court itself, delivery is performed, usually, without envelope.

Delivery of the writs to the public prosecution in the court seat is performed immediately with delivery in the registry.

#### Article 178

If the person requests to receive the writ in the court, the employee responsible of the delivery will follow the request if the recipient is known to him or if his identity can be established.

The writ can be delivered to an authorized person if he has been authorized for its reception. Lawyers within the court seat to whom writs are being delivered constantly can be allowed to receive them in the court itself if it is not stalling the delivery. In such cases, special pigeon boxes are placed in the court registry. The writs which are supposed to be delivered to the proper persons are being placed in those boxes.

#### Article 179

Writs which are being delivered by the court employee without a delivery note are registered in the place of delivery book, while the delivery is performed immediately (patterns br.33-35).

Undelivered writs are returned to the court immediately with a note of the reasons why the delivery was not done, while the employee is released of that obligation by making notes of it in the delivery book.

#### Article 180

Writs which are to be delivered with a delivery note are registered in the book of reception and delivery of writs (pattern br.36) by the court employee.

#### Article 181

The court registry is maintaining a control book of the post costs in which the post stamps that were used are registered and discarded.

The amount of money that was spent for postal stamps is registered each day in the postal costs control book. During each request for money for postal costs, the control book is locked and relayed together with the delivery mail book to the employee responsible for finances and material works for control purposes and for approval of the new amounts of money for postal expenses. The pages of the postal expenses control book are marked and verified by the chairman of the court (pattern br.37)

### **4 Working with cases with dead line**

#### Article 182

The cases of which the procedure is still ongoing, with exception of those which should be delivered to the judges on the same day and which are sent to be copied, adjusted and sent are, usually, being kept in the scheduler in the court registry.

Only cases in which trials should be conducted, cases in which, after the trial was conducted, a decision is to be made and those in which hearings and trials are to be determined or other decisions made should be given to the judges.

The records of where certain cases are and in what stage of the procedure they are maintained by the court registry by making notes on the movement of the writs in the special columns in the records and, if there are no such columns, in the column for remarks in the registry.

Remarks concerning the movement of the cases must be maintained in such a manner that, by reviewing the registry, it will be possible at any time to establish where the case is and, from other inputs, to determine the phase in which the procedure related to the case is.

#### Article 183

Cases in which certain hearings and trials and deadlines are scheduled are being kept in the court registry in a locked locker - a case scheduler. The scheduler is divided in shelves marked with numbers from 1 to 31 in accordance with the day in the month.

The cases are placed in appropriate folder depending on the date, the deadline or in accordance with the day scheduled for pre-registering and registering regardless of the month in the year.

Cases are kept in folders in order according to their number noted on the marks of the writes. First come the cases from the current year, and then come those of the past years.

If the case is taken for temporary use before a designated deadline has expired, a note saying where the case is will be placed in the scheduler instead of the case.

Courts with larger volume of work can have separate schedulers for hearings and for trials.

If the scheduler has not been divided in a way foreseen by paragraph 2 of this article, then the cases in which hearings and trials have been determined are being kept together in the appropriate folders, but in separate envelopes with different colors.

Registering of hearings and trials and deadlines is performed by a competent employee in the court registry. Hearings and trials determined by the chairman of the chamber or an individual judge are enlisted in the record as follows: hearings and trials in separate columns, the deadlines in remarks column.

#### Article 184

Cases in which deadlines have been determined or hearings and trials have been scheduled are placed in appropriate folders in the scheduler, after the necessary inputs and other action have been made in the records.

A deadline for pre-registration is given to the cases from paragraph 1 of this article, while the cases to which other deadlines have been given are placed only if needed.

If the parties and other persons have been informed of the date and the time of the trial, thus no further action is needed, then the cases are placed in a folder which matches with the date of the trial.

The cases are placed in pre-registry when the execution of certain actions that were ordered is needed to be checked in due time before the deadline expires.

The deadline for pre-registering is, usually, determined in the following fashion: between the day when the decision was made and the deadline for pre-registration two thirds of the time must elapse, while from the day of the registration (the day on which the hearing or a trial is to take place) another third of the time should elapse.

The pre-registration and registration deadline are determined by the judge with a decision by which he schedules the hearing or a trial or determines another course of action.

#### Article 185

The President of the court or an individual judge determines the deadline for pre-registration or registration by a decision given in the case, designating the date and, if needed, the time of the deadline (e.g. "pre-registration on 18.11.1989 at 10:00 hrs, registration on 25.11.1989 at 11:00 hrs").

The employee of the court registry writes down the given deadlines in the work calendar, puts the cases in special shelf of the scheduler and signs under the decision of the judge.

The employee of the court registry makes everyday reviews of the deadlines and the hearings. The cases from the scheduler are handed over to the judge one day before the deadline for execution of planned actions unless it is not decided otherwise.

A review is being made for the cases which are designated for pre-registration in order to have it confirmed whether everything was done in accordance with the decision or whether all of the return and delivery notes of the delivery performed are returned and joined in the case and whether the requested reports are obtained and joined. In such cases, the case from the pre-registration deadline shelf is moved over to the registration deadline shelf.

If, for reasons stated in paragraph 4 of this article, the scheduled hearing or trial does not take place, the employee of the court registry is obliged to inform chairman of the chamber or the individual judge in order to make a decision for

postponement of the hearing or trial. In such case, it is brought to the attention of all persons who were summoned. The chairman of the chamber or an individual judge, along with the notice of postponement of the hearing or trial, informs the summoned persons of the date and the time on which the new hearing or trial has been scheduled.

## **5. Supervision of the delivery service**

### **Article 186**

The president of the court is obliged to perform supervisory actions in the delivery service every 15 days in the month if the delivery is conducted through the court couriers or by mail, The supervision comprises the overall work of the delivery service as follows: way of delivery; awareness in delivery, reception and hand-over of the writs; and potential problems. The supervisor takes all necessary steps for overcoming of the delivery problems compelling the chief of the court registry to perform all of the tasks which he/she has been assigned with.

## **6. Joining and disjoining**

### **Article 187**

When more cases are joined for joint hearings, then the case which has started later is joined to the case on which the procedure started earlier. If cases of which an individual judge is responsible are being joined with cases of which a court chamber is responsible, then all of the joined cases are being joined to the oldest case. The case which has been joined for joint hearings is noted on the envelope of the joint case (e.g. joined K.br.100/96) and, if the envelope of the joined case bears some particular mark, it is also transferred to the envelope of the joint case. The listing of the writs from the previous case is being entered in the joint case under the number from the listing of writs. If joining of cases is made during a hearing or a trial, then only the record is entered in the listing of writs. In these cases, it is noted in the column of remarks which case has been joined for joint hearings. If a case is being enclosed to another for examination, it is noted on the envelope with red

pencil which case has been joined (e.g. supplied P.br.101/96). When, after the examination, the cases are disjoined, the remark on the envelope is being cross lined.

### **Article 188**

If the case is disjoined before the completion of the procedure in order to conduct a separate procedure, then the verified copies of the writs referring only to that particular case are being entered in that case. The remarks referring to the disjoined case are also transferred to its envelope. Those remarks are cross lined on the envelope of the previous joint case. A new listing of writs is being made for the disjoined case.

## **Chapter ten**

### **Additional regulations (rules) regarding the proceedings of the Court registry office**

### **Article 189**

Registry office clerks make sure the case files work is conducted correctly, properly and in a timely manner. They pay attention to the particular deadlines, also concentrate on removing the hindrances that may cause delay to the cases and right after the delivery to hand them over for the further processing as well. Registry office is particularly paying attention to the case files when they are ongoing (under time limit) or the hearing and the trial sessions are held already (completed), and also they transmit the cases files with the decision prepared within the limit prescribed. The case upon which, the decision is not prepared is not considered and registered as a completed one. The person in charge for the registry office regularly, or at least every 15 days, is informing the President of the court about the case files upon which the court decisions are not brought or not prepared. The person in charge for the registry office will inform the President of the Chamber, the particular judge (single) or somebody else who is

proceeding upon the case, for the expiration (termination) of the certain time limits, about the obvious errors in the minutes and the court decisions source books and the obvious errors and omissions of the fees calculations and determination of the terms and trial sessions.

#### Article 190

The Court registry office puts certain remarks on the cases that had been proceeded already, regarding the proceeding or (and) non proceeding of the parties and other persons, and also regarding the work of the registry office ( for example “ Delivery notice- returned envelope not signed”, “ report requested is not received”, “ no respond to the charges “ “ the appeal is not filed” “ the party did not act within the prescribed time limit”).

The submissions tied by time limit have to be filed with a delivery notice. If, it is establish that the submission is lodge in a timely manner, than it has to be a mark “On time”.

Due to the appeal, by the order of the judge, a warrant shall be made for its delivery to the opponent for the respond and if it is an appeal that shouldn't be delivered to the respond than a warrant shall be made for delivering the case file to the second instance court,( appeal court ) e.g. a note for delivering the case file to the out of hearing Chamber of the mentioned court. The warrant or the remark shall be lodged before the judge for the assessment and signature.

If the submission is not lodged in a timely manner than it shall be marked “not on time” and together with the file shall be delivered to the President of the Council or the particular judge (single) for the proceeding.

In all the above mentioned cases, it is obligatory to use appropriate stamps.

#### Article 191

Case files circulation (movement) within the Court registry office (Transcript, filing and delivering) shall not be recorded in the particular registry book, if the case file is returned during the same day.

If the case is delivered on time to the different department, in the registry book, in the column for remarks, with a pencil shall be written when and to whom the case was delivered.

In the same time the delivered case shall be written in the book of delivered files that should be returned.

#### Article 192

The returned “delivery notices” and the returned notices (envelope) after the delivery, are filed by the dates of the terms and the hearings, they are kept separately in the special cabinet and shall be kept there until the term of the particular hearing.

The consigned summonses and other different letters shall be taken into the procedure immediately after the reception, regardless the deadline for pre-evidence and the evidence of the manner prescribed in the Court Regulation book. The delivered notices, the returned notices, reports and other letters of merit shall be appended, enclosed and attached to the related minute and the decision.

The delivered notices, the returned notices, reports and other letters not relevant to the subsequent procedure shall be detached and destroyed.

#### Article 193

The court Registry office is independently conducting the administrative work regarding, managing the case files, obtaining necessary dates (information), and administrative – technical kind of reports from different departments (organs).

#### Article 194

The Court registry office independently beside others, is conducting the following tasks:

1. Verification signatures, hand scripts, transcripts, copies, except for those for use in abroad;
2. Giving oral and written reports based upon the dates from the registry book and the case files, issuing certificates for the facts, which the court has an official records;
3. Receiving the minute or the form of official note, short announcements, or statements of the parties and other interested persons about change of, address, domicile, the day of receiving the court warrant, if the delivery notices or the returned notices are not returned or the day of the executive delivery is not assigned.
4. List of official gazettes for identifying whether certain announcements pertaining particular cases are published.

5. Intervening when it is not preceded by the delivered requests, and when for that intervention, the judge warrant is not required.
6. Avoiding defaults of the submissions, within the frame of clerk's authorization.
7. Taking appropriate measures for properly and timely collecting money for the fees and the expenses of the procedure, after the court warrant had been issued.
8. Taking appropriate measures for collecting fees when it is obligatory.
9. Collecting fees and expenses in the procedure when they had been compensated from budgetary funds.
10. Collecting necessary dates for deleting and revoking the conditional sentences.

#### Article 195

After the remedies issued, against the decisions of the first instance, the court delivers the case to the higher instance court attached with a particular report (Pattern no 38).

The court in the same time informs the party, upon whom the remedy had been issued and with the attached report, delivers it to the higher instance court (Pattern 37-39).

The case upon which the remedy had been issued against second instance court, first instance court delivers it through the second instance, which shall resend it to the third instance with its particular attached report. (Pattern, 40-41).

If against the mentioned decision several legal remedies are issued or against several decisions one legal remedy is issued, the case is to be delivered with a single report where the legal remedies and the relevant decisions are to be specified (identified).

#### Article 196

The enclosed report is marked with the: case number, the number of pages of the appeal, legal matter, and the date the decision is delivered to the appellants, who made the remedy and the date it is announced, is the remedy lodged on time and if there is a respond to it.

If the remedy attacks the decision of the secondary instance court, the first instance court will submit a transcription of its decision, and the second instance court shall do the same.

#### Article 197

If there is a need of some assessments derived of the contents of the remedy or the respond, regarding the post delivery, they are to be made by the first instance court, before lodging the case to the authorized court.

Within the enclosed report the first instance court, shall describe the results of the assessments, completed post reception of the remedy or the respond.

#### Article 198

Beside the case file, the corrections, kept with in the court are to be delivered to the higher instance court, if the one are not enclosed with a verified transcription before. If the case file is enclosed with verified transcriptions, the originals are to be delivered to the higher instance court only by their request.

If the report is enclosed with a files of the examination or other proof materials which can not be easily delivered with the reports of the higher instance court, it shall be indicated within the enclosed report, and the files shall be delivered if the higher instance court required so.

#### Article 199

After the reception the higher instance court, shall create a new case file with a sign of that court.

In the list of reports first that shall be recorded is the enclosed report of the first instance court.

On the top (bind) of the received case file under the sign of the first instance court the sign of the higher instance court can be noticed not overwriting the sign of the first instance court.

#### Article 200

The higher instance court returns the case to the first instance court together with the required number of copies of its decision, for the parties and for the first instance court.

The procedure is the same when the higher instance court returns the case to the second instance court regarding the remedy issued against their decision.

Within the case file of the higher instance court remains: Sample (copy) of the appeal, the main trial record, the original of the decision together with the records of the counseling and voting and other reports related strictly to the higher instance court procedure.

#### Article 201

After receiving the case from the second instance court, the person in charge of the Court registry office, or the registry unit, is closing down the registration and sends the decisions to the parties.

If the first instance decision is completely or partly repealed, the case will keep the same old number, it will be assigned with roman numbers how many times the decision had been repealed (for example: K.br.103/96-I or if it is repealed for the second time K.BR>104/96-II). Therefore the judge is obliged latest in 30 days to issue a warrant for the trial e.g. hearing session and in the same time to order, with a court summon to send the parties a transcript of the second instance decision.

If it is not possible from justified reasons to set a trial or a hearing session, the higher instance court decision shall be delivered to the parties without delay.

## **Chapter eleven**

### **ARCHIVING OF THE CASE FILES, MAINTENANCE AND HAND OVER**

#### **1. Archiving of the case files**

##### **Article 202**

The documents needed for the court decision, in the ongoing procedure, are going to be kept in the case files until the judge decides differently. The testaments and other more important documents are kept in a particular way protected in a metal cabinets or safes.

##### **Article 203**

After finishing the preliminary activities, the cases lawfully solved, are archived and kept as completed (closed).

The archive is contained in the Court Registry office and it is placed in the special premises.

The archiving of the case files is made upon a written warrant of the president of the court, the president of the Chamber and the particular judge. The cases kept in the archive are protected from humidity and fire and secured of damaging, destroying and theft.

##### **Article 204**

The case files before being archived are to be checked if the records are chronologically ordered; if, they contain the writs that should be delivered to the parties or some other organs, if the case is finally completed.

Regarding the cases subjected to taxes collecting, the person in charge of the Registry office or the authorized worker before archiving, will check if there are some official note for that, if the tax is already collected, if the tax request is submitted to the authorized administrative organ, if there is a decision for enforcement of claims through the endorsement accounts ( bank accounts)and if and when the statistical patterns are filed.

On the top of the case file, has to be printed that tax is collected and that the particular report is lodged e.g. the decision is brought.

The effective decision and the criminal cases are to be archived after the confirmation of the President of the court, the president of the Council and the particular judge that a warrant had been issued and supplied for executing the criminal sanction ; that after the decision brought, about the costs of the criminal procedure paid by the budgetary funds and also the fees, paid and recorded in the fee sentences and the criminal procedure costs control ( check)book; that all the authorized organs, organizations and communities are informed; that all the deposits and cases are solved – “corpora delicta”; that the delivery documents and returned one, are filed (collected); that the organs are informed of the date of the decision put in effect the criminal procedure was conducted by, against the accused person in detention or sacked from duty and that all the needed activities are finished. If the wrappers of the huge cases are damaged, before archiving they should be put in a new envelope.

##### **Article 205**

The cases of historic, science and political importance and the other cases assessed like important one are to be kept in a special place. On their place in the archive there has to be a notice, marking their place determined for their maintaining.

With in the archive register books, book files and other additional books from the previous years are kept, even they are not used in the current year.

##### **Article 206**

The finished cases are sorted by the type of the cases (criminal, civilian, non- civilian, executive) and by the ordinal numbers of the files of the particular register books, and placed in special folders.

On the wrap of the folder on the front page, the abbreviate mark is to be put, the year of the case, and their ordinal number (for example:P.br. 1996-200-250). The titles on the wrap of the folder are to be placed in the separate partition due to easier orientation.

The archived case files are managed by a particular worker from the register office.

For the cases handed over out of the archive there is a special log book, where the time of the hand back is written. (Pattern no 42).

When the case is to be taken off the archive, than the hand over has to be based upon a special written request from the President of the Chamber or the particular judge. That written request is to be put in the same place of the dislodged case, and after returning the request has to be destroyed. (Pattern no. 43).

The archived case files can be handed over to some other organs only upon the written approval of the President of the court. In this case, in the place of the case file, adjacent to the written request there has to be the approval of the President of the court as well.

The particular worker is checking at the end of the each month, if the case files are returned in the determined period of time and taking necessary measures for that.

## **2. Maintenance and hand over**

### *Article 207*

The maintenance and the hand over for the case files, register books folders and other additional books in the archive, is conducted in a particular way.

### *Article 208*

Permanently kept in the court without handing them over to the competent archive are the:

1. Cases of constructional nature with plans and contracts pertaining court buildings;
2. Documentations of the subjects entered in the court registers;
3. Title deeds and mortgage books with all the plans and documents related to them, particular entries and additional

books and old title deed and mortgage books as well.

4. Testaments and other separately kept documents, together with the list of documents and the appropriate books of names.
5. Criminal cases – Judgments for the criminal acts pronounced a life sentence, or sentence in prison for 20 years;
6. Proceeding cases - judgments and settlements pertaining status disputes;
7. Bequest (inheritance) cases – death certificates, bequest records, and the decision for inheriting.
8. Cases for pronouncing a missing persons as a death, proving death, taking away work abilities and adoption of children;
9. Sum of prescripts and guideline book;
10. Documentation for the employment relations, employees' evidence list, and lists of their salaries;
11. Documentation for criminal, civil proceedings, non proceeding and bankruptcy cases and the particular registers. The cases under the items 2,3,5,9 and 11 are to be handed over to the competent court after the expiring of the dead line.

### *Article 209*

The cases that are not secretly kept are to be removed of the archive after the expiration of the deadline.

1. 20 (twenty) years for the criminal cases with a pronounced sentence more than 3 years prison and 10 (ten) years of the effectiveness of the decision of other criminal cases;
2. 30 (thirty) years of the day of effectiveness of civil cases pertaining to the substantive legal requests above the real estate.
3. 30(thirty) years for cases of non civil procedures pertaining the real estate, inheritance and title deed cases.
4. 5 (five) years of the day of initiated, ceased and terminated execution of the cases in the executing procedure.
5. 10 (ten) years for the cases pertaining the court administration.
6. 5 (five) years of the day of the second instance court decision and of all the second instance cases.

7. 10 (ten) years of the day of completion of the procedure upon the cases pertaining the administrative court proceedings.
8. 10 (ten) years of the day of completion of the procedure upon the all other cases.
9. 3 (three) years of the criminal cases initiated upon the private charges upon which the procedure is ceased, criminal cases upon which a fee is pronounced, conditional sentence, or court reprimand, cash payment orders, civil and non civil cases upon which the procedure is closed with withdraw charges or other different formal reasons.

Article 210

The entries and folders beside those mentioned in the article 208 of the court Regulation book, are kept at the whole time till the cases registered into are kept. Entries of verification and the fee books with the evidence papers are kept 10(ten) years of the last annual conclusion.

**PART THREE**

ENTRIES AND ADDITIONAL BOOKS

**Chapter twelve**

PROVISIONS FOR REGISTRATION OF  
ENTRIES AND ADDITIONAL BOOKS

**1. General Provisions**

Article 211

Registration of the entries and additional books are conducted by the court Registry office. The entries are conduct separately depending of the type of the case. The courts with greater range of work and competence confirmed with the article 32 of Law on courts, can make separate entries and additional books for the cases of the same type (for example, divorce cases, damaged behavior, real estate ownership, debts).In this cases these entries are having the same log of the basic entry and the sub number that matches to the schedule upon which they are created.

Entries can be divided in two or more books logged with roman numbers. The entries are conducting the way to confirm at anytime, where and on which stage the procedure for the certain case is. In the inner page of the entry bind and the working books, printed manuals and an explanation how to make them are attached. The entries and additional books after working time finishes are kept locked.

2. Creating and logging the entries and additional books

Article 212

For the courts internal work, entries and additional books are to be created. The courts, instead of entries prescribed with the Court Regulation book, can make a card register for all or for the particular kinds of cases, which shall compile all the records and the appropriate entry.

Article 213

The entries are comprised of required number of pages of prescribed patterns attached in a book with hard binds logged with a roman number. On the bind of the entry, the log and a year the entry is referred to are to be put (for example K-1996, P-196). The courts with lesser range of work and competence confirmed with the article 30 of Law on courts may one book of entry use for several years. In the middle of the first page of the coming year sheet, a mark of the appropriate year shall be logged. The folders and the other additional books are to be created in the same way.

**3. Making the entries and the additional books**

Article 214

Registering the writs into the entries and additional books is chronological. Every case in the entry until the procedure is completed is registered with the same number, except in the cases of logging the closed and associated cases. When the procedure is initiated of several or against several entities, the case is to be registered into the entry under the same ordinal number, thus that under the names of the parties

a small letters in alphabetical order for the plaintiffs ( a,b,c) and for the accused Arabic numbers (1,2,3) are to be logged.

#### Article 215

The writ that initiates the procedure or requests certain court action is to be registered in the appropriate entry or additional book.

The files pertaining to the already registered cases that because of their importance should be registered into the entry (appeal, complaint) are to be logged in an appropriate column of the entry under the ordinal number of the case they are pertained to. In the case when in the entry there is no enough space to write down further entries, the writing shall continue on the first free row after the last ordinal number logged in the entry. Because of the connection of the extended entry, under the log of the ordinal number of the case which entry is to be extended, the ordinal number of the case is to be written down with a red pencil or red ink, behind whom, the extensive entry comes to.

The part where the extended entry is being registered has the same ordinal number as the case it is pertained to. The other files are to be appended to the appropriate case without being previously registered in the entry.

The notation in the entries and additional books is made by ink pen. Temporary remarks (circulation of the case) are notated with a pencil and are deleted after being case less. The remarks with a red pencil are put only on the cases prescribed in the Court Regulation book.

#### Article 216

Certain entries can not be deleted or in any other way annulled (sticking, scratching). If some case is incorrectly registered, shall be line through with a red pencil with a diagonal line of the left down to the right upper angle, and on the remarks column a mark “ incorrectly registered” is to be noted.

The cases that are to be registered after the incorrectly registered case, shall not take the ordinal number of the incorrect case but shall take the subsequent one. When concluding the entry at the end of the year the annulled ordinal numbers are to be subtracted of the last ordinal number.

The other incorrect notices are correcting by inserting the accurate text, and over the inaccurate one a thin horizontal red line is to be

drawn so that the overdrawn text remains readable.

#### 4. Logging the solved( completed) cases

##### Article 217

When the case is solved, afore the ordinal number an appropriate sign for the closed case is to be put: Example P.br.45/96.

The case is considered as solved when the decision has been sent no matter if it is effective. The sign for the closed case is to be put and before sending the decision when the legal procedure is ceased and the procedure is not extended after completing one year of cessation. In the cases entries, the sign for closed case is put: for executing the financial requests when the court shall pay up the financial requests; for selling the movable and immovable property or other kinds of executions (Execution of non-financial requests); when the executing procedure pursues that case is finished, thus the requester for the execution had been compensated or the execution remained unsuccessful, or if the procedure of other reasons has been ceased.

The case pertained to several entities (several accused or plaintiffs) is logged as solved, when the procedure is finished and the decision is sent to all the entities.

If the case is solved only regarding to some entities, a sign for the finished case is to be put near the letter or the number that are pertained to those entities.

Partially solved case is to be logged with underlining the ordinal number of the entry with red horizontal line.

##### Article 218

In the case when on one side of the entry or additional book all registered cases are solved, in the lower left angle of the sheet a rectangle is to be put.

With the same sign the ordinal number of the case shall be logged during archiving.

The sign for the finished case and the rectangle are always with red pencil or a stamp.

#### 5. Associating and separating cases of the entry

##### Article 219

When several cases are associating because of conducting a unique procedure, at the remarks column it is logged to which case the case is being associated (e.g. associated with K...).

At the remarks column under the ordinal number of the associated cases a notice shall be put (e.g.: associated K.br.96/96).

During the association, the newest is going to associate the older case and it is record under the sign and the number of that case.

#### Article 220

If a case is attached to other because of inspection the provisions for associating are not valid, instead, to the attached case, in the remarks column with a regular pencil the date of the attachment shall be put (for example: attachment K.br. 18/96-26.IX.1996) .

This kind of notice shall be put in the entry remarks column under the ordinal number of the case that the one is attached to.

#### Article 221

In the cases when the court shall determine a case procedure, where the hearing and deciding are separate, the separation within the entry is conduct the way that the separate part of the file shall be registered as a new case. At the remarks column the new case is going to be put a sign with ink “separated of...” and within the current “separated in the file...” and the date of separation is going to be logged.

The same remarks are put in the file list.

The notices pertained to the separated part of the file are going to be passed on the particular column of the new ordinal number of the separated case.

### **6. Concluding the entries and the additional books**

#### Article 222

The entries are concluding at the end of the year. The concluding is conduct the way that after the last written ordinal number there is a statement (assessment) added that comprises the following dates: a day, a month, a year of the conclusion, ordinal number of the last notation, the number of annulled notices, the number of completed

cases, and the number of the cases that remained unsolved until the end of the year. This statement (observation) is verified by the competent worker and a President of the Court. In accordance with the regulations the additional books, are not to be concluded.

#### Article 223

The cases that remained unsolved until the end of the year, shall be transferred to the next year thus to the first page of the entry the numbers of those cases are register. All the notations pertained to those cases are made in the previous entry. If the case is solved during the current year within the previous entry to the particular ordinal number a sign for finished case is to be added, while on the other side of the recent entry with a red pencil the particular ordinal number shall be underlined.

#### Article 224

The case registered into the entry as solved, in the procedure that shall continue after suspending the decision (totally or partly) or after the cessation or after the restarting of the procedure, will keep the same number from the previous notice.

Therefore in the remarks column the further course of the procedure is noted.

(For example: P.br. 18/96 if it is proceeding for the first time or P.br. 18/96 – I for additional proceeding.

#### Article 225

The case registered in the entry is to be added in the appropriate name book immediately. The sign for the case wrote in the book of names is to be put on the particular ordinal number.

### **7. Periodical review on the entries and the additional books**

#### Article 226

The worker in charge for the court registry office, compulsory at the end of every month, or sooner if necessary, is controlling all notations in the entry, the book of names and the additional books. At the same time,

he compares the entry with the files and checks if the notations are accurate and complete. For the completed review and the confirmed situation he is informing the President of the Court and the President of Court Unit in written form.

The President of the Court Unit temporary or at least once per three months controls the entries, books of names and the additional books that are administered in the Unit.

The President of the Court if necessary or at least twice per year controls the entries, books of names and additional books.

During the control every confirmed errors and shortages are to be deleted with a certain explanations and instructions.

The completed control it is to be verified with a date and signature, placed on the last entry.

The President of the Court Unit and the President of the Court for every error or shortage beside oral, if it is needed can give written explanations and instructions.

The President of the Court Unit in written form informs the President of the Court for his undertaken activities.

## 8. Entries

### Article 227

The primary courts are administering the following entries:

For the criminal cases:

- The Entry for the investigations “ KI” pattern no 44
- The entry for the particular investigating activities ”OID” Pattern no 45
- The entry for various investigating activities and various criminal cases “KRI” and “KR” Pattern no 46
- The entry for the detentions “KSP” Pattern no 47
- The entry for the criminal council in previous procedure out of main trial ”KS” Pattern no 48
- The entry for criminal cases “K” Pattern no 49
- The entry for juvenile criminal cases “KM” Pattern no 50
- The entry for pardon cases “KP” and for the extraordinary mitigation of sentences “KUK” Pattern no 51

- The entry for confiscated items (Corpor delicti) “KPD” Pattern no 52
- The entry for confiscated money, securities and other values “KPD1” Pattern no 53
- The entry for persons summoned to serve prison sentence (adult) “KUIKP” Pattern no 54
- The entry for executing juvenile prison and the educational measures ” KUIKM” Pattern no 55
- The warrant for sending for execution of prison sentences “NUI” Pattern no 56
- The entry for repeated cases”K-POV” Pattern no 57
- The entry for cases of violation “PRK” Pattern no 58
- The entry for probations and suspending of sentences “UOPK” Pattern no 59
- The entry for economic offences”SP” Pattern no 60
- The entry for guaranties Pattern no 61

For civilian cases:

- The entry for civil cases”P” Pattern no 62
- The entry for disputes of minor value “MALB” Pattern no 63
- The entry for financial warrants “PL” Pattern no 64
- The entry For various civil cases “P” Pattern no 65
- The entry for executed cases “I” Pattern no 66
- The entry for inheritance cases “O” Pattern no 67
- The entry for non civil cases “VPP” Pattern no 68
- The entry for legal assistance “POM” Pattern no 69
- The entry for
- The entry for verifications in the court “ ZAV I” and “ZAV II” Pattern no 71
- The entry for verifying contracts of real estate subjects “ZAV-ND” Pattern no 72
- The entry for verifying traveling documents “ZAV-S” Pattern no 13
- The entry for verifying documents in sense of Convention for abolishing the need

- of legalization of foreign public documents (Apostil) "ZAV-X" Pattern no 14
- The entry for requests of native and foreign courts about delivering documents abroad and giving other legal help" ZAM-S" Pattern no 15
- The entry for bankruptcy, liquidation and settlement "ST" Pattern no 73
- The entry for administrative cases "USS" Pattern no 74

For the Court Administration:

- The entry for Court administrations "SU" Pattern no 75
- Confidential and strictly confidential entry of the Court Administration "SU-DOV" and "SUST-R-DOV" Pattern no 75
- The entry for complaints "UPP" Pattern no 76
- The entry for protection of illegal activities "ZND" Pattern no 77
- The entry for previous proceedings upon Economical offences "SPI" Pattern no 78
- The entry for sentenced legal and responsible entities "KZ-E" Pattern no 79
- The card for registering sentenced legal entities (blue color) Pattern no 80
- The card for sentenced responsible entities (green color) Pattern no 81
- The entry for registration of Political Parties" PP" Pattern no 82

#### Article 228

The Appeal Courts are administering the following entries:

- The Entry for second instance criminal cases"KZH" Pattern no 83
- The entry for second instance criminal cases in the procedure against juveniles "KZHM" Pattern no 84
- The entry for second instance cases of Economical offences "SPZH" Pattern no 85
- The entry for second instance Criminal Council "KSZH" Pattern no 86
- The entry for second instance administrative disputes "USSZH" Pattern no 87
- The entry for executing sanctions

- "UISZH" Pattern no 88
- The entry for various criminal cases "KP" Pattern no 46
- The entry for second instance violation cases "PRZH" Pattern no 89
- The entry for second instance civilian cases "GZH" Pattern no 90
- The entry for second instance cases upon economical disputes"SSZH" Pattern no 91
- The entry for various civilian cases "R" Pattern no 65
- The entry For Court Administration "SU" Pattern no 75
- Confidential and strictly confidential entry of Court Administration "SZ DOV" and "SRT DOV" Pattern no 75
- The entry for complaints "UPP" Pattern no 76

#### Article 229

The Supreme Court of Republic of Macedonia is administering the following entries:

- The entry for requesting protection on legality of the criminal cases"KZZ" Pattern no 92
- The entry for requesting of extraordinary mitigation of sentence "VUK" Pattern no 93
- The entry for various criminal cases "KR" Pattern no 94
- The entry for requesting protection on legality of the civilian cases "GZZ" Pattern no 95
- The entry for civilian cases after revision "REV" Pattern no 65
- The entry for administrative disputes "U" Pattern no 96
- The entry for various administrative cases "URP" Pattern no 97
- The entry for extraordinary reexamination of the violations procedure "KPP" Pattern no 98
- The entry for requesting execution on verdicts of the Supreme Court of RM "UI" Pattern no 99
- The entry for requesting protection on the elementary rights and freedoms "USPI" Pattern no 100
- The entry for requesting protection on legality in the administrative disputes "UZZ" Pattern no 101
- The entry for extraordinary examination on verdicts of the lower instance courts in the

- administrative disputes “UVIU”  
Pattern no 102
- The entry for court administration “SU”  
Pattern no 75
- Confidential and strictly confidential entry for Court administration “CZ DOV and SRT DOB”  
Pattern no 75
- The entry for complaints “UPP”  
Pattern no 76
- The entry for extraordinary reexamination of lawful decisions “KVP”  
Pattern no 10
- The entry for the third instance criminal cases “VKZH”  
Pattern no 10

### **Books of Names and other Additional books**

#### Article 230

The Primary and the Appeal Courts are administering the following Books of Names and Additional books”

- Registration – calendar for assigning the jurors.  
Pattern no 5
- A book with a list of delivered incoming cases  
Pattern no 10
- A Daily book for official trips  
Pattern no 11
- Internal delivery book for cases circulation in the court  
Pattern no 30
- The judge working log  
Pattern no 31
- Delivery mail book  
Pattern no 34
- Delivery residence book  
Pattern no 35
- The record for judges and Presidents of Councils daily tasks  
Pattern no 29
- The book for tasking the court workers to receive deliveries – delivery writs  
Pattern no 36
- The post taxes control book  
Pattern no 37
- The list of cases handed over from the archive  
Pattern no 42
- Book of name on the Entries “K”, “KI”, “KM”, “KZH”, “KZHM”  
Pattern no 106
- Entries book of name “P”, “PL” and “GZH”  
Pattern no 107
- The entry book of name “I”  
Pattern no 108
- Entries book of name “R”, “ZAM”; “ODS”  
Pattern no 109
- The entry book of name “O”  
Pattern no 110
- The entry book of name “SU”  
Pattern no 111
- The book for conditional sentences  
Pattern no 112

- A Daily book for paid fines, for costs of the criminal procedure and seizure of the property benefits.  
Pattern no 113
  - Control book for procedure costs where the party was acquitted of accusation.  
Pattern no 114
  - The list of issued receipts for credited transport.  
Pattern no 115
  - The investigating and the juvenile judge daily book “DIS”  
Pattern no 116
  - The list of executions of the execution department  
Pattern no 117
  - The list of
  - 
  - Control book of detained persons in the previous procedure  
Pattern no 121
  - Control book of persons apprehended before the investigating judge  
Pattern no 122
  - Control book for detained persons after the initiated prosecution  
Pattern no 123
  - The evidence for issued receipts of workers being absent of duty after the summons of the court  
Pattern no 20
  - The book for conducting inspection in KPU and an inspection of serving detention  
Pattern no 124
  - The book of summoned persons for serving the sentence in prison  
Pattern no 125
  - The name book for summoned persons for serving the sentence in prison  
Pattern no 126
  - The evidence for doing an inspection for the prison sentence  
Pattern no 127
  - Control book serving educational measures  
Pattern no 128
  - The name book of entry for administrative disputes “USS”  
Pattern no 129
  - The card of the entry “SP-1” for legal entities  
Pattern no 130  
(Green)
  - The card for the entry “SP-2” for responsible persons  
Pattern no 131
  - The card for entries “P”, “PL”  
Pattern no 132
- The Supreme Court of Republic of Macedonia is administering Books of Names, and other additional books that are administered in the Appeal Courts, beside those that are not related to matters under Jurisdiction of the Supreme Court, and beside them are the following:

- The name book of entries for administrative cases “U”, “UI”, “UP”, “UZH” and “UR” Pattern no 133

The Primary Courts are administering also Book of Title Deeds (pattern number 134) and book of mortgages (pattern no 135) protest folders I, II and III (pattern no 136) and certifications (pattern 137).

## **PART FOUR**

### **SPECIAL PROVISIONS FOR CERTAIN KINDS OF PROCEEDING**

#### **Chapter thirteen**

#### **PROCEEDING UPON CRIMINAL CASES**

##### **1. Urgent Proceeding**

###### **Article 231**

In the criminal cases upon which there is a proceeding for criminal act prosecuted ex officio, and when the general interest dictates urgent completion, then the courts are acting without delay.

The acts that can not be delayed are to be undertaken even after the working time and in the days when the courts are not working, Sundays and official holidays and if they started over the working daylight they shall continue over the night. The urgency is respected especially upon cases where the detention measure have been determined, upon juvenile cases and upon respecting the deadlines of the duration, prolongation, and suspension of the pre-trial detention. Also for the hearing of the detained or arrested persons, upon cases with a pardon requested or request for mitigation on the sentence, and upon other cases which according their nature are considered as urgent or the cases where the President of the Court from justified reasons shall determine to worked on immediately.

##### **2. Assisting the investigating judge and the inspection above the work in the preliminary procedure**

###### **Article 232**

The court shall provide the necessary conditions, for the preliminary procedure and for the complete coordination of the work and the

cooperation between all the organs that are participating in the preliminary procedure.

###### **Article 233**

The President of the Court is following the work of the investigating judges with a temporal review of the cases.

On every three months and often if it is necessary a complete review in the investigating department is to be performed, especially upon the questions of respecting deadlines, and upon the promptness and the urgency of the case proceedings.

###### **Article 234**

If the investigating judge is not able to conduct the necessary investigating activities on time, due to the number of the detained and arrested persons, the wide range and the complexity of the case, also the urgency of the actions that are to be conducted, or due to the engagement in other case, then he shall inform the President of the court who shall determine one or two more judges to take particular investigative activities.

#### **Rule book of the Courts**

##### **3. Announcing for the procedure and the conveyed decisions**

###### **Article 235**

Regarding detention, as well as any other enforced decision by which is condemned person who is under employment, the court in determined term will inform the employer, and concerning reserve officer or other person from the reserve composition, the competent military command and the competent local defense unit.

On a the method determined in paragraph 1 of this article, the court acts as well when, with the enforced decision the criminal procedure was stopped, or the person was acquitted or the charges were denied except cause of the incompetence of the court.

For conducting, stopping or ending criminal procedure for criminal acts pursued by official duty, for enforced decision for criminal act as unconditional imprisonment penalty, sentencing imprisonment, the juvenile prison or educational measure of institutional kind, if those person are above 17 years of age, the court in term of 15 days from the day when some of

those activities will begin, shall inform the local unit of the administration that leads the military evidence.

If is a matter of Lawyer, or Lawyers trainee, the court will inform the competent Lawyers Bar Association and the Ministry of Justice.

#### Article 236

While commencing criminal procedure against persons serving in Embassies, Consulates or foreign missions or coming from abroad as foreign citizens, the court will inform the Ministry of Foreign Affairs via the Ministry of Justice.

The court will act as enshrined in paragraph 1 of this article, if until then the procedure was conducted by another authorized body who had not inform the appropriate bodies.

#### Article 237

The court informs the competent body at the Social Security Department for each enforced decision by which according to the regulations of the social security, to the family of the condemned person is left partial or total use of the rights based on the Social Security.

On the same way, the court informs the competent payout body, when in accordance to the rules for war-disabled persons, to the family of the condemned war-disabled person or military disabled at peace has partial or total use of the disability rights.

#### Article 238

For each enforced sentenced measure to forbid use of certain profession, activity or duty, forbidding operating with motor vehicle, deporting foreign citizen out of the country, the court will inform the body, for the decision significant in regard of the approval to perform certain profession, activity or duty.

To commence criminal procedure and for each condemn verdict against jury judge, the court will inform the competent President of the court and the president of the Republic Court Council.

### **4. Detention**

#### Article 239

In the Entry-book where the act against person with determined detention is enrolled, under the name and surname of the person with a red pencil is marked "Detention" which is crossed when that person is released.

#### Article 240

The person with determined detention is registered in the control- book of detainees in preliminary procedure (blank from 121) i.e. in the control-book for people placed in detention after the accusation (blank from 123).

#### Article 241

At the first instance and appellation courts is conducted a detouring-book of the prisons in which the president of the court or the judge assigned by him/her, will note its cognitions.

With the data entered in the book will be notified the investigative judge, the Prison Warden (Director) and the Ministry, if any deficiencies or omission are confirmed for which ablation the president takes adequate measures.

#### Article 242

In cases of unjustified detention and exceeding the legal terms concerning extending the detention, the judge immediately informs the president of the court for the cause of the unjustified detaining i.e. the exceeding.

#### Article 243

If is obvious that the conveyed decision to extend the detention cannot reach the Prison prior to the expiry of the destined term, for the extension of the detention the authorized person in the prison will be informed on appropriate way accompanied with the decision and the order to held the accused in detention.

#### Article 244

When the council despite of the main hearing or the second instance criminal council decides will primarily decide on detention and will undertake measures for instant execution of the decision.

#### Article 245

The second instance courts are conducting an evidence for second instance acts by which some persons are in detention. The President of the council i.e. the person in charge will undertake measures in the most complicated cases prior to the end of the three months term from the day when the case was received, to submit the second instance decision to the first instance court.

### **5. Evidence and billing of penalty fines, expenses for the criminal procedure and confiscation of property benefit**

#### Article 246

For the execution of the courts decision in relation of billing the penalty fine, the expenses for the criminal procedure and confiscation of property benefits, belongs to the court administration.

The enforced decisions for the pronounced penalty fines and the expenses for the criminal procedure are enrolled in the control-book for penalty fines, lump sum and expenses for the criminal procedure (blank from 113).

While enrolling the data in the control-book, the condemned person is summoned to pay its penalty fine in the term destined with the decision as well and the expenses for the criminal procedure.

Accompanied with the request payment will be submitted and filled in cheque-payment with the appropriate amount, if the court has the final amount of the incomes, or the person will be called upon to pay in person or via mail to the address of the court indicating the prefix (the number of the act).

At the back of the cheque payment in the part where is enrolled the explanation of the account holder in relation to the payment ("dispatch") the court enrolls the amount, the number of the act and the base of the owed amount.

If the payment is not executed in the destined term, the bookkeeper of the control-book makes proposition for forced billing, on basis of which makes an execution act with enrolled number and date of the act in the column for notes in the control-book.

If is a matter of billing penalty fine and expenses for the criminal procedure for the account of other court, the pleaded court will inform the court that was demanding the billing

to conduct executive procedure marking the number of the execution act.

After the executed payment the act will be marked with "I" in the column for remarks of the control-book meaning solved case.

The president of the court each month controls the books for billed penalty fines, the expenses for the procedure and the confiscated property benefit.

In the special column of the control-book are enrolled the penalty fines for disturbing public order, not appearing in the court as witness and forensic experts, refusing to testify or expertise, as well as expenses for the procedure caused for their unjustified absence and delaying the main hearing or trial, which the court is billing the person that has caused them.

### **6. Confiscating and keeping objects**

#### Article 247

Objects used or assigned to perform criminal act, or had originated with the performance of the criminal act or were gained as reward for the criminal act, that will serve as evidence in the criminal procedure, or were find with the accused and is not known to whom they belong (suspicious objects), as well as guaranties, are enrolled in the book for confiscated objects ("KPD" – blank form no. 52).

Money, bonds and other precious things, as well as guaranties from those kinds of valuables, are enrolled in the Book for confiscated objects and are kept in the counter, if they are to serve during the trial as evidence. Adversely they are submitted to be kept at the competent bank that carries out the deposit for the court.

The other objects are enrolled in the book for confiscated object and are handed to the authorized person of the court administration for storage.

Receiving, storing, handling and destroying (liquidation) of the objects enrolled in the book for confiscated objects is carried out according to Part five from the rulebook of the Court.

The money-books and other documents that will serve as evidence are arranged page by page i.e. order in numbers, placed in envelopes and are kept by the method enshrined in paragraph 4 of this article.

## **XIV (Heading fourteen)**

## PROCEEDING UPON PARDON APPEALS

### Article 248

Proceeding upon pardon appeals, is of urgent nature.

The Appeals for pardoning are enrolled in the registry “Kp”

If the Appeal for pardon is submitted prior to commencing the prison sentence, the data for the property state and the behavior of the condemned person, the court will require from the competent body at the Social Affairs depending of the living place i.e. the residence of the condemned.

If the condemned is serving prison sentence, the data for the behavior while serving the sentence and its health condition are required from the Penitentiary-Educational Establishment where the sentence is served, when this data is not confirmed with the characteristics and other evidence of those establishments added to the Pardon Appeal.

When the Appeal for pardon is granted, the disposition of the decision is added to the act “K”, verified transcript of the decision is kept with the act “Kp”, and with another specimen of the verified transcript is informed the person who had not started serving the sentence yet.

If the Appeal for pardon is denied, this fact is enrolled in the act “K”, in the act “Kp” remains the disposition of the decision, and with the other specimen is informed the Appellant.

### Article 249

If the Appeal for Pardon is submitted by an authorized person and in the determined term, the court will obtain the needed data, compile report with appropriate opinion and submits the Appeal accompanied with all other acts to the Ministry.

The second specimen from the courts opinion is kept in envelope in the act “Kp”.

If, to the Appeal for pardon a transcript of the courts decisions is not added, the court will obtain them by official duty, and from the appellant will not seek transcript of the decisions, or tax for the transcript.

## **XV (Heading fifteen)**

## ACTING UPON REQUEST FOR EXTRAORDINARY COMMUTATION OF THE PENALTY

### Article 250

The request and decisions in the procedure for commutation of the penalty at the first instance courts is enrolled in the entry-book “Kuk”, and at the Supreme Court of RM in the entry-book “Vuk”.

## **XVI (Heading sixteen)**

## ACTING UPON EXECUTIVE ACTS

### Article 251

Executive activities are conducted by the basic courts via authorized employees appointed for such activities and tasks.

The authorized employee is obliged prior to performing its duties to identify its official identity to the debtor by showing its official ID.

### Article 252

The Authorized employee conducts all the executions without delay in directed order as the acts were handed over to him/her. Handing over the acts on which the execution is carried out is conduct in such way so, the authorized person to conclude more execution activities in one working day after one or more execution acts in one place or in few near areas.

The conductor of the Entry-book “I” enrolls all the acts subjects to execution in the “List of executions trusted to the executive body” (blank form no. 117).

### Article 253

For the paid in money the authorized person issues receipt from the determined Pad – receipt (blank form 137).

The certificate is compiled in three copies enrolling the paid in amount after the executed act with date and signature.

The first copy is handed over to the payee, and the second is handed over to the

authorized employee in the finance department and the third in the remains in the Pad.

If the authorized person hands over the cash money or the confiscated objects to the executive trustee, the receiving is confirmed in the registry- book and the executants signs the same one.

#### Article 254

The authorized employee without delay will hand over to the accountancy unit the cash money, bonds and the valuables that were given by the debtor or the ones he/she had confiscated, unless were given immediate to the executants trustee.

The authorized employee from the accountancy unit confirms receiving the cash money, bonds and the valuables on the copy of the receipt i.e. on the statement from the executive officials.

The copy from the receipt (certificate) in which is confirmed that the money are deposited in the court treasury, the authorized employee hands over to the Executive Judge accompanied with the report and the statement for the performed executive activity.

If the authorized employee mails the cash money onto the courts account, with the report will be added the receipt from the Postal or Cheque-Order.

#### Article 255

The authorized employee submits special reports to the Executive Judge for each executive activity, to which is added and statement and receipt for the billed amounts. In the reports is also enrolled the duration of the performed activity, the time spend while traveling and other data important when deciding on the expenses.

If the authorized employee conducts more executive activities on more acts on which the travel expenses had to be divided in one go, the calculated bill for the expenses is added only to one of the acts, and in the report are indicated the other acts in which the expenses are divided. The receipt for the expenses of all acts will be indicated on the visible place in the report for the conducted executive activities, stating the act here is placed.

The president of the court once a month conducts assessment in the legality of the work in connection with the billing amounts.

#### Article 256

The Executive Judge determines, confirms and approves the expenses, comparing the data in the submitted receipt with the data from the report, and in the report for conducted executive activity and in the Receipt- Pad places its signature.

If the advance payment for the performed act is insufficient, the party shall be called upon to pay the difference and shall be warned that in case of not paying the sufficient amount, the execution of the demand shall not start or it will be stopped. If the advance payment exceeds the needed amount for the expenses, a refund shall be ordered and the party shall be informed.

If from the inventory and evaluation book is confirmed that on certain debtor properties there are already based pledge rights in favor of different trustee, the following confiscation in favor of some other trustee on already confiscated property in the inventory and evaluation book shall be marked with red pencil (enrolled in favor of VD).

The inventory of properties that were not captured with the first inventory is enrolled as continuation in the inventory and evaluation book, which is composed to conduct new execution against the same debtor.

The record for the additional inventory and estimation is kept in the act on which was performed the first inventory, and in the execution act on which base was performed the additional inventory and evaluation is marked with note from an authorized person for additional inventory and evaluation for the space where the record book should take place.

#### Article 257

Prior to requesting assistance from the MoI, the court must conduct its own execution first.

If not succeeding to conduct execution due to a serious resistance or serious obstructions, then the letter via the president of the court, the competent judge will require assistance from the MoI.

### **XVII (Heading seventeen)**

#### EXECUTION OF SANCTIONS

#### Article 258

The activities for the execution of sanctions are performed by an authorized employee for execution of criminal sanctions under the immediate supervision of the president of the court.

#### Article 259

After receiving the decision for execution, the acceptance of the same is confirmed in writing and the act is enrolled in an appropriate evidence book (blank form no. 88 and 138).

With the enrolment in the Entry-book, a separate act is composed with an adequate envelope (blank form no.139)

All following files that are related to this act are placed in the already open act in chronological order according to their arrival in court.

#### Article 260

Proceeding upon the execution activities is urgent.

#### Article 261

When the condemned has the right for free ride from the Penitentiary – Educational Institute, and must use intercity transport vehicles, on basis of appropriate receipt receives petty cash for the exact amount of the transport fee (Train, Bus) or receives a transport ticket. The amounts of the paid means are recorded in a special book for paid transport expenses.

#### Article 262

While sending the condemned person to servitude its penalty, receives a directing act to confirm the ID in which will be learned for the consequences of not reporting on time in the Penitentiary – Educational Institute (blank form no. 140).

#### Article 263

If the condemned had not submitted an appeal to delay the execution of the sentence, the verdict with all the other data for the personality of the condemned are submitted to the Penitentiary – Educational Institute with announcement for the day when the condemned shall report to the establishment. After informing

the establishment, the data if the condemned had reported on the determined day to serve its prison sentence, is enrolled in the execution registry book.

#### Article 264

If the condemned person submits appeal to delay the execution of its sentence, these data is enrolled in and adequate registry. In addition, the decision on the appeal to delay the execution of the sentence is also registered.

If the condemned persons appeal to the first instance decision is denied, accompanied with the second instance decision he/she will be notified for the day when to report in the Penitentiary – Educational Institute to serve its sentence.

#### Article 265

When the president of the Appellation Court on the appeal against the decision in which was denied the appeal to delay the execution of the sentence, conveys positive decision, will inform the Penitentiary – Educational Institute and submit a copy from the decision.

In the execution registry are enrolled the no. and the date of the decision from the president of the Appellation Court and the day until when the execution of the sentence is delayed for.

#### Article 266

If regularly, summoned person does not report on the determined day in the Penitentiary – Educational Institute, or to the execution unit, the court will order conduction by force.

In case of paragraph 1, of this article the court conveys special decision in which are confirmed the expenses for the enforced conduction, determining the method to bill these expenses from the condemned. In these expenses are included the expenses of the MoI bodies arised from the conduction of the condemned.

#### Article 267

The decision from article 266 paragraph 2 of the Court Rule book is enrolled in the Control book for penalty fines and expenses for the criminal procedure (Ktr. I).

The procedure is the same when a warrant order is issued, if for the search and

conduction of the condemned arise special expenses.

The regulation from article 266 of the Court rulebook applies and when special expenses arise to find and conduct the person-sentenced imprisonment in criminal proceedings.

#### Article 268

The authorised person once a month informs the president about the problems with the execution of sanctions.

The president of the court once a month assesses into the execution activities with special attention for the acts for which there is a possibility of obsolescence of the execution and undertakes measures to remove the obstructions for the execution. The affirmed situation is registered in the files and for the same informs the Ministry in writing.

#### Article 269

The provision of this heading will apply as well on the executions of other sanctions and educational – penitentiary measures where the court is competent for its execution.

### **XVIII (heading eighteen)**

#### **COURT POLICE**

#### Article 270

In order to protect the premises, property, the people and to maintain the order and discipline, the court police is authorized to undertake activities according to the rulebooks for the court police.

The president of the court for this purpose following the request from the competent judge, makes weekly plan to secure the trials or the hearings, judging if permanent security presence in the trials or temporary one is necessary, or prior search of all the participants in the procedure upon their arrival in the court and other activities that are in the incidence of the court police.

The persons apprehended, detained, convicted in the court, are handed over to the court police by the competent bodies, and after the conducted activities the court police is handing them over to the competent bodies.

#### Article 271

The work of the court police is constant for 24;00 hrs.

For this aim, the president is obliged to provide employees from the court police and is the one in command with them.

### **Duty (Attendance) in the Court**

#### Article 272

The schedule and the duration of the duties for each consecutive month is conveyed by the president.

The president of the court is obliged to provide constant duty personnel in the court:

- for the spacious courts, the attendance is conducted non-stop in the working premises;
- for the small courts, the attendance performed on call.

### **XIX (heading nineteen)**

#### **TRADE REGISTRY**

#### Article 273

The applications that are related to the registration of trade companies and other entities of the entry to the enrolment in the trade registry are carrying the same serial number from the appropriate entry-book that is conducted accordingly with the rulebook for the trade registry and the method to enroll in the trade registry (“Official Gazette of RM no. 6/97).

#### Article 274

The application concerning already enrolled trade companies and other entities in the enrolment, are verified in the entry-book from art. 273 of this Law.

#### Article 275

The decision upon the acts for the entry in the trade registry that are concerning the enrolment, changes, erasing etc, are not handed to be rewrite prior to their enrolment in the registry.

#### Article 276

Beside the entry-books from art. 273 of this law, directories according to the Rulebook of the trade registry and the method of entry in the trade registry (special ledger of the enrolled entities).are also conducted.

In the directory, the registered entities are enrolled in alphabetical order with indicated number of the registration form (MBS), in which they are enrolled.

#### Article 277

The president of the court is obliged to comprise list of bankruptcy trustee in alphabetical order, with obligation to consider that during their appointment one bankruptcy trustee cannot be functional in more then two organization at the same time.

For the list of bankruptcy trustees, the president of the court can gather opinions from the Commerce chamber of RM, if there is a local chamber in the area.

### **PART FIVE**

#### **XX (heading twenty)**

#### **MATERIAL – FINANCE WORK**

#### **BASIC PROVISIONS**

#### Article 278

Material – finance work also covers the work of the court with external budget means that is consisted of handling of other means, which the court is receiving from other bodies and individuals as court deposit, and those are:

- a) petty cash or valuables designated for certain goal(short-term deposit – temporary deposit)and
- b) petty cash or valuables that during court procedure it will be decided upon their new user (long-term deposit – regular deposit).

#### Article 279

Finance-material work with clients is performed based on order from the judge following an appropriate act.

If while receiving some amount or object there is no order from the judge, the authorized employee of the Finance-Material unit shall require issuance of such order at once, and if there is no act, for this purpose will comprised new act that is going to be enrolled in the entry-book for various civil subjects.

Receiving and issuing cash and valuables are enrolled in appropriate books.

In the act is enrolled the note from the executed deposit or the acceptance with noted serial number of the enrolment.

Withdrawing money and other valuables in the frame of external budgeting is recorded in special book “Pledge Deposit” blank –form no.141 (Amanetnik za primanje).

### **XXI (heading twenty-one)**

#### **COURT DEPOSITS**

#### Article 280

Working with the means of the court deposit is carried out based on order by the president of the council or individual judge in accordance to the provisions from the Court rulebook.

If while receiving some amount or object there is no such order, the depositor shall require such order, and if there is no act for it new one shall be comprised that will be enrolled in the entry-book “R”.

On the cover of the act a note is placed for concluded depositing and receiving, with quoted deposit card or the serial number of the diary for non-cash deposits, while the report for the changes and the balance of the deposited means is glued in chronological order to a special card in the act.

#### Article 281

Receiving and issuing petty cash and valuables is carried out based on receipt or statement that is kept as currency document, signed by the acceptor in certain column of the evidence-book.

**XXII (heading twenty-two)**

**TEMPORARY DEPOSITS**

**1. Object and storing place**

Article 282

Temporary deposits are petty cash or valuables assigned for immediate use or in the shortest term for determined purpose (prior deposit of means for assessment, forensics or for which a court procedure is needed to confirm the user).

Article 283

The petty cash and valuables of the deposit are kept in the court counter, or on the account of the court, or in the safe in a bank or immediately handed over to the competent institution.

Article 284

If the deposit matter, cause of special characteristics and volume is not suitable to be kept in the court or in the safe, the deposit will be kept at legal or physical entity.

Each deposit has its own name in which is placed the name of the depositor, if exists, and the legal mater for which is referring to.

Article 285

Petty cash received during the day in the court counter are entered immediately or the following day at latest for the account of the deposit in the Paid Trade Institute.

Article 286

By an order from a judge in the court counter can be received as non-cash deposits; bonds, securities, valuables; foreign currency, saving account-books, and other documents and they cannot be used by the court or any other court.

**2. Receiving cash and valuables**

Article 287

Receiving petty cash and Valuables can be carried out, via the Paid Trade Institute, the mail or in the court.

Article 288

Paying in for the account of the court is carried out with a payment-form that on the back contains: the name of the court, number of the act for which the payment is related and the purpose of paying and eventual specification.

Petty cash is received with exception by approval of the judge, and the receipt is made in three samples, the original is handed to the submitter, the first copy is attached to the counter-order and the second copy remains in the receipt pad.

Article 289

The money received via mail, the same day are enrolled via payment-order in the counters report and after they are recorded in the deposit evidence.

The payment received via the deposit account at the Paid Trade Institute with the statement immediately is recorded in the deposit evidence.

If, it cannot be confirmed what is the legal mater for which the money and other valuables were send, the sender is called upon in regulated term, to give clarification for the purpose of its package or to indicate the legal mater for which is related, with the note that if not responding on the invitation, the mailed money and valuables will be returned on its own expense.

**3. Receiving valuables and other objects**

Article 290

Received valuables and other objects are signed in and evaluated by the commission comprised of three members of whom, one is the authorized employee in the accountancy.

The commission describes the received valuables and objects by piece, quality, quantity,

weight, form and other characteristics, so therefore to exclude every possibility of replacement. The received valuables are enrolled in a record-note in two-samples, of which one is attached to the adequate act and the other is placed in an envelope with the valuables or other objects

If the commission is not able to perform the evaluation, a forensic expert is assigned to ascertain for what kind of valuables is the matter.

The judge affirms the expenses for the inventory and evaluation and orders who will defray these expenses.

#### Article 291

Bonds as deposit objects are enrolled in inventory in which is stated: the state where the securities are issued, the name and nomenclature of the publisher of the bonds, serial and number, the amount, the coupons of the securities and the date when to payout or to realize the first coupon.

If the bond is issued in our country, their value is marked nominally. If the bond does not have all the coupons, i.e. if when billing the coupon beside the interest rate also is billed a part of the capital asset, as value will be accounted the value of the bond on the day of the inventory.

If the bonds are issued abroad and their value in denars cannot be ascertained immediately, their nominal value is marked.

#### Article 292

Saving account-books are signed in by indicating the name of the issuer, the owner and the user, the account number, the balance of the account, and eventually the special sign (vinkulacija???????)

The value of the saving-book is accounted according to the balance of the account in nominal value, if is a matter of saving account-book from a home money institute.

If the saving account-book is issued from a foreign bank, or bank from former SFRJ or before ----1991 and their true value cannot be ascertained, the value will be accounted in Macedonian denars, according to the estimated foreign exchange rates, and if that cannot be carried out immediately, temporary will be marked for the value of one denar (evident denar).

#### Article 293

The documents and other securities are signed in with their stated characteristics, the publisher, date and place of issuance and other important data.

The documents are registered by piece, without marking the value.

#### Article 294

If the deposit object is foreign currency, in the inventory is marked the state where the currency is legal, pointing out the nominal value of the note, serial and number, as well as other important data.

The value of the foreign currency is accounted according to the foreign exchange rate on the day when received i.e. submitted.

#### Article 295

The valuables (jewelry, bonds and documents) that are kept in the court deposit or are handed over for storing in a deposit place, are placed in separate envelopes (packages) on which on the front side is marked the number of the act, the relation to the legal matter, approximate specification of the contest, name, surname and the address of the depositor.

The court is keeping the petty cash in its counter only if the cash that was received immediately from the client or via mail must be paid out at once.

If the received amount cannot be paid out in term of five days from the time when received, or if cannot be kept in the court counter cause of the rules for counter maximum, it shall be placed on separate deposit account of the court at the Paid Trade Institute.

The deposit can be used only for what is assigned.

Observance over the proper handling of the deposit, beside the directorate and the finance bodies carries and the Ministry.

With the deposit objects in the envelope a sample from the registry-book of the inventory and evaluation is also added.

### **4. Issuing petty cash, money and valuables**

#### Article 296

Petty cash and valuables are issued based on written order by the judge on a method

determined by the judge. The order comprises: the subject matter, name and surname i.e. nomenclature of the user to whom is issued, and the nomenclature of the deposit.

Paying out petty cash is carried out at the court counter, via mail or bank. The money that are in the bank for the account on short term deposit are paid out with appropriate order.

Non- cash object (valuables) are issued immediately to the user with a signature in the book of valuables or via mail i.e. via the appealed court.

The valuables are issued immediately to the user based on signature of the judge from the copy of the order to issue the valuables that are kept as bookkeeping document.

If the value is issued via mail or via the appealed court a commission will be assigned comprised of three members of which one is the steersman with non – cash deposits, that will check the package, and then to close it and hand over for mailing.

Temporary issuance of petty cash and valuables assigned for use in the court proceedings is performed via the behest book (Pledge) or in reverse that is deposited in appropriate envelope. The reverse is terminated when the temporary issued object is returned.

#### Article 297

During changes of the real and locally competent court where the deposit resides (the deposit court), the deposit will be submitted to the real and locally competent court based on decision via bank or mail.

#### Article 298

Possible obstacles which are related with issuing court deposit, or to some particular legal issues (restraining for issuance, right of enjoyment, fulfillment of will order), or to some particular working issues which are repeated several times, are marked with red marked in the first chapter of the particular accounting book.

#### Article 299

The decision which is aloud commitment with inventory and evaluation of the deposit, it is submitted to the deposit court which in the first chapter of the particular accounting book it is writing down the notice for the aloud commitment.

### **XXIII (Heading Twenty-three) REGULAR COURT DEPOSITS**

#### **1. Subject and acceptance of the regular deposit**

##### Article 300

Subject of the regular court deposits are: cash, other valuable things and non cash subjects.

Regular court deposits are received by the court and they are saved in deposit places.

Deposit places are:

1. National bank of Republic of Macedonia – for valuable metal things (gold and platinum and things which are made from these metals, as are coins, without having in to consideration does they are used as things for paying or not;
2. The business banks and their branches where it is settled the court i.e. the closest branch for keeping of the court deposits.
3. The department for payment it is authorized for keeping of the court (cash) deposits.
4. Some other institution or trade company which are obliged by the court decision for keeping the deposit.

##### Article 301

The court deposit places for deposit are receiving by the parties or via the court.

In the application for deposit, the court is addressing the depositor cash moneys to hand over to the place for depositing with filled in payment notice which should be submitted. To the person who is mentioned to the payment notice the parts which are mentioned in the report for the place of the deposit and the owner of the account, the court will mention the notification, the number and the type of the deposit, name of the user, and the does it is formed new deposit or the amount is invested in the benefit of the already existing deposit.

##### Article 302

Valuable things the court it giving in the keeping of the place for deposit after the y are going to commit inventory and evaluation in to sealed envelopes (boxes) in which from the outside it is written the name of the deposit, the

notification of the list with a warning that the inventory written record and the evaluation are in the envelope. In the envelope near by the place where it is sealed are added the signatures of the commission members which sealed the envelope.

The valuable things which are for the same deposit should be in the same envelope.

If in the saving cards it is necessary to commit some act, the court will ask, from the place of the deposit temporary return of the saving card.

After the committed act in the saving card, the card is given back to the place of the deposit will additional decision.

In the same way it is acted and when value letters or some other documents are not kept in the court.

#### Article 303

In the court finance, it is kept the certificate for undertaking sealed envelopes with valuable things, foreign currency, saving cards given by the place of the deposit.

If the place of the deposit is asking during the issuing of the deposit with a decision to return back and the certificate, the court is returning back the certificate, and in the court finance office will be registered copy of the certificate.

#### Article 304

Each regular deposit have his own name in which is registered the legal issue to which is related (example: committed subject of Rajna Pavlovska, Vaska Kostovska, Dobrila Bosikova, Dragica Dimitrova I. no. 20/96 or the heritage of Gordana Ristevska O.no. 19/80).

The temporary court deposits it is marked the name of the investor and the legal issue for which is related the deposit. (Example: investor Rajna Pavlovska according to the dispute of Vaska Kostovska against Dobrila Bosilkova P.no.22/6).

## 2. Handling deposits

#### Article 305

The court is conducting with the deposits by itself or via the place of the deposit. For committing particular acts related to the deposit conducting, the court will undertake the subject from the place of the deposit and the necessary

acts are going to be committed at the same day after the receiving the subject from the place of the deposit, for what is going to be submitted report.

If the act is not committed the same day, the received subject will be handed out to the worker which is writing down the evidence of the deposits to the temporary keeping in the finance of the court, which is going to be evidenced in the register book for non cash deposits as temporary deposit.

#### Article306

During the change of the deposit place, will be ordered the deposit to be sent in the new deposit place.

In the order it is determined to the deposit court to be submitted copy from the condition of the deposit with all the necessary notices and other info necessary to determine the expenses.

These order it is issued and when will come to the change of the deposit court, and the deposit place remains the same.

#### Article307

Some of the obstacles during the issuing of the deposits or committing some particular legal issues are related with them (forbidden of alienation or dept, the right of using, fulfilling will applications), or committing of particular things of conducting which are repeated, are evidenced with highlighting the notes in to the front page of the particular book. For these notice with decision it is informed the deposit place due to the registering in their evidence.

During the time when the notice is existing at the deposit from par.1 of these art., the deposit place ca not commit things which are against the content of the notice until the court will not decide different.

#### Article 308

The decision of the execute court with which allows the commitment with signature and evaluation of the deposit, is submitted to the deposit court.

After the deposit court will commit the registering of the notice for the allowed commitment in to the deposit card, with decision will order to the deposit place to include in to their evidence the committed inventory and evaluation as obstacle for issuing of the deposit.

### **3. Issuance of deposits**

#### Article 309

Court deposits are issued on basis to the decision of the deposit court.

The decision contains: subject for issuing, name and surname of the user to whom the deposit will be given, name, number of the deposit and the way of the commitment of the decision with the notification that the deposit tax it is paid and for how long time, i.e the legal ground for releasing him from tax payment.

Copy of the decision it is addressed to the deposit place and signed by the president of the court, i.e. the authorized judge which signatures are deposited in the bank.

The decision of the deposit place it is submitted via authorized court worker or via post office by recommendation letter.

To the copy of the decision for the deposit place it is put particular eight corner seal red color.

#### Article 310

The deposit place is issuing non-cash deposits according to the order of the court of the authorized legal and physical persons directly or via the post (valuable letter, adhesion a box where it is going to be marked the value of the things, which are inside).

When object of the issuing are valuable things, the court by regulation it is ordering to the deposit place the envelope with the valuable things to submit to the court in which area is living the user, or to return him back.

#### Article 311

When from a sealed covert (box) are given particular objects, the court by the decision will order to the deposit place to return the sealed envelope.

The returned envelope it is opened by the commission, and the particular objects are given to the user with a certificate in which is registered the object.

If the user is not present, in that way it is not possible the hand out of the object directly to the user immediately after the receive of the envelope, the objects which are in the envelope are received in temporary keeping in to the court case, are registered to the particular book, and

the user is called immediately to undertake the deposit in the determined time.

If the user does not have residence in the area of the deposit court, the object of the deposit will be submitted to the court in which area the user have residence to hand him directly the deposit.

#### Article 312

If there is partial issuance of the valuables in the envelope, in the inventory and the evaluation are registered the current numbers of the divided valuables with a notification when it was done. The members of the commission who performed the separation certify this.

The other objects together with the inventory and the evaluation are sealed again and returned to the deposit place with a new deposit decision from the court.

### **4. Keeping deposits at other bodies, notary or trade companies**

#### Article 313

If the object of the court deposit cannot be kept in the court because of its volume or characteristics it will be kept in some other institution.

Prior to conveying the decision, the court will ask from the proponent to pay advance payment to cover the storage expenses.

Before depositing the object for keeping, the court will make inventory and evaluation and for that shall conduct a record in four copies, of which one is going to be attached to the file, the second one is attached with the deposited object, the third one is attached to the documentation for the accountancy and the fourth is for the proponent.

#### Article 314

With the decision by which the deposit is issued, are also ascertained the expenses that had arise for the keeping, and who will pay the expenses and the advance payment that should be placed in.

### **5. Procedure with the obsolete deposits**

#### Article 315

If the user of the deposit by the invitation of the court does not come to collect the deposit, the court after the term of obsolescence had expired, with decision will confirm that the right to issue the deposit had obsolesced and that the object of the deposit had become property of Republic of Macedonia.

In the decision by which is determined the issuance of the deposit to the user, besides the term to collect the deposit, an advice for the legal consequences are enrolled, if the deposit is collected in the prescribed term in which obsolesces its issuance time.

#### (XXIV)

#### **Heading twenty four**

#### **WORKING BOOKS FOR EVIDENCE OF THE DEPOSITS**

##### **1. Working books**

###### Article 316

The court is conducting bookkeeping for the deposits in such manner that provides access in the balance of the means of each deposit in separate cases.

###### Article 317

In order to evidence the cases with the deposited means the court conducts main working books and other assisting books for evidence.

###### Article 318

For receiving and giving cash, valuables and other objects that are related to the deposits (regular and temporary) are conducted in the following main books:

1. Counters report for receiving and giving cash money (blank-form no. 142)
2. Diary for temporary and regular court deposits (blank-form no. 143)
3. Cards of the main book from the temporary and regular court deposits (blank-form no. 144).
4. Diary of the non cash deposits that are kept at the counters office of the court (blank-form no. 145)
5. Diary of non cash deposits which are kept at the other institutions (blank-form no. 146)

If the court has more deposit places for each deposit place is conducting separate diary for non cash deposits.

The working books of the deposits have the character of public documents.

###### Article 319

Besides the main books the court maintains also some assisting books, using them as tool means to perform the basic tasks of the bookkeeping of the deposits and those are:

1. Cards for the diary of the non cash payments (blank-form no.147)
2. Registry of the cards of deposits (blank-form no. 148)
3. Registry of the deposit account (blank-form no. 149)
4. (Pledge)Receiving advisor (blank-form no. 141)
5. (Pledge) Issuing advisor (blank-form no. 150)

##### **2. Evidence of the terms for handling deposits**

###### Article 320

For the terms in which are undertaken separate activities related to the prescribed work with the deposits, is conducted an evidence of the terms to perform the activities for the court deposits. This kind of evidence is conducted according to the calendar system (blank-form no. 151).

The terms are enrolled one month earlier (ahead).

##### **3. Main working books**

###### Article 321

The diaries for the non-cash deposits as well as counters report are linked books, knitted with a guarantee book, which ends are attached to the cover letter and sealed with the court stamp and verified signature of the president of the court as well as signature from the authorized employee in the accountancy. The pages of these books are marked with numbers.

The diaries and the main books of the temporary and regular deposits are recorded in ordinary sheets of paper, i.e. according to the kind of the deposit.

#### Article 322

For every act for which a new deposit is placed, a new conto-card is opened.

Prior to opening a new conto-card, a check control is performed to ascertain if there is already deposit placed in for the same legal act and if there is an open card for the same.

The conto-cards from the main book are kept separately by the deposit kinds in safety boxes or adjusted desks for that manner.

#### Article 323

In the conto-cards is conducted an evidence of deposits evidenced in the non cash diaries no matter if is a matter of regular or temporary deposits (blank-form no. 146).

#### Article 324

The content of the cards for the regular and temporary deposits is affirmed with blank-form no. 143.

If one card is filled in, for the continuing of the filing another card is attached with the same account number and with the following working number of the page. In the middle of the title is enrolled the account, and bellow there is a needed space left for remarks for the acts that are related to the same deposit, and are registered in another diary.

Linking the evidence with the other diaries is performed with marking the following number from the adequate diary on which at the same time is marked the deposited card by which the link is executed.

### **4. Assisting books and evidence**

#### REGISTRY OF CONTO-CARDS

#### Article 325

In the registry for conto-cards are registered the cards for evidence of the deposits.

The registry for the conto-cards is conducted separately for each kind of deposit.

With the enrollment in the registry the card receives its own number by whom is lead in the evidence of the deposits.

Each card after the enrollment in the registry has to be verified by an authorized employee from the accountancy and the president of the court.

The new registry of the card is also opened when a translation of those cards is performed.

#### ACCOUNTS DIRECTORY

#### Article 326

For analytic evidence of the deposit a directory for the account barrier is conducted.

For every kind of deposit, there is special column in the directory.

In the directory, it should be clear if the account is opened, closed and liquidated and divided from the card.

The data from par. 3 are enrolled in the appropriate column (remark for the deposit) with circling the number of the deposits account.

#### (PLEDGE, PAWN) ADVISOR FOR RECEIVING AND ISSUING

#### Article 327

While receiving and handing over the money and valuable consignment, the traffic is performed via the receiving i.e. the book for handing over moneys and other valuable consignments (receiving advisor and submission advisor).

The advisors are linked, broadened with a guarantee book and verified by the president of the court.

Both advisors are concluded by the end of the year.

The conclusion of the advisors is signed by an authorized employee from the accountancy, and verified by the president of the court.

#### EVIDENCE OF THE INCOMES FROM PENALTY FINES, EXPENSES FOR THE PROCEDURE AND CONFISCATION OF PROPERTY BENEFITS

#### Article 328

Evidence of the amounts from the paid penalty fines, expenses for the procedure as well as for the confiscated benefit, is performed in appropriate diary (blank-form no. 152)

All performed payments are done separate court account for evidence of the incomes and in prescribed term are transferred for the benefit of the Budgets account, i.e on special account determined by law or by some other provision.

On the same are conducted and the billed penalty fines announced due to the disturbance of the order during the procedure.

The amounts assigned for the compensation of the expenses during the procedures which previously have been paid from the budget means of the court, are paid immediately after the billing on behalf of the accounted means used to pay previously and are not registered in the evidence from par. 1 of this Article

#### Article 329

After the performed indebteding in the diary of incomes and determining the term in which the payment shall be concluded, with the decision of the proceeding judge by which the indebteding is ordered, in the cover of the act is marked the number of the diary where the dept is enrolled (stamp for evidencing pronounced penalty fines, expenses for the procedure and the confiscated property).

In appropriate column of the criminal enrollment, also is registered the number of the diary in which the dept is performed.

#### Article 330

Immediately after entering of the needed data in the diary, the debtor is called to pay the penalty fine, expenses of the procedure i.e. the amount of the confiscated property benefit in term prescribed in the decision (blank-form no. 153).

The paid bill is attached to the invitation.

#### Article 331

For each paid bill, the court is informed by filling the blank-form "Notification for paid penalty fine, expenses for the procedure and the confiscated property" (blank-form no. 154)

#### Article 332

The paid in amount from the penalty fines, expenses of the procedure and the

confiscated property benefit are registered in special court account in the Pay Trade Institute and every fifteen days are transferred onto the budgets account.

#### Article 333

The authorized employee that conducts the Diary of penalty fines, expenses for the procedure and the confiscated property is obliged to check the payment and to undertake activities to bill the demands sooner.

In the end of each month the responsible employee is obliged to check all open rates and with submission "notifying the expiry date of the payment" to inform the appropriate judge that the payment term had expired. After this notification, forceful procedure to collect the owed amount is conducted (blank – form 154)

If the court had requested execution of penalty fine, the expenses for procedure and the confiscated property from other court, the executive court will inform the court that had requested forceful billing with indicated number of its act.

#### Article 334

If since the submission of the notification had passed more then three months, the authorised employee that conducts the diary for penalty fines, the expenses for the procedure and the confiscated property is obliged to request from the executive court report for the eventual obstructions that were the reason for not conducting the execution in the determined term.

At the same time the president of the court is informed for the confirmed balance.

#### Article 335

When the procedure for execution of the penalty fine, the expenses for the procedure and the confiscation of the property remains without result, the entire act is submitted to the judge in order to convey adequate decision.

Following the enforcement of the decision to replace the penalty fine with penalty imprisonment, the decision for exemption from the obligation to compensate the expenses for the procedure, when it will be confirmed that the execution of the penalty fine or billing the expenses for the procedure and confiscation of the property had obsolete, in the diary for penalty fines is deleted with red "storing" (specific for

crossing out names) pen and is verified with a number and the date of the decision by which the stricken is performed.

If the decision from paragraph 2 of this article, the penalty fine, the expenses for the procedure and the confiscated property are billed, repeated indebt is conducted in appropriate diary and other rulebooks.

## ENROLMENT METHOD OF THE DEPOSITS

### Article 336

The enrolment in the main-book and in the analytical evidence of the deposits is carried out chronologically on a copy system via two pages in the diary, of which one sheet is perforated and serves as statement for the clerical performed changes of the balance, and the enrolment of the synthetically balances in the main-book is carried out on the same method as is determined for regular activity.

### Article 337

The authorized employee who is conducting the bookkeeping of the deposits is obliged immediately after the concluded bookkeeping of the daily changes and checking the balance to submit to the clerk office a cut perforated tape from the diary "Balance Statement for the Deposit" (blank-form 156).

The statement is submitted to the clerk office via invoice book, and the acceptance is confirmed with signature of the receiver.

The received statements from the accountancy in chronological order are sealed to a special card for the balance of the deposit after appropriate act (blank-form 157).

### **5. Annual balance of the deposit means**

#### Article 338

After the conducted annual closure of the diary and the cards, each balance of each deposit from the column no. 5 net condition (form no. 158) and the balance of the cash at the counter and is enrolled in the blank-form "balance of the deposit means (form no. 159), that represents the balance of the deposit means in the end of the year.

After compiling the balance of the deposit means, the president of the court is nominating a commission of three members to

check the overall work of the deposit means from the previous year.

The commission after the conducted check is compiling a written report which is submitted to the president of the court.

The balance of the deposit means is compiled in the term which is defined for preparation of the final state of the means for regular activity.

Overview the court deposits and the pronounced and billed penalty fines, expenses for the procedure and the property benefit, are separate addition to the final state of the courts account.

### **1. Keeping the documents and the evidence**

#### Article 339

The documents and the evidence of the deposits are kept at least 30 years, calculated from the last day of the year to which are referred.

#### Article 340

Cards which, are related to the accounts that, during the year are separated from the regular cards book and are transferred to the card book for the liquidated accounts, are kept in the same manner as the cards, which are related to the deposits for which the procedure is still pending.

The transfer of the cards from the card book for the liquidated accounts is enrolled in the accounts directory with circling the registry number i.e. the card, and marking the date when the transfer of the card is performed.

After two years period, the cards that are related to the liquidated accounts are tie-up in the package by groups and are handed over to the archive, where they are kept until the defined period. On the separated packages from the external side is enrolled the year of the invested cards and their current numbers.

### **7. Bookkeeping of the interest and the expenses of the bank**

#### Article 341

The calculated interest of the deposit means from the bank, is enrolled for the benefit

of the deposited means onto the synthetic account: extraordinary incomes.

The manipulative expenses are enrolled onto the account of the extraordinary outcomes.

The manipulative expenses for the temporary deposits, if there is no calculation of the interest from paragraph 1 of this article, are paid by the accounted means of the court.

The manipulative expenses for the regular deposits, if there is no calculation of the interest from paragraph 1 of this article, are paid by every deponent.

## **2. Control of the work with the deposit means**

### Article 342

Control to the financial – material work with the deposit means, beside the bodies that are assigned by special rules to control such work, carries out the president of the court and the Ministry.

The president of the court is obliged at least twice per year to check the entire financial and material work.

If with the control are affirmed minor defects and irregularities, necessary instruction and solutions for their removal are issued.

If larger defects or irregularities are confirmed of such volume with space to commence procedure to dismiss because of breaking the work discipline or criminal procedure, measures to conduct such procedure are undertaken and also to provide compensation for the eventually caused material damage.

## **(XXV) Heading twenty five**

### **WORKING WITH THE MAIL**

#### Article 343

The authorized employee receives the mail on behalf of the court based on authorization that comprises: name and surname of the authorized employee, the kind of the mail deliveries that he can receive, expire period of the authorization letter, the signatures of the president of the court and the authorized employee and the official stamp. If the authorization is limited for, receiving of particular deliveries or only for a particular case,

in the authorization letter those limitations should be exactly marked.

#### Article 344

For receiving usual deliveries via mail, the courts may use postal fax (Fax).

Registered letters and other similar parcels are handed over to the authorized employee only by signature or certificate.

Money and value letters or similar deliveries rise up with advisor for receiving.

When the court will receive mail delivery note or attached paper for valuable-parcels, the authorized employee at the money-working unit signs the envoy of the delivery note or the attached list and puts the stamp of the court. This confirmed delivery note or the attached list is handed if there is no calculation of the interest from paragraph 1 of this article, are paid by the over to the authorized employee to withdraw the money i.e. the valuable pack in order to undertake them from the Post Office.

Before receiving the delivery, the authorized employee checks the parcel and confirms if the envelopes, packages i.e. the stamps are not damaged.

If the envelope and the stamp are damaged, the authorized employee will cancel the hand over and will request the contest of the parcel to be confirmed by commission, and for this request shall inform the president of the court and the managerial body at the Post Office.

Deliveries that are submitted by physical and legal entity to the court without paid taxes, and for which the stamp duty is paid on delivery, are not accepted to the court.

#### Article 345

Mail parcels are sent by mail. The ordinary parcels are submitted to the post office for sending them out via delivery-book or on way foreseen with a special agreement with the organisation for PTT traffic.

Deliverance of the packages, valuable parcels and the cash money is performed with the advisor for submitting via the employee who is authorized to pick up such parcels.

#### Article 346

The mandatory forms and stamps according to the Court rulebook are part of this rulebook.

Article 347

In the courts with IT, the registrations is done on it.

PART SIX

FINAL PROVISIONS

Article 348

With the day when this rulebook is applied, ends the Rulebook for internal affairs of the regular courts (Court rulebook – “Official Gazette of SRM” no.17/85 and the Rulebook for the internal affairs of the offence courts (“Official gazette of SRM” no.04/88).

Article 349

This rulebook comes into effect at the eighth day from its publication in the “Official Gazette of RM” and will be applied from the 1 June 1997.

Number 09-251/1 Minister of justice  
29 January 1997 Vlado Popovski  
Skopje