



DELTA legal

Legal News

Reform of the civil law procedure in the Slovakia

The Slovak Parliament passed a three new civil law procedure codes on 21th May 2015:

- a) Civil Litigation Procedure Code
- b) Civil Extra-litigation Procedure Code and
- c) Administrative Court Procedure Code.

Those Acts should replace the current old and many times amended Civil Procedure Code (Act no. 99/1963 Coll.). Considering the extent and importance of new codes, it is one of the most significant law reform since the constitution of the independent Slovak Republic.

All three codes, already signed by the President of the Slovak Republic, should be effective since 1st July 2016.

In the classic civil procedures the courts will be proceed according to Civil Litigation Procedure Code the court. The Civil Extra-litigation Procedure Code will be used in a non-suit agenda, eg. the status matters, inheritance cases, custody matters and legal capacity. The Administrative Court Procedure Code should regulate the powers and competence of the courts in the administrative justice.


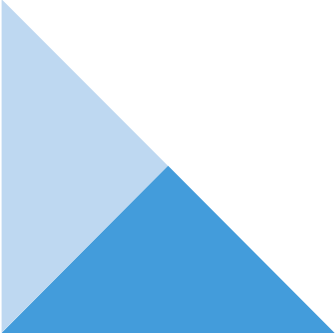
In this newsletter we would like to draw the attention on some of the significant changes in the civil litigation procedure.

End of delays in court proceedings?

One of the most fundamental changes introduced by the Civil Litigation Procedure Code is the concentration of suit behaviour, according to which judges will be able to set a deadline for both parties to present evidence, and afterwards, no new evidence will be accepted. Further change that should contribute towards accelerating court procedures and making them more efficient is the improvement of the requests on the activity of both parties and related procedural responsibility together with the penalty consequences for the cases of the procedural passivity of the party.

This should be done for example thanks to so called procedural lapse, when if the party will miss the deadline and the legal act will not perform, it should lose the opportunity to perform this act in the future. Moreover, the institute of preliminary hearings should be introduced, in the course of which the court determines, which of the statements introduced by the parties, the court considers as relevant, invites the parties to presents the evidence that should prove their statements and informs the parties that afterwards, no new evidence and statements will be accepted. Further instrument that should help preventing from the delaying of the court proceedings due to abusing of the bias objections is an introducing of fine for the cases if any party claims bias of a judge, but this was later refused and found to be an obvious obstruction.

Delays in the civil procedure should be prevented also by the fiction of delivery of the summons for the natural entities – not a businessman, similar to those which the current legislation stipulates for the business entities and natural persons – a businessman.



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