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LAW AMENDING THE LAW ON COURTS OF THE REPUBLIKA SRPSKA

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Article 1

In the Law on Courts of the Republika Srpska (“Official Gazette of the Republika Srpska”, nos: 111/04 and 109/05) in Article 13, paragraph 1, after the words “Judges”, a comma shall be added and the following words shall be added “judicial associates and senior judicial associates”.

Article 2

In Article 19, paragraph 2, after the words “outside their seats in court branches” the following words shall be added “outside their seats in minor offence departments”.

Article 3

After Article 24, a new Article 24a. shall be added to read as follows::

“Basic Courts that Decide Minor Offences in the Tax and Customs Domains

Article 24a.

In minor offence cases in the tax and customs domains, the territorial jurisdiction shall be held by the Minor Offence Departments within the Basic Courts referred to in Article 24 of this Law, for the entire territory of jurisdiction of the appropriate district court.”

Article 4

In Article 26, after sub-paragraph 2, a new sub-paragraph 3 shall be added to read as follows:

“3. Minor offence cases

First instance jurisdiction over:

- a) all minor offence cases; and
- b) requests for reopening minor offence proceedings.”

The current sub-paragraphs 3) and 4) shall now become sub-paragraphs 4) and 5).

Article 5

In Article 27, paragraph 1, sub-paragraph 2, item b) shall be deleted, whereas item c) shall now become item b).

After Article 27, a new Article 27a. shall be added to read as follows:

“Article 27a.

(1) Should it be necessary, a special independent specialised department may be established within the District Court of Banja Luka, with the jurisdiction over certain criminal offences prescribed by a separate law, throughout the territory of the Republika Srpska.

(2) Establishment of the Special Department referred to in paragraph 1) of this Article, its organisation, jurisdiction, assignment of judges, and assets required for operation of such Special Department, shall be regulated by a separate law.

(3) In the event of dissolution of the Special Department referred to in paragraph 1) of this Article, the judges who have been assigned to the Special Department shall continue to perform the duty they performed before their appointment to the Special Department.”

Article 6

In Article 28, paragraph 1, sub-paragraph 2, the words “minor offence courts” shall be deleted.

Article 7

In Article 35, after the word “field” the full stop shall be deleted, a comma and the following words shall be added: “whereas minor offence departments shall be established in all basic courts.”

After paragraph 1, new paragraphs 2, 3 and shall be added to read as follows:

“A Minor Offence Department shall have the Department President, who shall be appointed by the Court President from among the court judges.

In the event of the lack of space in the Basic Court, the Minor Offence Department may perform its activities from the jurisdiction of the Basic Court also outside the seat of the Basic Court.

The decision about the dislocation of the Minor Offence Departments outside the seat of the Basic Courts shall be made by the Minister of Justice of the Republika Srpska with the prior opinion obtained from the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.”

Article 8

In Article 42, after the words “against judges” the following words shall be added “judicial associates and senior judicial associates”.

Article 9

In Article 49, paragraph 1 shall be added to read as follows:

“With the prior opinion obtained from the High Judicial and Prosecutorial Council, the Minister of Justice shall set the criteria for determining the total number of staff in the courts.”

In paragraph 2, after the words “with the exception of judges” the full stop shall be deleted, whereas a comma and following words shall be added “judicial associates and senior judicial associates.”

Article 10

In paragraph 1 of Article 50, the word “employ” shall be replaced with the word “elect”, whereas after the words “the bar examination” the full stop shall be deleted, a comma and the following words shall be added: “for a term of six years.”

After paragraph 3, a new paragraph 4 shall be added to read as follows:

“Training of judicial associates and senior judicial associates shall be delivered in accordance with the Training Program established by the Public Institution Centre for Judicial and Prosecutorial Training of the Republika Srpska.”

Article 11

In Article 51, paragraph 1 shall be amended to read as follows:

“The Supreme Court may elect senior judicial associates.”

Article 12

After Article 51, new Articles 51a. and 51b. shall be added to read as follows:

“Election of Judicial Associates and Senior Judicial Associates

Article 51a.

The rules governing the method, procedure and election of judges and determination of their accountability shall also apply to judicial associates and senior judicial associates.

The number of judicial associates and senior judicial associates in courts shall be set by the High Judicial and Prosecutorial Council, following the prior opinion obtained from the Court President.

Loss of the Status as Judicial Associates and Senior Judicial Associates

Article 51b.

The status as Judicial Associates and Senior Judicial Associates shall be lost:

- with the end of the term to which he or she has been elected;
- at a personal request;
- in the event of his or her removal by the High Judicial and Prosecutorial Council as a result of disciplinary proceedings.”

Article 13

In Article 52, after paragraph 1, a new paragraph 2 shall be added to read as follows::

“Election of judicial trainees shall be made on the basis of an open competition announced by the Court President.”

The current paragraphs 2 and 3 shall now become paragraphs 4 and 5.

Article 14

In Article 61, Article 62, paragraphs 1 and 3, Article 63 and Article 66, after the word “judges” in the appropriate grammatical cases a comma and the following words shall be added “judicial associates, senior judicial associates” in the appropriate grammatical case.

Article 15

Transitional Provisions

After Article 79, new Article 79a., Article 79b., and Article 79c. shall be added to read as follows:

“Application of Provisions of this Law Relating to Judicial Associates and Senior Judicial Associates

Article 79a.

Provisions of this Law relating to Judicial Associates and Senior Judicial Associates shall apply as of the day of entry into force of this Law.

Until such time as a separate regulation governing the status, rights, obligations, salaries and other compensations has been adopted, the judicial associates referred to in paragraph 1 of this Law shall be subject to application of the provisions of the regulations applicable thus far.

Article 79b.

As of the day of entry into force of this Law, the judicial associates and senior judicial associates elected under the regulations applicable by the time of enactment of this Law shall lose their status as court staff, whereas the term of six years shall start running within which the provisions of this Law shall apply in all respects with regard to their status, rights, obligations and responsibilities.

The decision governing their status as provided by paragraph 1 of this Article shall be made by the Court President after the prior opinion obtained from the High Judicial and Prosecutorial Council.

Article 79c.

The existing Minor Offence courts in the Republika Srpska shall terminate their operations with the day of commencement of application of this Law.

Cases, equipment, inventory, archives and documentation, including also the assets required for operation of the minor offence courts, shall be taken over by the Basic Court established for the municipality in which the Minor Offence concerned is situated.

The takeover referred to in the preceding paragraph shall be carried out by the Presidents of the competent Basic Courts and the Presidents of the existing Minor Offence Courts.

The takeover shall be carried out not later than 1 July 2006.

The authority competent for appointing the minor offence judges shall issue the decision to relieve of duty the Presidents and judges of the Minor Offence Courts; however, their term of office (mandate) shall end with the day of commencement of application of this Law.

The President of the competent Basic Court shall take over the staff from the existing Minor Offence Courts and deploy them to the positions according to their corresponding qualifications as provided under the Book of Rules on the Internal Organisation and Systematisation of Posts.

The staff that remains undeployed shall be entitled to exercise the rights provided by the relevant regulations governing their labour-law status.”

Article 16

The Legislative Committee of the National Assembly of the Republika Srpska shall be authorised to establish a consolidated version of this Law.

Article 17

This Law shall enter into force on the eighth day following its publication in the “Official Gazette of the Republika Srpska” and shall be applicable as of 1 September 2006.

No:01-401/06

Date: 5 April 2006

PRESIDENT
NATIONAL ASSEMBLY

M.Sc. Igor Radojičić