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LAW ON AMENDMENTS TO THE LAW ON COURTS IN THE FEDERATION OF BOSNIA AND HERZEGOVINA

**“Official Gazette of the Federation of Bosnia and
Herzegovina”, 22/06**

LAW
ON AMENDMENTS TO THE LAW ON COURTS IN THE
FEDERATION OF BOSNIA AND HERZEGOVINA

Article 1

In the Law on Courts in the Federation of Bosnia and Herzegovina (“Official Gazette of the Federation of Bosnia and Herzegovina”, nos. 38/05), in Article 19, paragraph 2, after the word “court” shall be added words: “in minor offence court branches”.

Article 2

After Article 23, a new Article 23a shall be added to read as follows:

“Article 23a
Municipal courts deciding in minor offence cases in the area of tax and
customs duties

The following Municipal Courts shall decide in minor offence cases in the area of tax and customs duties: Bihać, Orašje, Tuzla, Zenica, Goražde, Travnik, Mostar, Široki Brijeg, Sarajevo and Livno.”

Article 3

In Article 27, after sub-paragraph 2), a new sub-paragraph 3) was "added to read as follows:

“3) Minor offence matters first instance jurisdiction over:
a) all minor offence cases and
b) petitions for reopening the minor offence proceedings”.

In the previous sub-paragraph 3, which shall become sub-paragraph 4, item f) shall be deleted.

The previous sub-paragraph 4 shall become sub-paragraph 5.

Article 4

In Article 28, sub-paragraph 2, after item a) a new item b) shall be added to read as follows:

“b) to decide on appeals against minor offence decisions,”

The previous item b) shall become item c).

Article 5

In Article 36, in the end of text, full stop shall be replaced with a comma, and the following words shall be added: “, **with the exception of minor offence departments, which are established in all municipal courts**”.

After Paragraph 1, a new Paragraphs 2, 3, 4 and 5 shall be added to read as follows:

“Court departments under paragraph 1 of this Article shall have heads of departments, who are responsible to the court president for managing departments.

Minor offence departments may perform duties under its authority outside the seat of the Municipal Courts.

Court departments outside the seat of the courts established in accordance with Article 22 of the Law shall decide in minor offence cases within the territorial jurisdiction of the respective department.

The Decision on the seat of the minor offences departments outside the seat of the municipal courts shall be passed by the Federal Ministry of Justice”.

Article 6

After Article 78, a new Article 78a shall be added to read as follows:

“Article 78a Provisions Relating to the Minor Offence Courts

As of the date of appointment of judges to the minor offence departments within the municipal courts, the existing Minor Offence Municipal Courts located in the municipalities for which a Municipal Court is established shall cease to exist. All pending cases shall be transferred to the minor offence department of the competent Municipal Court for further action.

The Cantonal Minor Offence Courts shall cease to exist as of the day of the appointment of judges to the minor offence departments of municipal courts.

Items, equipment, inventory, archive and documents as well as working means of the Minor Offence Municipal Courts shall be taken over by Municipal Court established for the municipality of the respective Minor Offence Municipal Court.

Employees and staff of municipal and cantonal minor offence courts, whose employment is terminated as of the appointment date of judges to minor offence departments of municipal courts for the reasons of redundancy, shall be entitled to the rights in accordance with the rules and regulations governing their employment status.”

Article 7

This Law shall enter into force on the following day of its publication in the “Official Gazette of the Federation of Bosnia and Herzegovina”, and shall start apply on the day after the day of appointing of judges into minor offence court branches.