

LAW ON COURTS

**the law entered into force on 19 May 2006
and shall be implemented starting from 1 January 2007**

I. BASIC PRINCIPLES

Article 1

(1) The judicial power shall be exercised by the courts in the Republic of Macedonia.

(2) The courts shall be autonomous and independent state authorities.

Article 2

1) The courts shall rule and base their decisions on the Constitution, the laws and the international agreements ratified in accordance with the Constitution.

2) In the application of the law, the Courts shall ensure the protection of human rights and liberties.

Article 3

The objectives and the functions of the judicial branch shall encompass:

- a) impartial application of law regardless of the position and capacity of the parties;
- b) promoting, protecting and respecting human rights and liberties;
- c) ensuring equality, equal opportunity, and non-discrimination on any grounds; and
- d) legal security based on the rule of law.

Article 4

In a legally prescribed proceeding, the court shall decide on:

- human and citizen rights and legal interests;
- disputes between citizens and other legal entities;
- punishable acts and misdemeanours; and
- other work legally placed within the competence of the court.

Article 5

(1) The courts shall protect the human and citizen rights and liberties and the rights of other legal entities if, according to the Constitution, that is not within the competence of the Constitutional Court of the Republic of Macedonia.

(2) The citizens and other legal entities shall be guaranteed court protection regarding the legality of individual acts of state authorities or organisations and other bodies exercising public authorisations.

Article 6

(1) Everyone shall be entitled to equal access to the court in the protection of their rights and legal interests.

(2) In taking decisions on civic rights and obligations as well as in taking decisions on crime responsibility, everyone shall be entitled to just and public trial within a reasonable time in an independent and impartial court stipulated by law.

(3) No one may be limited in their access to court for protecting their fundamental rights and liberties due to a lack of resources.

Article 7

The cases that come before the court shall be assigned to the judges according to the order in which the cases are received in the court, excluding all influence on that proceeding by the chief justice of the court, the judge or the court administration.

Article 8

(1) The court may declare incompetence only when a law explicitly provides for the competence of another state authority in deciding in a particular matter.

(2) The court may not reject a petition for exercising a certain right on the grounds that there is a legal void, and it shall be obliged to act upon it by referring to the general principles of the right, unless it is explicitly excluded by law

Article 9

No one shall be exempt from the judiciary branch; except when instances of immunity before the judicial branch have been established in the Constitution and in the international agreements ratified in accordance with the Constitution.

Article 10

(1) The procedure before a court shall be regulated with a law and it shall rest on the following principles:

- legality and legitimacy,
- equality of the parties,
- trial within reasonable time
- fairness,
- transparency,
- contradiction,
- two-degrees,
- convention,
- orality,
- immediacy,
- the right to defence, i.e. representation,

- free appraisal of the evidence,
- economy.

(2) The laws on the separate procedures shall regulate closely the principles of the procedures, the manner in which they are applied and the possible exemption with certain principles.

Article 11

(1) The judge shall decide impartially based on the free appraisal of the evidence and the application of the law.

(2) All forms of influence on any grounds or by any entity on the independence, impartiality and comity of a judge in exercising their judicial office shall be prohibited.

Article 12

(1) The court business shall be, as a rule, exercised in specialized court departments.

(2) The specialized court departments shall be set up in line with the type and volume of the court business, as follows: criminal cases, juvenile criminality, civic and economic area, labour disputes and other characteristic disputes falling in the jurisdiction of the courts.

(3) The specialization of judges shall be provided for under the specialized court department.

Article 13

(1) Court decisions shall be pronounced on behalf of the people of the Republic of Macedonia.

(2) An enforceable court decision shall have undisputed legal effect.

(3) A court decision may be altered or revoked only by a competent court in a procedure prescribed by law.

(4) Court decisions shall be mandatory for all legal and natural persons and they shall have greater force than the decisions of any other authority.

(5) Everyone shall be obliged to respect the effective and enforceable court decision, under threat of legal sanction.

Article 14

(1) Neither a law, nor an act of the executive government may change a court decision or change the composition of the court for the purpose of influencing the decision making of the court.

(2) Everyone shall be obliged to refrain from taking or allowing an action that obstructs the adoption or enforcement of a court decision.

Article 15

Every state authority shall be obliged to ensure the enforcement of a court decision when this is placed in their competence. The supervision over the enforcement of court decisions shall be carried by the court in accordance with law.

Article 16

The enforcement of an effective and enforceable court decision shall be carried out in the fastest and most efficient manner possible, and it may not be obstructed by the decision of any other state authority.

Article 17

No one shall retain, conceal or open without authorization a court writ or any other court package not addressed to them.

Article 18

(1) The court shall raise an initiative for instituting a procedure for assessing the constitutional compliance of a law when its compliance with the Constitution is questioned, whereof it shall inform immediately the higher court and the Supreme Court of the Republic of Macedonia.

(2) When the court deems that the law that is to be applied in the specific case is not in compliance with the Constitution, and the constitutional provisions cannot be applied directly, it shall discontinue the procedure pending the decision of the Constitutional Court of the Republic of Macedonia.

(3) The decision for discontinuing the procedure may be appealed by the party. The procedure for the appeal shall be urgent.

(4) When the court deems that the law that is to be applied in the specific case is not in compliance with the provisions of an international agreement ratified in conformity with the Constitution, it shall apply the provisions of the international agreement provided that they are directly applicable.

(5) The Court shall in the specific cases enforce the final and effective decisions of the European Court for human rights, the International Crime Tribunal or of any other court whose competence has been recognized by the Republic of Macedonia, provided that the respective decisions are appropriate to enforcement.

Article 19

(1) The courts shall be obliged to offer one another legal assistance.

(2) A higher degree court may request from a lower degree court from its region data concerning the application of the laws, the problems that arise in trials, the monitoring and aligning of court practice, delay in court proceedings and other data; and it may also carry out other inspection of the work of such courts, as well as hold joint meetings for addressing the above issues.

(3) In exercising the powers of paragraphs (1) and (2) of this Article, a court of higher degree may not in any way influence the independence and freedom of the court of lower degree in making decisions for specific cases.

Article 20

(1) At the request of the court, in exercising its competence, state authorities and other legal entities shall be obliged to submit to it immediately all the required data, acts or documents that they have and which are necessary for the procedure.

(2) The court shall be obliged to keep from unauthorised divulging the classified information with a certain degree of protection established by law, obtained from other state authorities or legal entities.

(3) At the request of a state authority, the court shall offer legal assistance and deliver the necessary acts for conducting the procedure, if this does not compromise its comity and independence.

Article 21

The courts shall provide legal assistance to foreign courts in accordance with law, unless otherwise provided by international agreement.

Article 21

II. ORGANISATION AND COMPETENCE

1. Types of courts

Article 22

In the judiciary, the judicial power shall be exercised by the first instance, the Administrative Court, the appellate courts, and the Supreme Court of the Republic of Macedonia.

Article 23

(1) The first instance shall be established for one or more municipalities whose territory has been specified with this Law.

(2) The first instance in line with their real competence shall adjudicate in the first degree and shall be established as first instance of basic competence and first instance of extended competence.

(3) Under the first instance of extended competence, specialized court departments shall be set up to act upon specific types of disputes. (4) The courts of first instance may have court divisions, adjudicate outside the seat of the court, as well as have court days outside the seat of the court.

Article 24

(1) Appellate courts shall be established for the territory of several first degree courts designated with this Law.

(2) The seats of the Appellate Courts shall be in Bitola, Gostivar, Skopje and Stip.

Article 25

(1) The Administrative court shall be established and it shall exercise the judicial power over the entire territory of the Republic of Macedonia.

(2) The seat of the Administrative Court shall be in Skopje.

Article 26

(1) The Supreme Court of the Republic of Macedonia shall exercise the judicial power over the entire territory of the Republic.

(2) The seat of the Supreme Court of the Republic of Macedonia shall be in Skopje.

Article 27

(1) The court shall have a seal containing the name of the court, its seat, the national coat of arms and the name of the Republic of Macedonia.

(2) The name of the Republic of Macedonia, the name of the court, the seat of the court, the national coat of arms and the flag of the Republic of Macedonia shall be placed on the building where the court is seated.

(3) The courts whose seat is on the territory of the units of local self-government where, in addition to the Macedonian language and its Cyrillic script, another official language and its script is a language spoken by at least 20% of the citizens, the seal of the court, the name and seat of the court shall be written, i.e. posted in that language and script as well.

2. Local competence

Article 28

(1) Courts of first instance shall be established for the following municipal territories:

1. Court of first instance in Berovo for the municipalities: Berovo and Pehčevo;
2. Court of first instance in Bitola, for the municipalities: Bitola, Mogila, Novaci and Demir Hisar, with a court outpost in Demir Hisar;
3. Court of first instance in Vinica for the municipality of Vinica;
4. Court of first instance in Veles for the municipalities: Veles, Gradsko and Čaška;
5. Court of first instance in Gevgelija for the municipalities: Gevgelija, Bogdanci, Dojran and Valandovo, with a court outpost in Valandovo;
6. Court of first instance in Gostivar for the municipalities: Gostivar, Vrapčište, Mavrovo and Rostuša;
7. Court of first instance in Debar for the municipalities: Debar and Župa;
8. Court of first instance in Delčevo for the municipalities: Delčevo and Makedonska Kamenica;
9. Court of first instance in Kavadarci for the municipalities: Kavadarci and Rosoman;
10. Court of first instance in Kičevo for the municipalities: Kičevo, Vraneštica, Drugovo, Zajas, Oslomej, Plasnica and Makedonski Brod, with a court outpost in Makedonski Brod;
11. Court of first instance in Kočani for the municipalities: Kočani, Zrnovci and Češinovo-Obleševo;
12. Court of first instance in Kratovo for the municipality of Kratovo;
13. Court of first instance in Kriva Palanka for the municipalities: Kriva Palanka and Rankovce;
14. Court of first instance in Kumanovo for the municipalities: Kumanovo, Lipkovo and Staro Nagoričane;
15. Court of first instance in Kruševo for the municipality of Kruševo;
16. Court of first instance in Negotino for the municipalities: Negotino and Demir Kapija;

17. Court of first instance in Ohrid for the municipalities: Ohrid and Debarca;
18. Court of first instance in Prilep for the municipalities: Prilep, Dolneni and Krivogaštani;
19. Court of first instance in Radoviš for the municipalities: Radoviš and Konče;
20. Court of first instance in Resen for the municipality of Resen;
21. Court of First instance in Sveti Nikole for the municipalities: Sveti Nikole and Lozovo;
22. Court of first instance Skopje I for the municipalities: Centar, Karpoš, Gjorče Petrov Saraj, Kisela Voda, Aerodrom, Butel, Gazi Baba, Cair, Suto Orizari, Cucer Sandevo, Sopište, Studenicani, Zelenikovo, Petrovec, Ilinden and Aracinovo;
23. Court of first instance Skopje II for the municipalities: Centar, Karpos, Gorce Petrov, Saraj, Kisela Voda, Aerodrom, Butel, Gazi Baba, Čair, Šuto Orizari, Čučer Sandevo, Sopište, Studeničani, Zelenikovo, Petrovec, Ilinden and Aračinovo;
24. Court of first instance in Struga for the municipalities: Struga and Vevčani;
25. Court of first instance in Strumica for the municipalities: Strumica, Vasilevo, Bosilovo and Novo Selo;
26. Court of first instance in Tetovo for the municipalities: Tetovo, Bogovinje, Brvenica, Želino, Jegunovce and Tearce;
27. Court of first instance in Štip for the municipalities: Štip, Karbinci and Probištip, with a court outpost in Probištip.

(2) A court outpost of a court of first instance shall exercise the competencies of a court of first instance for the territory of the municipalities for which it has been established.

(3) In the event of establishment of new municipalities, the territories of the courts designated in paragraph 1 of this Article shall remain unaltered.

Article 29

Appellate courts shall be established for the following territories:

1. Appellate court in Bitola for the territories of the courts of first instance in Bitola, Kruševo, Ohrid, Prilep, Resen and Struga.

2. Appellate court in Gostivar for the territories of the courts of first instance in Gostivar, Tetovo, Kicevo and Debar.

3. Appellate court in Skopje for the territories of the courts of first instance in Veles, Gevgelija, , Kavadarci, Kratovo, Kriva Palanka, Kumanovo, Negotino, Skopje I, Skopje II,;

4.. Appellate court in Štip for the territories of the courts of first instance in Berovo, Vinica, Delčevo, Kočani, Radoviš, Sveti Nikole, Strumica and

2. Real Competence of the courts

Article 30

(1) The courts of first instance shall be competent to decide in the first degree on criminal cases and misdemeanours, as follows:

- On crimes which by law are sanctioned by a penalty of imprisonment of up to 5 years, unless the competence of another court has been provided for to decide on certain crimes.

- On crimes which by special law shall be assigned to a to court of basic competence

- To carry out investigation or investigative actions on crimes falling within its competence;

- On all types of misdemeanours, unless it is provided that certain types of misdemeanours shall be decided on by a state administration authority or organization or another authority exercising public authorisations.

- On complaints and appeals to actions taken by these courts.

(2) The courts of first instance shall be competent to decide in the first degree on civil cases as follows:

- On property and other civil disputes in physical and legal entities, which are in the amount of 15,000 Euro in Denars exchange, unless it is provided by law that another court shall be competent to decide.

- On disputes related to determination and disclaiming of paternity, determination of marriage, nullity of marriage and divorce;

- On law- provided alimony;

- On parenting and upbringing children;

- On hindering possession;

- On lifelong alimony;

- On compensation that shall not exceed 10,000 Euro in Denars exchange;

- On procedures for providing and enforcement;

- On labour relations;

- On inheritance disputes;

- On extrajudicial and succession matters;

- To keep record of the deeds; and

- On other matters specified by Law.

Article 31

(1) The Courts of first instance of extended competence, in addition to the competence specified in Article 30 of this Law exercised within the territory for which they have been instituted, shall be also competent to decide on crimes as follows:

- On crimes which by law are sanctioned by a penalty of imprisonment of more than 5 years and on crimes and misdemeanours perpetrated by juveniles;
- To carry out investigation or investigative actions o crimes that fall into their scope of competence;
- To decide on extradition;
- To decide on complaints and appeals to actions that fall into their scope of competence;
- To decide on proceedings related to international legal assistance specified by law;

(2) The Courts of first instance of extended competence, in addition to the competence specified in Article 30 of this Law exercised within the territory for which they have been instituted, shall be also competent to decide on civil cases as follows:

- On property and other civil disputes in physical and legal entities, which are in the amount of more than 15,000 Euros in Denars exchange, unless the competence of another court has been provided for by law.
- On merchant disputes, disputes in copyrights and rights arising therefrom and industrial property rights, in which the two parties are legal entities or state authorities;
- To maintain court registration list of political parties;
- On cases of bankruptcy and liquidity;
- On disputes related to determination and provision of compulsory enforcement;
- On disputes in domestic legal and foreign entities that arise from their mutual merchant or respectively trade relations

(3) The competence of the paragraphs 1 and 2 of this Article shall be exercised by the Courts as follows: The court of first instance in Bitola and also for the cases on the territory of the court of first instance in Resen; the court of first instance in Prilep and also for the cases on the territory of the court of first instance in Krusevo; the court of first instance in Ohrid and also for the cases on the territory of the court of first instance in Struga; the court of first instance in Gostivar and also for cases on the territory of the courts of first instance in Kicevo and Debar; the court of first instance in Tetovo and also for the cases on the territory of the court of first instance in Tetovo; the court of first instance in Kumanovo and also for the cases on the territory of the courts of first instance in Kriva Palanka and Kratovo; the court of first instance in Kocani and also for the cases

on the territory of the courts of first instance in Berovo, Vinica and Delcevo; the court of first instance in Veles and also for the cases on the territory of the courts of first instance in Gevgelija, Kavadarci and Negotino; the court of first instance in Strumica and also for the cases on the territory of the court of first instance in Radovis; the court of first instance in Stip and also for the cases on the territory of the court of first instance in Sveti Nikole.

Article 32

(1) Under the auspices of the courts of first instance in Bitola, Tetovo, Skopje I, Stip, and Strumica special court departments shall be established and they shall be competent to decide on acts of organized crime as follows: the court of first instance in Bitola competent for the territory of the Appellate Court in Bitola; the court of first instance in Tetovo competent for the territory of the Appellate Court in Gostivar; the court of first instance Skopje I competent for the territory of the Appellate Court in Skopje; and the court of first instance in Strumica competent for the territory of the Appellate Court in Stip.

(2) the courts stipulated in paragraph 1 of the Article herein shall be competent to keep a court registration list for all political parties established within their jurisdiction.

(3) The court of first instance Skopje I in Skopje is a crime tribunal of basic and extended competence that shall cover the territories of the municipalities of Centar, Karposh, Gjorce Petrov, saraj, Kisela Voda, Aerodrom, Butel, Gazi Baba, Cair, Suto Orizari, Cucer Sandevo, Sopiste, Studenicani, Zelenikovo, Petrovec, Ilinden and Aracinovo.

(4) The court of first instance Skopje II in Skopje is a civil court of basic and extended competence that shall cover the territories of the municipalities of Centar, Karposh, Gjorce Petrov, saraj, Kisela Voda, Aerodrom, Butel, Gazi Baba, Cair, Suto Orizari, Cucer Sandevo, Sopiste, Studenicani, Zelenikovo, Petrovec, Ilinden and Aracinovo.

Article 33

Appellate courts shall be competent for:

- 1) deciding on appeals against the decisions of the courts of first instance in the relevant territory;
- 2) deciding on conflicts of jurisdiction between courts of first instance on their territory; and
- 3) other work specified by law.

Article 34

The Administrative Court shall be competent to decide:

- On legality of individual acts adopted in the electoral procedure, legality of individual acts pertaining to election, appointment and dismissal of public officials if it has been specified by law, as well as legality of the acts pertaining to election, appointment and dismissal of executive civil servants, unless otherwise specified by Law;
- On legality of acts of the state authorities, the Government and the holders of public authorisations, adopted in the form of regulations in case they specify the individual relations;
- On disputes arising from the enactment and execution of the provisions contained in concession agreements, public procurement agreements that are of public interest, as well as of any other agreement in which one of the agreeing parties is a state authority, organization of public authorizations, public enterprise, municipality and the City of Skopje, provided that the agreement is of public interest and concluded for the purpose of enactment of a public service (hereinafter: administrative agreements);
- Against individual acts of the organs of the state administration, the Government, other state organs, the municipalities and the City of Skopje, organizations specified by law, as well as legal and other entities exercising public authorisations (holders of public authorisations), in the event when the respective act is decided on in the second degree and no other legal protection has been provided for.
- On conflicts of competence between the authorities of the Republic; between the municipalities and the City of Skopje; between the municipalities of the City of Skopje; as well as conflicts of competence between the municipalities and the City of Skopje and

holders of public authorisations, if this has been foreseen by Law and if the Constitution or any other law have foreseen no other legal protection.

Article 35

The Supreme Court of the Republic of Macedonia shall be competent for:

- 1) deciding in the second degree against the decisions of its councils when it is stipulated by law;
- 2) deciding in the third and final degree on appeals against the decisions of appellate courts
- 3) deciding in the second degree on appeals against the decisions of the Administrative Court in cases foreseen by law;
- 4) deciding on extraordinary legal remedies against the effective decisions of courts and the decisions of its councils when it is stipulated by law;
- 4) deciding on conflicts of jurisdiction between courts of first instance from the territories of different appellate courts; conflicts of jurisdiction between appellate courts ; conflicts of jurisdiction between conflicts of jurisdiction between the Administrative Court and another court; and deciding on the transfer of jurisdiction *ratione loci* in these courts;
- 5) deciding on a trial within a reasonable time before the courts in the Republic of Macedonia at the request of the parties and other participants in the proceeding who have legal interest; and
- 6) other work stipulated by law.

Article 36

- (1) The party who deems that the competent Court has violated the right to trial within reasonable time, may submit to the higher instance court a request for protection of the right to trial within reasonable time.

(2) The respective higher instance court not later than six months from the time of the submission of the request shall decide on whether the lower instance courts has violated the right to trial within reasonable time.

(3) In case the higher instance court determines violation of the right to trial within reasonable time, it shall issue a decision on a just compensation to be paid to the submitter of the request.

(4) The just compensation shall be covered from the judicial budget.

Article 37

(1) At its general session, the Supreme Court of the Republic of Macedonia shall:

- establish general positions and general legal opinions on issues pertaining to ensuring court uniformity in the application of the laws, on one's own initiative or on the initiative of the sessions of the judges or the court divisions;

- provide opinions on proposed laws and other acts regulating issues pertaining to the work of the courts;

- address issues related to the work of the courts, the application of the laws and court practice;

- adopt the rules of procedure of the court;

- adopt the work programme of the court

- Submit a proposal to the Judicial Council of the Republic of Macedonia for the temporary transfer of a judge to another court;

- Submit a request for instigation of a disciplinary proceeding against a judge;

- Submit a request for instigation of a procedure to determine unprofessional and negligent exercise of the judicial office

- Submit an initiative to instigate procedures before the Judicial Council of the Republic of Macedonia to determine the permanently lost ability to exercise judicial office.

- Appoint the composition of the Council to decide on the petitions against the decisions taken by the Judicial Council to dismiss a judge or pronounce a disciplinary measure;

- Decide on the requests for the protection of legality against the decisions taken by its councils

- decide on petitions for exempting the Chief Justice of the Supreme Court of the Republic of Macedonia; and

-review the report on its work and the reports on the work of the courts in the Republic of Macedonia in view of diligence and quality of work, adopt conclusions thereupon and take care of their implementation.

- Exercise other duties specified by law

(2) The general positions and general legal opinions established by the Supreme Court of the Republic of Macedonia at a general session shall be mandatory for all councils of the Supreme Court of the Republic of Macedonia.

III. JUDGES AND LAY JUDGES

Article 38

(1) The judicial office shall be exercised by the judges. A judge shall be elected without restriction to their term of office.

(2) The judges shall act upon all matters legally placed in court jurisdiction.

(3) Lay judges shall participate in a trial where this is stipulated by law.

Article 39

(1) The judge shall exercise the judicial office in the court where they have been elected.

(2) The judge shall be, as a rule, elected to judge in relevant areas.

(3) A judge may not be transferred to another court against their will.

(4) The judges shall be assigned by an annual work schedule to be specified by the Chief Justice of the Court upon a precedent opinion from the session of judges or from the general session of the Supreme Court of the Republic of Macedonia respectively, by

ensuring the assignment of judges in view of their specialization in crime, civil, merchant, administrative or any other legal area respectively.

(5) In assigning the heads of the Specialized departments and divisions, the length of service as well achievements at work shall be taken into account.

(6) A judge may not be transferred from one court division to another against their will.

(7) The judge may ask for transfer from one to another division.

(8) As an exception, a judge may be transferred to another court division against their will with a decision of the Chief justice of the Court containing a written explanation, upon a precedent opinion from the session of judges, when this is required by increase in the workload and by the subject of work of the court, but the transfer shall not exceed one year.

(9.) As an exception, a judge sitting in an appellate court and of a court of first instance may be temporarily transferred, for one year at the most, to adjudicate in another court of the same instance or at a lower court, or from one specialized division to another, when the regular operation of the court has been jeopardised due to a judge being prevented or exempt, or due to a substantially increased workload, reduced diligence, or due to the complexity of the cases.

(10) The temporary transfer of a judge under paragraph (9) of this Article shall be effected by the Judicial Council of the Republic of Macedonia, whereof it shall immediately notify the chief justice of the court whose judge has been transferred and the chief justice of the court to which the judge has been temporarily transferred.

(11) A judge may object to the decision of the paragraphs (4), (7) and (8) of the article herein within three days to the Chief Justice of the Supreme Court of the Republic of Macedonia, who shall be obliged to decide on the objection within seven days.

(12) A judge may object to the decision of paragraph (9) of the Article herein within three days to the Judicial Council of the Republic of Macedonia, who shall be obliged to decide on the objection within seven days.

The decision of the Judicial Council of the Republic of Macedonia shall be final.

Article 40

In the event of abolition or reorganisation of a court, the Judicial Council of the Republic of Macedonia shall assign the judge of that court to another court of the same or a lower instance.

1. Election of judges and lay judges

Article 41

(1) Judges and chief justices of courts shall be elected and dismissed by the Judicial Council of the Republic of Macedonia under the conditions and in the procedure stipulated by law.

(2) The election, i.e. dismissal of judges and chief justices of courts shall be announced by the Judicial Council of the Republic of Macedonia in the Official Gazette of the Republic of Macedonia within 15 days from the day of the election or dismissal.

Article 42

Lay judges shall be elected and dismissed by the Judicial Council of the Republic of Macedonia under the conditions and in the procedure stipulated by law.

Article 43

(1) In the election of judges and lay judges there may not be any discrimination against sex, race, colour of skin, national and social provenance, political and religious beliefs, wealth and social position.

(2) The equitable representation of the citizens belonging to all the communities shall be ensured in the election of judges and lay judges, without infringing the criteria stipulated by law.

(3) A person who is related lineally or is related collaterally to the third degree or is the spouse of a judge or lay judge may not be elected judge or lay judge in the same court.

Article 44

(1) The Judicial Council of the Republic of Macedonia shall determine with a decision the number of judges in each court, upon the proposal of the general session of the Supreme Court of the Republic of Macedonia, as well as the proposal of the session of judges of the respective court.

(2) The Judicial Council of the Republic of Macedonia shall determine the number of lay judges in each court, upon the proposal of the sessions of the first instance and appellate courts.

(3) Decisions from paragraphs (1), (2) of this article are published in the “Official Gazette of Republic of Macedonia”.

Article 45

(1) A person may be elected judge if they meet the following criteria:

- To be a citizen of the Republic of Macedonia;
- To be fluent in Macedonian;
- To be fit for work and be generally in a sound health condition;
- To have a university degree in law acquired in the Republic of Macedonia or a validated degree in law from a foreign University;
- To have passed the bar exam in the Republic of Macedonia

Article 46

(1) Special condition for election of judges are as follows:

- A person may be elected judge in the court of first instance only if they have undergone the training at the Academy for training for judges and public prosecutors;
- A person may be elected judge in the appellate court only if they have length of experience in the judiciary office of at least eight years, confirmed results at work, or 10 years of work on legal matters after passing the bar examination;
- A person may be elected judge at the Administrative court only if they have at least eight year length of experience at court with confirmed results at work, or at least ten

years of experience in deciding on administrative matters, or if they are University Professors of Law holding a doctoral degree in legal sciences.

- A person may be elected judge at the Supreme Court of the Republic of Macedonia only if they have at fifteen year length of experience with confirmed results at work, or at least seventeen year length of experience with confirmed results in legal matters after passing the bar examination.

- A person may be elected judge at the Supreme Court also if they come from the pool of full-time and associate University professors having taught a subject pertaining to the court practice for more than ten years.

Article 47

(1) The chief justice of a court shall be elected from the ranks of judges of the Republic of Macedonia under the conditions, in the procedure and in the manner of electing judges in the relevant court. The chief justice of the court shall be elected for a term of four years, with a possibility for re-election to the same office for another four years.

(2) The chief justice of the court shall hold the status and function of chief judge of the relevant court.

(3) The candidate for chief justice of the court shall annex to their application and other documents a Work Programme for the duration of the term of office.

(4) A chief justice who is not re-elected to the same office shall continue to work as a judge in the court in which they had previously performed a judicial office .

Lay judge

Article 48

(1) A person may be elected lay judge if they are a major national of the Republic of Macedonia who has completed at least secondary education, who has an active command of the Macedonian language, who enjoys the reputation for exercising this office, and who is not older than 60.

(2) A lay judge for juvenile trials shall be elected from the ranks of persons with experience in youth education.

Article 49

A lay judge shall be elected for a term of four years and they may be re-elected.

Article 50

(1) Prior to taking office the judge and lay judge shall give a sworn statement, as follows:

“I swear that in exercising the judicial office I will abide by the Constitution of the Republic of Macedonia, the laws and the international agreements ratified in accordance with the Constitution of the Republic of Macedonia; that I will judge legally, honourably, conscientiously, independently and responsibly, and that I will protect the human and citizen rights and liberties.”

(2) When giving the sworn statement the judge shall wear a toga. The judge shall give the sworn statement individually before the Judicial Council of the Republic of Macedonia.

(3) The lay judges shall give their sworn statement before the chief justice of the court where they have been elected.

(4) The judge and the lay judge shall give their sworn statement in Macedonian and shall have it signed in the Macedonian language and its Cyrillic script.

(5) In the election of a judge and a lay judge in a court that is located in a unit of the local self-government in which at least 20% of the citizens speak language other than the Macedonian language, the judge and the lay judge belonging to the respective community shall give the sworn statement and have it signed both in the Macedonian language and its Cyrillic script and in the language and the script of the respective community.

6) A copy of the sworn statement shall be provided to the newly elected judge or lay judge.

IV. . Rights, duties and immunity

Article 51

Judges may establish associations for the purpose of exercising their rights and interests, promoting professional upgrading and for protecting the independence and comity of the judicial office.

Article 52

(1) The judicial office shall be mutually exclusive with that of a Member of Parliament, i.e. of a member of the council in a municipality, i.e. the city of Skopje, and with the offices in the state authorities, the municipality and the city of Skopje.

(2) A judge shall not perform any other public duty or function, except for the function specified by law, which is not in conflict with the independence and comity of the judicial office.

(3.) A judge may not work in a management or supervisory board of a company or other legal entity incorporated for profit (4.) A judge may be an educator or give lectures at the Academy for training for judges and public prosecutors and at a higher learning institution and take part in certain scientific projects.

(5.) Doing work in a higher learning institution shall be subject to the approval of the Judicial Council of the Republic of Macedonia (6.) A judge may not be a member of or exercise a political office in a political party or carry out partisan and political activities.

Article 53

(1) When a judge is appointed or elected member of the Judicial Council of the Republic of Macedonia or a judge in an international court, judge at the Constitutional Court or Director of the Academy for training for judges and public prosecutors, their judicial office shall remain dormant for the duration of the term of office to which they have been appointed or elected.

(2) After the expiry of the term of office to which they have been appointed, the judge shall have the right to return to the court that he had left in order to perform other duty.

Article 54

The judge shall have the right to and the duty of continuous professional upgrade for the duration of their judicial office in conformity with law.

Article 55

(1) The judge shall have a judicial ID issued and revoked by the Judicial Council of the Republic of Macedonia.

(2) The Judicial Council of the Republic of Macedonia shall prescribe with a Rulebook the form and content of the Judicial ID form, and the procedure for issuing and revoking it.

Article 56

(1) The judges shall have the following special rights in exercising their judicial office:

- the right to enter and freely pass stations, airports and ports merely by presenting their judicial ID;
- the right to an official licence to carry arms and procure adequate ammunition;
- the right to free use of public, land, or lake transport on the judicial territory where they exercise their judicial office, in events of official necessity and in the event of Article 39 of this Law and
- the right to special protection of their person, family and property, upon their request or upon the request of the chief justice of the court to the police in their place of residence every time when there are founded concerns for their safety.
- To have an official travel document

(2) The special rights of paragraph (1), items 1, 2 and 3 of this Article shall be closely regulated by acts by the Minister of Justice.

(3) The special rights of paragraph (1), item 4 shall pertain also to retired judges.

Article 57

(1) When presiding, a judge shall wear a special judicial robe (a toga), setting them apart from the other participants in the procedure.

(2) The act on the appearance of and the occasion when the judicial robe of paragraph 1 of this Article is worn shall be adopted by the Minister of Justice.

Article 58

The judge may not receive gifts or use any other benefits and incentives related to exercising their judicial office.

Article 59

(1) Judges shall enjoy all employment rights entitled to them according to law.

Article 60

(1) The amount of the salaries of judges shall be specified according to:

- the type of court;
- the specialized court division (type of cases that they shall act upon);
- the internal duties within the court (chief justice of the court, head of division, head of department or head of council);
- length of judicial service;
- academic titles and vocational trainings;
- Achieved results in exercising the judicial office.

(2) the salary of the judge in the duration of the term of the judiciary office shall not be cut down, except for cases specified by law;

(3) the amount of the salary of a judge shall be specified in such a way that the judge is protected from pressures and influence in acting upon and deciding

(4) Salaries of and other compensation to judges shall be specified by law.

Article 61

(1) When a judge, for the needs of the office, has been temporarily transferred to exercise their judicial office outside their place of residence, they shall be entitled to compensation for greater housing costs or to compensation for transportation costs.

(2) The judge shall be entitled to compensation for costs for moving house, for them or their family, as well as to compensation when they have been elected or assigned to another court.

(3) The Minister of Justice shall determine the amount and method of payment of the compensations of paragraphs (1) and (2) of this Article with a secondary legislation act.

Article 62

(1) A judge who does not have a home in the seat of the court shall be entitled to make avail of an appropriate official home.

(2) Until the moment of achievement of the right of paragraph (1) of the Article herein, the judge is entitled to have the real travel costs refunded.

Article 63

The rights of Articles 61 and 62 of this Law shall be decided on by the Court Budget Council.

Article 64

(1) Lay judges shall be entitled to compensation for exercising the duties of a lay judge.

(2) The Minister of Justice shall adopt closer regulations regarding the compensation to lay judges.

Article 65

(1) The judges shall enjoy immunity in exercising their judicial office.

(2) A judge may not be held criminally accountable for an opinion or a ruling in making their judicial decisions.

(3) A judge may not be detained without the approval of the Judicial Council of the Republic of Macedonia, unless found perpetrating a crime that is sanctioned by a penalty of imprisonment of at least five years.

(4) The revocation of the judicial immunity of judges shall be decided on by the Judicial Council of the Republic of Macedonia.

(5) The procedure for deciding on the revocation of the immunity of a judge shall be urgent.

Article 66

A lay judge may not be held accountable for an opinion or a ruling in making their judicial decisions.

Article 67

(1) A judge shall be suspended from exercising the judicial office for the duration of their time in detention.

(2) A judge may be suspended from exercising the judicial office for the duration of an investigation for a crime, or when a disciplinary procedure or a procedure for their dismissal has been instituted.

(3) The decision for suspending a judge from the judicial office in the event of paragraphs (1) and (2) of this Article shall be adopted by the Judicial Council of the Republic of Macedonia.

Article 68

(1) The complaints related to exercising the judicial office shall be handled quickly, justly and without publicity of the proceeding by the organs to which they had been submitted.

(2) The judge against whom the complaint has been lodged shall be entitled to a reply.

Article 69

A procedure for compensation for damages or another procedure by a party dissatisfied with the decision of a judge may not be instituted against the judge or the lay judge.

Article 70

(1) The Republic of Macedonia shall be liable for the damage that a judge or a lay judge has caused to citizens or legal entities by unlawful work in the exercise of their office.

(2) When the damage of paragraph (1) of this Article is done by a cruel and inexcusable violation of law, for which a dismissal procedure is instigated, the Republic of Macedonia may claim from the judge, by pressing charges against them, refunding of the amount paid to cover the damage of paragraph (1), in the amount to be specified by court in line with the principle of equity.

Article 71

(1) A judicial scholarship shall be granted to a judge who takes postgraduate studies in law or specialist studies in law in the country or abroad, or respectively who undergoes vocational training in other vocational area related to the judicial practice that cannot be obtained under the Academy for training for judges and public prosecutors.

(2) The funds for the judicial scholarship shall be provided under the Judicial budget.

Article 72

(1) The annual holidays in courts shall be from 15th July to 1st September.

(2) During the annual holidays, the courts of first instance shall carry out only necessary work, as follows: investigations and trials in criminal matters where the defendant is detained and criminal matters of parties who do not reside in the Republic of Macedonia; cases for applying interim measures; plea of exchange; disputes on publishing corrections of published information; urgent misdemeanour cases; extra-judicial and enforcement cases related to the education and protection of children and obligations in cases for maintenance arising from the law; registration of political parties; extra-judicial cases for retaining persons in health care institutions; inventory of the estate

of a defunct, compiling wills, accepting submissions; and other work stipulated by law that is considered necessary.

(3) During the annual holidays, appellate courts shall act upon appeals to decisions on the cases of paragraph (2) of this Article, and cases tried in closed sessions.

(4) With the exception of the work of paragraphs (2) and (3) of this Article, the period of paragraph (1) of this Article shall be considered a period when the court does not work.

(5) A judge is entitled to annual leave in the duration of 26 working days.

V. Termination of and dismissal from judicial office

1. Termination of judicial office

Article 73

(1) The judicial office of a judge shall be terminated:

- if they so request themselves;
- if they lose permanently the ability to exercise the judicial office, to be established by the Judicial Council of the Republic of Macedonia;
- if they meet the conditions for age retirement;
- if they are elected or appointed to another public office, except when the judicial office is dormant under conditions stipulated by law; and

if they are convicted with an effective court judgment for a crime and sentenced to an unconditional prison sentence of at least six months

(2) In the cases of paragraph (1) of this Article, the Judicial Council of the Republic of Macedonia shall establish the termination of the judicial office.

(3) With the day of the termination of the judicial office, to be specified by the Judicial Council of the Republic of Macedonia upon the grounds of paragraph (1) of this Article, the judge shall have their right to payment (apanage) terminated.

2. Dismissal of judges

Article 74

(1) A judge shall be dismissed from office

- due to a severe disciplinary infringement rendering them indignified to perform the judicial office stipulated by law;

-due to unprofessional and unconscionable exercising of the judicial office under the conditions stipulated by law,

(2) The decision for dismissing a judge shall be adopted by the Judicial Council of the Republic of Macedonia.

(3) With the day of the dismissal from the judicial office, to be specified by the Judicial Council of the Republic of Macedonia upon the grounds of paragraph (1) of this Article, the judge shall have their right to payment (apanage) terminated.

3. Unprofessional and unconscionable exercising of the judicial office

Article 75

(1) Unprofessional and unconscionable exercising of the judicial office shall imply unsatisfactory expertise of the judge having an effect on the quality and diligence of the work if:

- for two successive years the Judicial Council of the Republic of Macedonia has appraised that the judge provides unsatisfactory results, especially in the light of the untimely taking of court decisions, inefficient and slow acting upon court proceedings, number of confirmed, amended or abolished court decisions;

- Unprofessional, untimely and inattentive exercising of the judicial office in running the court proceedings on specific cases;

- Partial running of the court proceedings, especially in view of the equal treatment of the parties;

- Acting upon cases in contrast to the principle of trial within reasonable time, or respectively delay of the court proceedings without justified grounds;

- Unauthorised issuance of classified information;

- Public presentation of information and data on court cases on which no effective court decisions has been taken;
- Deliberate violation of the rules of equitable trial;
- Misuse of office or exceeding one's authority;
- Violation of rules or in other way violation of the comity of judges during trial;
- Severe violation of rules of the Judicial Code, damaging the reputation of the judicial office.

4. Serious disciplinary injury

Article 76

Serious disciplinary injury requiring the institution of a procedure for the disciplinary accountability of a judge for dismissal, shall be the following:

- 1) Serious disruption of the public law and order that harms their reputation and the reputation of the court;
- 2) Severe violation of the rights of the parties and of other participants in the procedure, damaging the reputation of the court and the judicial office;
- 3) Violation of the rule of non-discrimination on any grounds.

Article 77

The disciplinary injury, which shall entail disciplinary action in order to determine the disciplinary accountability of a judge against whom a disciplinary measure may be pronounced is as follows:

- 1) Exceeding the specified schedule for acting upon cases;
- 2) Disabling the exercise of supervision over the judicial proceedings by a higher instance court;
- 3) Indecent and undignified behaviour in public;
- 4) Failure to wear the judicial toga;

- 5) Reception of gifts and other benefits related to the judicial office
- 6) Partisan and political activities (Article 52, paragraph (6) of this Law);
- 7) Exercising another public office or function that is mutually exclusive with exercising the judicial office (Article 52, paragraphs (1), (2) and (3) of this Law);
- 8) Causing severe disruption in the court relations, which shall significantly influence the performance of the judicial office;
- 9) Failure to fulfil the mentor obligations and the vocational adjustment of collaborators;
- 10) Severe violation of the right to absence from work;
- 11) Failure to fulfil the obligation for vocational education;
- 12) Lack of achievement of the expected results at work for more than eight successive months without justified reasons.

5. Disciplinary measures

Article 78

In reference to an identified disciplinary injury infringed by a judge, the Council may pronounce one of the following disciplinary measures:

- written admonition;
- public rebuke;
- reduction in salary in amount of 15% to 30% of the monthly salary of the judge for a duration of one to six months.

Article 79

(1) The chief justice of court shall be dismissed from the post of the chief justice when the Judicial Council of the Republic of Macedonia shall within an instigated procedure identify fulfilment of any of the conditions below:

- misuse of office and exceeding one's authorisations;
- illegal and unintended disposal of the funds of the court;
- failure to exercise or unduly exercise of the works of the judicial administration;
- influence the independence of judges in the light of deciding on specific cases;
- violation of rules with regard to the case assignment; and
- failure to implement the work program.

(2) in the event of a light violation of the grounds of paragraph (1) of this Article, it is possible to pronounce disciplinary measure against the chief justice of court.

Article 80

(1) A lay judge shall be dismissed:

- 1) if they so request themselves;
- 2) if they lose permanently the ability to exercise the duty of a lay judge;
- 3) if they have been convicted for a crime to a penalty of imprisonment of at least six months;
- 4) if they exercise the duty of a lay judge improperly or unconscientiously And
- 5) if they are at the age of 60.

(2) The procedure for dismissing a lay judge shall be instituted by the Judicial Council of the Republic of Macedonia upon the proposal of the chief justice of the court.

Article 81 When a lay judge is under investigation or a procedure has been instituted for their dismissal from office, the chief justice of the court shall not summon them to exercise the office of a lay judge.

IV. JUDICIAL ADMINISTRATION

Article 82

(1) The work of judicial administration shall be carried out by the Ministry of Justice.

(2) The Ministry of Justice shall communicate with the chief justice of the respective court regarding the work of judicial administration.

Article 83

(1) The scope of work of judicial administration shall include ensuring general conditions for exercising the judicial power, in particular, developing laws and other regulations in the area of the organisation and work of the courts and the procedures before courts, adopting the court rules of procedure, taking care of the education and professional upgrade of the staff, ensuring the material, financial, security, office room and other conditions for the work of the courts, carrying out work in international legal assistance, enforcing sentences pronounced for punishable acts, gathering statistical and other data about the work of the courts, supervising the diligent conduct of court business and the implementation of the court rules of procedure, supervising the implementation of the regulations for court deposits and guarantees, examining the complaints by citizens to the work of the courts related to the procrastination of court proceedings or to the work of court services, as well as other administrative tasks and matters stipulated by law.

Article 84

(1) The Minister of Justice shall adopt the Court Rules of Procedure upon the previous opinion of the general session of the Supreme Court of the Republic of Macedonia.

(2) The Court Rules of Procedure shall regulate the internal organisation of the courts, the manner of work of the courts, the keeping of the registration books and other books, handing the acts and forms, the work for international legal assistance and acting upon complaints, summoning and assigning lay judges, appointing full-time court translators, interpreters and experts, keeping statistics and records, and the professional upgrade of the staff, the rules for the special markings on court vehicles, the IT system in the courts, as well as other matters pertaining to the work of the courts.

(3) The Ministry of Justice shall execute the supervision of the application of the Court Rules of Procedure.

Article 85

(1) The Minister of Justice shall appoint court translators and keep records.

(2) For the post of the sworn translator, the successful incumbent shall meet the following criteria:

- To have citizenship of the Republic of Macedonia;
- To have an active command of the Macedonian language;
- To have a high education degree;
- To have a certificate on active command of the foreign language;
- To have residence, or respectively place of residence in the area covered by the court to which they shall be assigned as a sworn translator.

Article 86

(1) The Ministry of Justice shall keep records of judges, of the court police, sworn translators and interpreters, as well of expert witnesses. as (2) The records of paragraph 1 of this Article shall contain information about the first and last name, the date and place of birth, the nationality, the residence, the education, the type of education, the professional title, the knowledge of foreign languages, as well as other information stipulated by law.

(3) The information of paragraph (2) of this Article shall be submitted by the courts to the Ministry of Justice in the manner stipulated by the Minister of Justice.

(4) The information in the records may be used only for the implementation of this Law, as well as the laws regulating the rights, duties and responsibilities of judges and other court employees, and it shall be treated in accordance with the regulations for the protection of personal data.

Article 87

A person whose data have been entered in the records shall be entitled to seek insight in the data related to their person and to seek correction if the latter are inaccurate.

V. COURT ADMINISTRATION

Article 88

(1) The chief justice of the court shall represent the court, organise its work and take measures for the timely and proper conducting of court business.

(2) The chief justice of the court shall ensure the application of the Court Rules of Procedure.

(3) The chief justice of the court shall establish the schedule of work upon the previously obtained opinion of the session of judges and of the session of the Supreme Court.

(4) The chief justice of the court shall be deputised by a judge from the ranks of judges designated with the annual work schedule.

(5) The heads of the specialized court divisions and their deputies, as well as the heads of the court departments and their deputies shall be assigned from the rank of judges with the annual work schedule.

Article 89

In the event of termination of the office of the chief justice of the court, the acting chief justice of the court shall be the deputy of the chief justice of the court until a new chief justice of the court is elected.

Article 90

Joint services may be established for carrying out certain administrative, financial, operative, manipulative and ancillary work and tasks for several courts in the same place, or staff may be designated to carry out joint work and tasks.

Article 91

(1) Specialized court divisions shall be established in the courts and they shall include the judges who according to their specialisation work in the same area of law.

(2) The work of the specialized court division shall be managed by a head of the division.

(3) The sessions of the specialized court divisions shall address issues of interest to the work of all councils, i.e. judges within the division, in particular, regarding the application of laws in certain areas and the alignment of court practice, and the promotion of the working method.

(4) A session of a court division shall be summoned by the head of a division at their own initiative or at the request of the judges in the division or at the request of the chief justice of the court when it is established that there is inconsistency between separate councils in the division in applying the law.

Article 92

(1) the session of judges shall comprise all judges in the court.

(2) The session of judges shall address matters of general importance to the work of the court, it shall establish a work programme and provide an opinion on the annual work schedule for judges, and it shall address the annual work programme of the court and of the Judicial Council. .

(2) The chief justice of a court may invite lay judges to a session of judges when issues pertaining to the participation of lay judges in the trial are on the agenda.

Article 93

(1) The chief justice of the court shall issue official IDs to court officials.

(2) The Minister of Justice shall prescribe with a Rulebook the form and content of the form, and the procedure for issuing and revoking the official ID of paragraph (1) of this Article.

Article 94

(1) The judges, lay judges, senior court counsellors, independent court councillors, court councillors, collaborators, court trainees, court evidence witnesses, interpreters, translators and other persons taking part in the procedure or the activities outside the procedure shall be obliged to keep from unauthorised divulging the classified information with a certain degree of protection stipulated by law, regardless of how they have come to know it.

(2) The duration of the obligation to keep the classified information from unauthorised divulging shall be according to law.

Article 95

(1) The chief justice of the court may relieve a judge or other persons of Article 94, paragraph (1) of this Law from the obligation to keep classified information with a certain degree of protection, in accordance with law.

(2) Relieving from the obligation to keep classified information with a certain degree of protection for the chief justice of a lower-degree court shall be decided on by the chief justice of the immediately higher court, whereas for the Chief Justice of the Supreme Court of the Republic of Macedonia it shall be decided on by the general session of this court, in accordance with law.

Article 96

(1) Due to the nature of the work of the courts, work on duty shall be organised for the efficient exercising of the judicial office.

(2) The schedule and the duration of the work on duty shall be adopted by the chief justice of the court for each month. Compensation shall be paid for the work on duty. The amount of the compensation for the work on duty shall be established by an act of the Minister of Justice.

Article 97

(1) Information for the public through the media regarding the work of the court, as well as information regarding the course of the proceeding for a certain case shall be provided by the chief justice of the court or by a judge upon the authorisation of the former.

(2) The chief justice of the court and the judge of paragraph (1) of this Article shall issue information for the public taking care not to harm the reputation, honour and dignity of the person, and not to prejudice the independence and comity of the court.

(3) In the venue of every court there shall be exposed on daily basis in a public and a distinctive place data referring to the number of cases, the assigned judge, the date, hour and the courtroom at which the trial shall proceed;

(4) Every court at least once a year shall inform the public opinion about the results of the work of the courts and judges.

(5) The parties and the other participants in an ongoing procedure may not provide information on the course of the proceeding if the court has forbidden the issuing of such information.

Court business in the event of strike

Article 98

(1) In the event of strike of the staff, the court shall handle matters related to scheduled hearings and appearances in court, i.e. public sessions, adopting and delivering all decisions within the legal term.

(2) The court shall be obliged to work during the strike on procedures legally established as urgent, i.e. matters that are legally and by the nature of things necessary.

VIII. Judicial IT system

Article 99

(1) An IT centre with a database about the judicial IT system shall be set up in the Supreme Court of the Republic of Macedonia.

(2) The courts shall have IT divisions as separate organisation units.

(3) The centre, i.e. the IT service shall be managed by the chief justice of the court or a judge designated by them.

(4) The Ministry of Justice shall take care of establishing, maintaining and running the single methodology and technology base for the IT system.

(5) A single IT centre with a database about all judicial authorities shall be set up in the Ministry of Justice.

(6) The Minister of Justice shall determine the manner of work of the IT system in the courts of the paragraphs 1 and 2 of this Article with a secondary legislation act.

IX. Court technical service

Article 100

(1) A court with more than seven judges shall also have a secretary.

(2) The secretary of the court shall manage the court technical service and shall be responsible to accomplish and perform all professional and administrative technical works in the court.

(3) The secretary of the court shall assist the chief justice of the court in court administration.

(4) A person may be a secretary if they are a law graduate satisfying the general conditions stipulated by law for employment in a state administration authority, if they possess managerial and organizational skills, if they have passed the bar examination and have had at least five years of experience following their taking of the bar examination for the post of a secretary of a first instance, and eight years for the post of a secretary of an appellate and the Constitutional Court of the Republic of Macedonia respectively.

(5) The Supreme Court of the Republic of Macedonia and the administrative court shall have Secretary General. A person may be the Secretary General if they satisfy the conditions of paragraph (4) of this Article and have had eight years of experience in legal matters following their taking of the bar examination.

Article 101

(1) Depending on the workload of the court, the courts shall employ a certain number of senior court counsellors, independent court counsellors, court counsellors, clerks and court trainees so that every judge shall have at least one of the above listed associates.

(2) The courts shall employ a certain number of employees for expert, administrative, technical and other work, depending on the workload and the needs of the court.

(3) The equitable representation of the citizens belonging to all the communities shall be ensured in the employment of the persons of paragraphs (1) and (2) of this Article, without infringing the criteria stipulated by law.

Article 102

(1) A person may be a senior court counsellor in a court of first instance if they are a law graduate satisfying the general conditions stipulated by law for employment in a state administration authority, if they have passed the bar examination and have had more than five years of experience in legal matters following their taking of the bar examination.

(2) A person may be a senior court counsellor in an appellate and an administrative court if they are a law graduate and if they satisfy the conditions of paragraph (1) of this Article and have had more than eight years of experience in legal matters following their taking of the bar examination.

(3) A person may be a senior court counsellor in the Supreme Court of the Republic of Macedonia if they are a law graduate and if they satisfy the conditions of paragraph (1) of this Article and have had more than ten years of experience in legal matters following their taking of the bar examination.

Article 103

(1) A person may be an independent court counsellor in a court of first instance if they are a law graduate satisfying the general conditions stipulated by law for employment in a state administration authority, if they have passed the bar examination and have had more than three years of experience in legal matters following their taking of the bar examination.

(2) A person may be an independent court counsellor in an appellate court and an administrative court if they are a law graduate and if they satisfy the conditions of paragraph (1) of this Article and have had at least six years of experience in legal matters following their taking of the bar examination.

(3) A person may be an independent court counsellor in the Supreme Court of the Republic of Macedonia if they are a law graduate and if they satisfy the conditions of paragraph (1) of this Article and have had more than eight years of experience in legal matters following their taking of the bar examination.

Article 104

A person may be a court counsellor in a court if they are a law graduate and if they satisfy the general conditions stipulated by law for employment in a state administration authority and have had more than two years of experience following their taking of the bar examination.

Article 105

A person may be a court collaborator if they are a law graduate and if they satisfy the general conditions stipulated by law for employment in a state administration authority and if they have passed the bar examination.

Article 106

(1) A person may be a trainee in a court if they are a law graduate and if they satisfy the general conditions stipulated by law for employment in a state administration authority.

(2) Court trainees shall be employed in courts of first instance and they shall be assigned to carrying out work and tasks for the purpose of obtaining practice in all areas of court business.

(3) After they have passed the bar examination, the court trainee shall be assigned to the work of a court collaborator, in accordance with the systematisation act.

(4) A court trainee who after the expiry of their probationary period of two years fails to pass the bar examination, shall have their status of a court trainee ceased.

Article 107

The Chief Justice of court shall convey a decision regarding the number of senior court counsellors, independent counsellors, court counsellors, court collaborators, court trainees and other staff on the basis of criteria established by the Court Budget Council.

X. FUNDING

Article 108

The resources for the operation of the courts shall be provided by the court budget, as an independent item of the Budget of the Republic of Macedonia entitled "judicial branch".

Article 109

(1) The amount of the salaries and other compensation for judges in courts shall be determined by law.

(2) The amount of the salaries and other compensation for the court officials and for other court staff shall be determined by law.

(3) The salaries and the other compensation, as well as the arms, equipment and the uniform of the members of the court police shall be provided through the Budget of the Republic of Macedonia under the item entitled "Judicial branch".

XI. COURT POLICE

Article 110

The court police shall secure the premises, the property, the persons and the maintenance of order in the court.

Article 111

(1) The police may not enter court premises.

(2) The police may enter and remain in the court premises only when they detain or escort a person. The police shall remain in the court premises at the request of a judge for the time necessary to secure the person.

(3) The police may also enter the court premises when summoned by the chief justice of the court or a judge, when the chief justice is absent, in order to prevent a punishable act or when it is urgently necessary to prevent general danger.

Article 112

(1) A person may be admitted to carry out work for the court police if, in addition to the general conditions for employment, they satisfy the following conditions:

1) be not older than 25 if this is their first employment;

- 2) be physically and mentally capable to practice the work of the court police;
- 3) have completed at least IV degree of vocational training

(2) The examination of the conditions for employment and the employment shall be carried out by the Ministry of Justice, and the equitable representation of the citizens belonging to all the communities shall be ensured, without infringing the criteria stipulated by law.

(3) Upon a previous decision, the Minister of Justice shall specify the number of persons admitted to carry out work for the court police for each court.

Article 113

(1) The chief justice of the court shall be in charge of the court police.

(2) The court police shall be directly under the command of a commander of the court police who shall act according to the directions and guidelines provided by the chief justice of court or their deputy respectively.

(3) The commander or the deputy-commander of the court police respectively may be a person, who in addition to the conditions laid down in Article 112 of this Law, shall also satisfy the following criteria:

- To have completed VII-th degree of adequate high education;
- To have had at least one year of experience as a member of the court police

Article 114

The members of the court police shall wear a prescribed uniform marking the rank and bearing other special markings, and they shall be armed in accordance with the service regulations.

Article 115

(1) In conducting official business, the members of the court police may use firearms in the court and on the court grounds in the following cases:

1) to protect the life of the people in the court.

2) to prevent the escape of a person found perpetrating a crime persecuted ex officio, and if there are grounds to believe that they are going to use firearms in the court or on the court grounds;

3) to repel a direct unlawful assault on themselves threatening their life; and

4) to repel an attack on the court.

(2) In the events of paragraph (1) of this Article, the members of the court police shall use firearms only if they cannot perform their duty by the use of physical force, a rubber baton or other means of coercion.

Article 116

If the means of coercion and the firearms have been used within the limits of the authorisation, the member of the court police shall be exempt from accountability if they have used such means of firearms.

Article 117

(1) For the reason of the type, nature and complexity of the works and duties performed by the members of the court police, the funds earmarked to cover the payment for the respective tasks shall be increased for 20%. .

(2) The members of the court police shall be remunerated for working in shifts or overtime in conformity with law and the collective agreement.

Article 118

(1) The Government of the Republic of Macedonia shall adopt regulations for the armament and equipment of the court police, for the ranks and the conditions for obtaining the ranks, the markings of the ranks and the uniform.

(2) The Minister of Justice shall be authorised to adopt the regulations on:

- the rules for carrying out the work of the court police;
- the use of firearms, a rubber baton and other means of coercion;

- the duration of the clothing, the shoes and, in particular, the personal equipment;
- the physical and mental abilities that the persons admitted to work must possess;
- the material work with the armament and the special personal equipment, and the internal relations in the court police.

XII. TRANSITIONAL AND FINAL PROVISIONS

Article 119

(1) Judges elected prior to the entry into force of this Law shall continue to exercise the judicial office.

(2) The Judicial Council of the Republic of Macedonia shall adopt a decision on the number of judges in the court of first instance Skopje I Skopje and the court of first instance Skopje II Skopje within than thirty days from the day of the enforcement of this law.

(3) The reassignment of the judges from the court of paragraph 2 of the Article herein shall be exercised by the Judicial Council of the Republic of Macedonia within three months from the time of the adoption of the decision of paragraph 2 of the Article herein, in conformity with the provisions of this Law and by taking cognizance of the specialization of judges in criminal and civil matters.

Article 120

The commencement of work, as well as the transfer of the cases from the Supreme Court to the Constitutional Court of the Republic of Macedonia shall be exercised in line with the stipulations of the Law on Administrative Disputes.

Article 121

The Ministry of Justice shall ensure the provision of the working premises for the functioning of the Administrative Court.

Article 122

The specialized court departments for trials on acts of organized crime, as well as the specialized court divisions within the courts shall be established not later than 90 days from the day of the enforcement of this law.

Article 123

The reassignment and the transfer of cases from one court to another according to the jurisdiction established with this Law shall be carried out within 120 days from the day of the enforcement of this law, in accordance with the guidelines for the manner of taking over cases, to be adopted by the Minister of Justice within six months from the day of the entry into force of this Law.

Article 124

(1) On the day of the beginning of the application of this Law, the first instance cases pending the opening of proceedings shall be taken over by the local court jurisdiction in line with the provisions of this Law.

(2) The cases in proceedings on which a first instance decision has been taken shall be concluded by the local court jurisdiction.

(3) The cases that upon a complaint had been reassigned to decision taking shall be taken over by the local court jurisdiction in line with this Law.

Article 125

(1) Pending the adoption of the court rules of procedure pursuant to the provisions of this Law, the existing court rules of procedure shall continue to apply, unless it is in conflict with the provisions of this Law.

(2) The secondary legislation acts for the adoption of which the Minister of Justice has been authorised pursuant to the provisions of this Law, shall be adopted within six months from the day of application of this Law.

(3) Pending the adoption of the secondary legislation acts of paragraph 2 of this Article, the secondary legislation acts adopted prior to the day of entry into force of this Law shall continue to apply.

Article 126

(1) Pending the first obtaining of the status of candidate for judges in pursuance with the Law on Academy for Training for Judges and Public Prosecutors, the judges in the courts of first instance shall be elected in line with the conditions laid down in Article 43, paragraphs (1) and (2) of the Law on Courts ("Official Gazette of RM, No 36/95, 45/95 and 64/03).

(2) Within three years from the day of obtaining of the status of candidate for judges in pursuance with the Law on Academy for Training for Judges and Public Prosecutors, the Court council shall fill up 50% of the specified court vacancies in the courts of first instances with people who meet the conditions for a judge in a court of first instance in line with the Article 43, paragraphs (1) and (2) of the Law on Courts ("Official Gazette of RM, No 36/95, 45/95 and 64/03) and who have not undergone the initial training in the Academy for training for judges and public prosecutors.

Article 127

This Law shall enter into force on the eighth day from the day of publication in the Official Gazette of the Republic of Macedonia, and it shall be effectively enforceable as from 1 January 2007.

Article 128

On the day of the enforcement of this Law effectively, the Law on Courts ("Official Gazette of RM, No 36/95, 45/95 and 64/03), with the exception to the provisions of Article 43, paragraphs (1) and (2) shall be revoked.