

Deadlines in the Curia's judicial review proceedings

Right to legal process within a reasonable period

Pursuant to the Fundamental Law of Hungary, everyone shall have the right to have their case be adjudicated within a reasonable time by the courts. The courts, the parties to proceedings and their representatives are bound to cooperate with each other in that regard. This information video seeks to present the main rules applying to deadlines in the Curia's judicial review proceedings.

Deadline for submission

The deadline for the submission of a petition for judicial review or an application for the authorization of judicial review is to run from the date of notification of the final court decision. In civil and labour cases launched at first instance after 1 January 2018, the deadline is 45 days, while in administrative cases under the same conditions, it is 30 days. In respect of civil and administrative cases started prior to the above date, the deadline is 60 days, which is shortened to 30 days for cases of outstanding importance.

In criminal cases, a petition for judicial review in favour of the accused may be lodged without any time limit, while a petition to the detriment of the accused may be submitted by the prosecution services only within a deadline of 6 months.

The deadlines do not include certain days and time periods.

A belatedly submitted petition for judicial review is to be rejected by the Curia, which entails that the possibility of judicial review is permanently lost.

If the parties missed a deadline for reasons beyond their control, they may submit an application for continuation with justification. The latter application has to be accompanied by the act omitted. The deadline for the submission of an application for continuation with justification is 8 days in criminal cases, while it is 15 days in civil and administrative cases. No application for continuation with justification can be accepted after three months past the time of omission.

Forwarding the petition for judicial review

In civil and administrative matters, the petition for judicial review shall be lodged with the court that delivered the first instance decision. If the deadline for submission expired in respect of all parties, then the court shall forward the petition together with the documents of the case to the Curia without delay. In certain cases, the court forwards the relevant documents prior to the expiry of the deadline.

In criminal matters, the petition for judicial review shall be forwarded within a period of one month.

The Curia deals with the cases brought before it in the order of their receipt. They may be examined in an expeditious procedure only under exceptional circumstances.

Preparatory phase

The Curia shall examine the petition within 30 days, and, if necessary, may call on the party to remedy the deficiencies of his petition within a short time limit.

In administrative matters, the judicial panel seized with the case has to decide on the admissibility of the petition for judicial review within 30 days.

In criminal cases, the head of the judicial panel concerned shall examine the petition. If necessary, within a period of one month, the head of panel may call on the petitioner to complete the petition or may assign a defence attorney to draft it.

If the petition is to be admitted, then the Curia transmits the case file to the Prosecutor General's Office that has to send the file and the Office's statement related thereto back to the Curia within one month.

On-the-merits adjudication

In civil and administrative matters, the petition has to be delivered to the opposing party who is entitled to submit a written counterclaim for judicial review, cross-petition for judicial review or request for the Curia to hold a hearing, the opposing party is entitled to do so within 15 days in civil cases and within 8 days in administrative cases. If the parties do not request the Curia to hold a hearing, then, as a general rule, the Curia adjudicates the case without holding a hearing.

If the Curia holds a hearing, the date thereof is set in a manner that allows at least 15 days to elapse between the date of delivery of the petition for judicial review to the parties and the date of the hearing.

In criminal cases, the statements of the parties to the proceedings have to be delivered to the entitled persons. The latter are provided a 15-day time limit to make comments thereon.

As a general rule, the Curia decides on the petition for judicial review at a panel meeting. If the petition is submitted to the accused person's detriment, then the latter or the defence attorney may lodge, within 8 days from the delivery of the petition, an application to request the Curia to hold a public meeting. The defence attorney is summoned to, while the accused is notified of the public meeting in a manner that allows at least 8 days to elapse between the date of delivery of the writ of summons or notification and the date of the public meeting.

The putting into writing and service of decisions

In civil and administrative matters, the delivered or published Curia decision is to be put into writing within 30 days, then it has to be sent to the competent lower instance court within 8 days. The lower instance court concerned shall serve the Curia's decision on the parties within 15 days.

In criminal matters, Curia decisions have to be put into writing within one month, while decisions of a more complex nature are to be put into writing within two months. The Curia is then bound to serve its decision on the parties concerned within one month.

The length of proceedings

The overwhelming majority of judicial review cases are dealt with by the Curia within one year. In addition, the parties' compliance with the prescribed time limits may significantly contribute to the adjudication of cases within a reasonable period of time.

For more information, visit www.kuria-birosag.hu.