



# Extraordinary measures concerning court cases, due to the COVID-19 outbreak

KPMG Legal Tóásó Law Firm

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Updated version

## Update 3



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37.SZ/2020. (III. 15.) OBHE decision (decision of the president of the National Office for the Judiciary) and 39.SZ./2020. (III. 18.) OBHE decision

### Calculation of time limits

However!

### Annulment 1.

The 37.SZ/2020. (III. 15.) OBHE decision detailed the rules of calculation of civil procedural deadlines. The rules of extraordinary judicial recess differed from the rules of ordinary judicial recess only in that the time limits set in days and hours would not be suspended, but would only be interrupted and restarted.

The 39.SZ./2020. (III. 18.) OBHE decision annulled the I. section of the 37.SZ/2020. (III. 15.) OBHE decision which detailed the calculation of time limits, providing that normative regulation thereof is currently under preparation.

### Annulment 2.

Currently, there is no special regulation on the calculation of procedural deadlines during extraordinary judicial recess, since considering the substance of the legal institution itself, extraordinary judicial recess differs from ordinary judicial recess.

**Therefore, the safest solution is to apply the normal rules on calculation of time limits without taking into consideration the fact of the extraordinary judicial recess!**



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## Non-contentious proceedings and other specific proceedings

### Proceedings before Court of Registry

The extraordinary judicial recess does not affect the time limits determined in the proceedings before the Court of Registry for the time being. According to the information provided by the administration offices of the courts, the judges work in home office and the time limits are running in line with the normal provisions.

### Bankruptcy and insolvency proceedings

The extraordinary judicial recess does not affect the time limits determined in the bankruptcy and insolvency proceedings for the time being. According to the information provided by the administration offices of the courts, the judges work in home office and the time limits are running in line with the normal provisions.

### Proceedings of notaries

According to the information provided by the Hungarian Chamber of Notaries, the rules of extraordinary judicial recess affects all proceedings of notaries unless otherwise provided. Client reception service and availability of notary offices has already been changed (shortened or closed).

### Arbitration proceedings

The extraordinary judicial recess does not affect such proceedings directly, however, presumably, arbitration panels will not hold trials during the pandemic.

### Judicial enforcement proceedings

The availability of the offices of judicial officers has already been changed (closed or suspended). Clients are requested to use electronic means of communication where possible.



# Update 1



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35.SZ/2020. (III. 15.) OBHE decision (decision of the president of the National Office for the Judiciary)  
on handling administrative and court matters during the extraordinary judicial recess

## Judicial activity

Courts shall exercise their judicial functions only in accordance with the rules on epidemiological isolation, surveillance, quarantine and control.

## Personal presence

Bodies of judges shall not hold any plenary sessions or meetings requiring personal presence. The courts shall not hold preparatory hearings, hearings and public sessions.

Urgent procedural acts requiring personal presence shall, as far as possible, be carried out by means of remote hearing.

If remote hearing is not possible, the court and those present at the hearing shall follow the protocol established by the OBHE decision

## Activity of administration offices

Court offices carry out their obligation to provide information exclusively through telecommunication and/or by electronic means, personal client reception is suspended.

## Court building

Admission is restricted to: judges, judicial employees, persons performing a task in relation to a reason within the court's sphere of interest, persons summoned to procedural acts



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# Extraordinary judicial recess



Extraordinary measures on the courts, laid down in the framework of the declared state of national crisis

## State of national crisis

On March 11, 2020, the Government declared a **state of emergency** across the country due to the coronavirus outbreak.

*„Based on the proposal of the President of the Curia, the President of the National Office for the Judiciary and the Prosecutor General, extraordinary judicial recess shall be ordered.”*

**45/2020. (III.14.)  
Government  
Decree  
14 March, 2020**

## Its duration and details are yet to be specified

The provisions, which entered into force on 15 March 2020, merely provide the order of extraordinary judicial recess, **but many details remain to be clarified.**



# Further issues to be clarified



## Client reception service of the administration offices

During the traditional judicial recess, the administration offices of the courts operate at a reduced level, but personal access to the court documents is also possible during this period. **The question is whether this opportunity is provided during the present extraordinary judicial recess.**

The question is whether, due to the extraordinary nature of the ordered judicial recess, it may also be applicable in non-contentious proceedings, ie. **company registration proceedings, liquidation proceedings** or not. As a general rule, the traditional judicial recess does not apply to non-contentious proceedings.

In non-contentious proceedings personal presence is not required in principle, and therefore, the extraordinary judicial recess is unlikely to affect these proceedings, **but there is no specific answer to this question yet.**

## Non-contentious proceedings

## Special provisions of the Code of Civil Procedure

The provisions on traditional judicial recess shall not be applied, if an act provides that proceedings or a procedural act is to be dealt with as a matter of priority, or it is prohibited by an act, or it is jointly requested by the parties. The latter case is unlikely to apply in the present situation. **However, it is still unknown what effect will the extraordinary judicial recess have on proceedings in which the judicial recess are either prohibited, or the proceedings are of a matter of priority.**



# The rules of ordinary judicial recess



## A time limit set in months or years

If a time limit would expire during the period of judicial recess, the time limit shall not expire until the following month on the day which corresponds to the date that the time limit commences. However, if that day also falls into a period of judicial recess, the time limit shall expire on the first day following the judicial recess



period.

## Civil and administrative procedures

The rules concerning judicial (court) recess are laid down in Act CXXX of 2016 (new) and Act III of 1952 (previous) on the Code of Civil Procedure.



## A time limit set in days

The period of judicial recess shall not be taken into account in a time limit set in days. During this period the time limit set in days is not running.

## Postponement of hearings

The courts shall postpone all set hearings and, after the end of the judicial recess, all proceeding courts shall ex officio set new dates for the hearings.

## Submitting a claim in administrative proceedings

The judicial recess does not affect the submission of claim in administrative proceedings: the deadline available for filing a claim is not affected by judicial recess.



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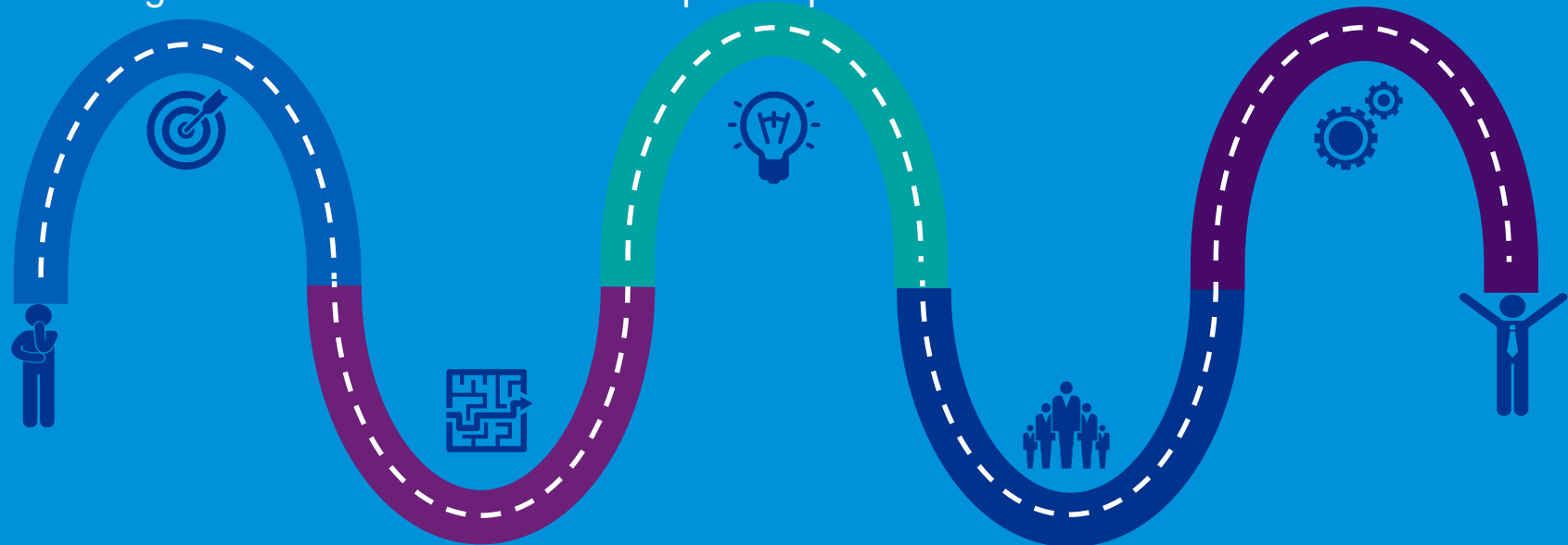
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# We will continue to keep our Clients updated



**In the coming weeks, during these challenging times, we will be constantly trying to be with our clients.**

- Continuous client-updates via email and summaries
- Hotline: call our experts
- Webinars
- Providing smooth and tailored advice upon request







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