



**Decree on the Declaration of
Identification Card Act**

Identification Card Act was brought by the Parliament of the Republic of Montenegro, at its forth regular session which was held on the 8th and 9th June 1993.

No: 02-694

June 10, 1993

Podgorica

President of the Republic of Montenegro

Momir Bulatovic

Identification Card Act

Article 1

Identification card is a public document which proves a person's identity, as well as other facts contained therein.

Article 2

Identification card contains: heading: "The Federal Republic of Yugoslavia", with engraved coat of arms of the Federal Republic of Yugoslavia : the heading:" The Republic of Montenegro": the municipality in which identification card is issued; title "identification card"; a photograph ; serial mark and serial number; blood type; name, name of one of the parents and the last name of the holder of identification card, day month and year of birth, the place, municipality and the republic in which a person was born; residence and address; registration No, personal identification No; date of issuing the identification card; date of expiring ; the signature of the holder of identification card, the signature of the authorized person and the seal of the body which issued the identification card.

Article 3

Identification cards are issued to Yugoslav citizens with the residence in the Republic of Montenegro.

It is the right and obligation of each person over 18 to have his or her identification card.

At the request of one of the parents or a guardian, the identification card can be issued to a person under 18, or over.

A person can have only one identification card.

Article 4

The identification card is issued by the Ministry of Interior of the Republic of Montenegro –local office (hereinafter called: local office) in which area a person submitting the request for the identification card resides.

Issuing identification card, changing the place of residence can be computerized.

Article 5

The request for the identification card has to be applied in an appropriate form, within three months after the 18th birthday.

With the request for issuing the identification card two identical photographs are submitted of specified size of a person submitting the request.

True data must be entered into the request for issuing the identification card.

Article 6

Before identification card is issued, the identity of the person submitting the request for the identification card and the trustfulness of the data stated in the request for issuing identification card are determined.

A person submitting the request for issuing identification card proves his or her identity and accuracy of the data which are entered in the identification card with the old identification card and the excerpt from the birth register, and in the absence of these with other documents which can prove the identity.

Article 7

The print from the right forefinger is taken from the person issuing the identification card. The print is placed on the file on the issued identification card.

If a person that is issued identification card does not have the right forefinger, the print is taken from the one of the rest of the fingers from the right hand, and if a person does not have the right hand, the print is taken from the left hand forefinger. In that case it shall be indicated on the file from which finger was the print taken.

If a person that is issued identification card does not have both hands, or no papillary lines on the fingers, this is observed in the section which is to contain the fingerprint.

Article 8

A person that is under the provisions of this Act obliged to have identification card, is obliged to carry it and to show it to a competent officer in charge of checking identification papers.

Misusing identification card by the holder of the identification card or other persons is forbidden.

Article 9

The identification card is issued to an 18 years old person for the period of five years, and for the period of ten years to a person aged from 18-50, and to a person over 50 permanently.

Article 10

The identification card must be renewed:

- 1) if it expired;
- 2) if it is worn out or damaged to the extent that it cannot serve its purpose;
- 3) if the holder of the identification card changed its personal name (name, last name or both name and the last name);
- 4) if the holder of the identification changed the residence;
- 5) if the holder of the identification card changed so much that his identification card photograph does not resemble his face any more.

The request for the renewal of the identification card is submitted by the holder within 30 days following its expiration from the item 1 of this Article.

Article 11

Regional office which is in charge of issuing new identification card which is issued by another regional office is obliged to notify the latter one on the executed renewal within 8 days following the day of issuing new identification card and to forward the data on a serial number, registration and unique personal number which is entered in new identification card.

Article 12

A person that has lost its identification card, is obliged immediately, and 15 days at the latest, to report it missing to the regional office and ask for new identification card to be issued

In the cases outlined in the item 1 of this Article, new identification card will be issued after the lost identification card is reported as invalid in the "Republic of Montenegro Official Gazette".

If a person that a new identification card is issued to, comes into possession of an old identification card, the person is obliged to hand the old identification card immediately to the regional office.

Article 13

If the the person submitting the request is not issued the identification card immediately, the regional office officer will issue the certificate in a specified form as a proof that a person has lodged a request for his identification card to be issued.

Article 14

The regional office keep records of received request and issued identification cards.

Article 15

The tax is not paid as part of the procedure for issuing the identification card. The person submitting the request is to compensate the regional office, which is to issue the identification card, with the form expenditures.

Article 16

The fine in the amount from 500.000 to 9000.000 dinars or up to 30 days of imprisonment for persons who:

- 1) have more than one valid identification cards(Article 3, paragraph 4 and Article 12, paragraph 3);
- 2) if the request for the identification card issuing contains untrue data Article 5, paragraph
- 3) refuses to show identification card to an officer in charge of asking for the identification card (Article 5, paragraph 3);
- 4) misuses his or someone else's identification card (Article 8, paragraph 3)

Article 17

A fine in the amount from 300.000 to 5000.000 dinars will be paid by a person if:

- 1) he or she does not submit the request for issuing new or renewing old identification card within due term(Article 5, paragraph 1 and Article 10, paragraph 2)
- 2) if he or she does not have his or her identification card and he is obliged to have it (Article 8, item 1), and
- 3) if he or she does not report, within specified time, that he or she lost his or her identification card or that he or she does not have it for some other reason and does not submit the request for issuing a new one (Article 12, item 1).

Article 18

The Ministry of Interior brings Book of Regulations on the form of the request for the identification card and the form for the renewal of the identification card, the way the records are kept, on request for issuing identification cards . (Article 12, item 1).

Article 19

The identification card will be submitted on the basis of the form outlined in the Article 18 of this Act starting from August 1, 1993.

Identification cards issued before August 1, 1993 will be replaced with the new ones, in four year at the latest starting from the day of this Act coming into force.

Article 20

With this Act coming into force, the Identification Card Act will terminate to be enforceable ("Official Gazette of the Socialist Republic of Montenegro", No. 21/74, 16/80, 15/83, 36/83, 22/87 and 29/89).

Article 21

This Act becomes enforceable on the eight day from the day of being published in the "Official Gazette of the Republic of Montenegro".

On the basis of Article 88 item 2 of the Constitution of the Republic of Montenegro I am passing

A Decree**On the Declaration of the Act on Personal Name**

The Act on Personal Name is declared, which was brought by the Parliament of the Republic of Montenegro at the fourth meeting of the first regular meeting, held on the 8th and the 9th June 1993.

Ref. 02-693

June 10, 1993

Podgorica

President

Of the Republic of Montenegro

Momir Bulatovic

PERSONAL NAME ACT**I. GENERAL PROVISIONS****Article 1**

The right and the obligation of a citizen is to have a personal name.

The citizen is obliged to use his own name.

Article 2

Personal name is acquired with the registration in the birth register. Personal name is registered in the language, which is in official use.

People belonging to national and ethnic groups can enter the name in their own language.

Article 3

Personal name contains the name and the last name. The name and the last name can be of more than one word.

A citizen is obliged to use his or her personal name, which was entered for this purpose into the birth register.

Article 4

A citizen is obliged to change personal name, that is only name and the last name, in the way and under the procedure and conditions envisaged by the law.

II. GIVING PERSONAL NAME**Article 5**

Personal name is given by parents.

The child gets either one or both of the parent's last names.

Personal name of the child is determined within two months from the day of birth.

If parents did not agree on the child's name, the name is given to a child by a competent body in line with the provisions of item 2 outlined in this Act.

If one of the parents is not alive, or is unknown, or not capable of carrying out parents' rights, the personal name is given to a child in line with the item two of this Article, a person that is entrusted with the child's care, in conformity with competent bodies.

Article 6

The child's name whose parents are unknown, is determined by the competent body.

If a child whose parents are unknown is adopted before personal name is given , name is given by the people adopting the child.

Article 7

It is not allowed to determine abusive names, which insult moral and local customs.

If a child is proposed abusive name from item 1 of this Article, the competent body will order to, within three days from the day of submitting the request for entering last name.

If a child is not given name, within term outlined in paragraph 2 of this Article, the competent body will give a child the name, within eight days from the day following submitting of the decision on the basis of which the proposal to enter the name into the birth register.

A complaint can be filed against the decision from the paragraph 3 as outlined in this Article with the Ministry of Interior .

III. TO CHANGE ONE'S NAME

Article 8

The name will change for a person under age on the basis of the consent of both of the parents or adopting parents, and at the request of the guardian with the consent of a competent body.

For a person under age whose one of the parents is not alive or is unknown , or unable to exercise parent's rights, name can be changed at the request of the other parent.

If parents do not reach agreement on change of personal name, the request will be considered by the competent body after previously having heard both of the parents.

A person under age whose name has been determined after the change of the family status (by the recognition of fatherhood, entering into marriage, determining paternity or motherhood)can change its name within 6 months from the change of the status.

If the change of the name is requested on behalf of the minor over ten years of age, his acknowledgement is requested.

Article 9

Competent body will not approve of the change of a person's name that criminal procedure is taken against or of a person who is already sentenced against such criminal offence serving the sentence or outdated or with legal consequences of the sentence are till enforceable, nor for the person for whom it is determined to have submitted the request in order to avoid legally determined obligations.

Article 10

The competent body will not approve of the change of the name into abusive name insulting moral or it is contrary to the customs and local tradition.

Article 11

A child can take the last name of the persons who adopted it, unless the document on adoption outlines that a child that is to be adopted takes his or her last name or adds to his or her last name the adopting parents' last name.

If the change of the last name is requested for a child to be adopted over 10, his or her acknowledgement is needed.

Article 12

Adopted child that adopting parents gave their last name, can upon the completion of the custody take the last name that he or she had before he or she were adopted. The statement is submitted to the authorized official of the body of local government – registrar's office (hereinafter called: registrar) within two months from the termination of the custody period. For the adopted person under age the statement is given by the parents or guardian as approved by the competent body.

Article 13

One of the spouses who changed his or her last name while entering the marriage, can change the last name after the termination of the marriage into the one that he or she had before the marriage.

The statement is given to the competent registrar within 6 months from the termination of the marriage.

Article 14

The request to change the name is resolved by the Ministry of Interior-in the regional office in the area whose resident receipts is the person requesting the change of name.

Against the decision which is passed at first instance the party has the right to appeal to the Ministry of Interior.

Article 15

A decision to change name is submitted immediately after it comes into force: to the competent registrar, body in charge of keeping records on military obligations and other bodies which, on the basis of particular regulations keep records on the citizens.

IV. PROVISIONS FOR PENALTIES

Article 16

A person who in public document, official book or other book which is kept on the basis of the law will be punished with 60 days of imprisonment which in the public document, official book or other book which is kept on the basis of law, determine for oneself or for someone else name contrary to the provisions of this law (Article 5, paragraph 4 and 6, Article 6, paragraph 1, Article 8, paragraph 1 and 3 and 5 and Article 12).

Article 17

A physical person who uses someone else's name as his or her or uses false name as his or her will be fined with imprisonment of up to 30 days or with the fine of 500,000 to 7.000.000 dinars (Article 1, paragraph 2 and Article 3, paragraph 3).

Article 18

Physical person or a responsible person in the competent body will be fined from 300.000 up to 5.000.000 dinars if they do not give name to a child within two months following the day of birth (Article 5, paragraph 3) and

Registrar who does not notify a competent body for keeping the record on the citizens on the change of personal name to a child within Article 15, paragraph 2, of this law will also have to pay the fine from 300.000 up to 5.000.000 dinars

V. FINAL PROVISIONS

Article 19

By this law coming into force, the Act on Personal Name will cease to exist ("Official Gazette of the Socialist Republic of Montenegro", No 1/85, 11/88, 29/89, 39/89 and 48/91).

Article 20

This Act will be enforceable on the eight day following the publishing in the "Official Gazette of the Republic of Montenegro".

A DECREE

ON THE PROCLAMATION OF THE ACT ON UNIQUE PERSONAL NUMBER OF THE CITIZENS

Article 1

Unique personal number of a citizen (hereinafter called unique personal number), is an individual and unrepeatable mark of identification data on the citizens.

Article 2

Unique personal number is composed of 13 figures, categorized into 6 groups, which are:

I group: date of birth (two figures)

II group: month of birth (two figures)

III group: the year of birth (three figures)

IV group: the combination of the figures marking the sex and the ordinal number (three figures), from which the first one stands for the sex, and the other two ordinal number, for men from 000-499, and for women from 500-999. The combination of the figures of the sex and ordinal number must not be the same for the persons born on the same day and

VI group: control No (one figure).

Article 3

Unique personal number is determined by the Ministry of Interior – regional office unit (hereinafter called regional office), with the place of residence under its jurisdiction.

Determining unique personal number can be carried out through the system of automatic processing of data.

Article 4

Regional office determines, on the basis of the data from the birth register, some personal numbers referring to the data on the date of birth (group 1), month of birth (II group), year of birth (III group) and sex (V group).

If the data from paragraph 1 of this Article changed as part of the procedure envisaged by the law, a new unique personal number will be determined on the basis of the Decision on the basis of which the correction has been carried out of the data birth register.

Article 5

The number of the register (IV group) contains figures signifying the area of the municipality for which the register is kept as follows:

21- for the territory of the municipality for which the register is kept

21-for the territory of the municipality of Podgorica, Danilovgrad and Kolasin ,

22-for the territory of the municipality of Bar and Ulcinj

23-for the territories of the municipalities of Kotor, Tivat and Budva,

24-for the territory of the municipality of Herceg Novi,

25-for the territory of the municipality of Cetinje,

26-for the territories of the municipalities of Niksic, Pluzine and Savnik,

27-for territories of the municipalities of Berane, Plav, Rozaje and Andrijevisa,

28-for the territories of the municipalities of Bijelo Polje and Mojkovac,

29-for the territories of the municipalities of Pljevlja and Zebljak.

Article 6

The control No (VI group) determines with the system of automatic data processing based on the module 11, in line with the Book of Regulations which is passed by the Ministry of Interior.

Article 7

Except as outlined in Article 3, paragraph 1 of this Act, to determine unique personal number for children whose place of birth is not the place of residence of one of the parents, the guardian or adopting parent, the regional office is competent in following cases:

1. for newly born whose parents are unknown, the place where the child is found;
2. for children whose parents are unknown, the place where child is found;
3. for children born in vehicles, mother's latest residence;
4. for adopted children, the place where the child was born, i.e. found, and in the case of full adoption and if the adopting parent requests, the regional office in whose area the adopting parent has residence, and
5. for children born abroad , regional office where their parents live, the guardian or adopting persons had latest residence.

Article 8

The citizen gets one unique personal number.

Changing the residence, the citizen will retain the unique personal number.

Article 9

The unique personal number is entered into birth register, identification card, marriage register, death register, health card, travelling documents, driver's license, weapon paper and other public record, i.e. document.

Unique personal number entered into birth register is referred to when it is entered into other birth registers, and other public documents and official records.

Article 10

Regional office keeps records of certain personal unique numbers, and it contains: name and the last name of the citizen, name of one of the parents, place and the municipality of birth, and for those who are born abroad, instead of the name of the municipality, the state in which the citizen was born, unique personal number and possible objections.

Ministry of Interior keeps unique record on unique personal numbers, which are determined in the territory of the Republic of Montenegro.

Article 11

State agencies, enterprises and other legal entities are obliged to use unique personal numbers which are determined who, on the basis of the law keep records of the citizens and on the basis of such records on the citizens they issue personal documents.

Article 12

By changing the place of residence, the unique personal number is entered into the notification on the change of the place of residence.

Article 13

The registrar who has made an entry into the birth register is obliged to forward, three days at the latest, from the day of the entry, the excerpt from the birth register to the competent regional office, for the purpose of determining unique personal number.

Article 14

The competent regional office is obliged to determine unique personal number within 3 days following the day of the receipt of the excerpt from the birth register.

Regional office from the paragraph 1 of this Article is obliged to within three days, from the day of determining unique personal number, to notify the registrar on the change.

Article 15

Regional office will cancel, on the basis of a decision, the subsequently determined unique personal number, if a citizen has two or more unique personal numbers.

The decision from the paragraph 1 and 2 of this Article is submitted to the competent registrar in order for the corrections in the birth register to be entered.

The decision from paragraph 1 and 2 of this Article is submitted to the competent registrar for the corrections to be made in the birth register.

The regional office which cancelled the unique personal number and determined a new one, is obliged to notify about it the regional office which determined the unique personal number which was cancelled for the purpose of being taken from the register.

Regional office which initiated the procedure will notify that old unique personal number is cancelled and a new unique personal number determined.

Article 16

Regional office which has passed a Decision on the correction of the facts referring to the place or time of birth or sex, is obliged to forward, within three days starting from the day of the decision coming into force, one copy of the Decision to the regional office which determined the unique personal number, for the purpose of determining the new unique personal number.

Article 17

In the case that a unique personal number has been cancelled and a new one determined, appropriate changes will be carried out in the registers and public documents and official records.

If official records are kept and public documents issued by some other regional office, the state agency, enterprise or to other legal person, regional organization which cancelled former and determined new unique personal number is obliged to inform of it that regional office, state agency, enterprise or other legal entity.

Article 18

Regional office which issues and extends public documents, or registers or cancels the place of residence, determines that the citizen does not have a unique personal number, it is obliged to determine it and if it is not competent, it will notify about it the competent regional office.

Article 19

A fine from 10.000 to 400.000 dinars will be paid by an enterprise or other legal entity not using unique personal number while keeping the records on the citizens and issuing public documents on the citizens on the basis of such records (Article 11).

The fine from 10.000 up to 25.000 dinars will be paid by the responsible person in the state agency, enterprise or other legal entity.

Article 20

The registrar will be fined from 5.000 up to 30.000 dinars if the registrar who within 3 days following the day of executed entry into the birth register to the regional office for the purpose of determining unique personal number (Article 13).

Article 21

The Book of Regulations on the manner and procedure of determining personal numbers and on the manner of keeping the records on certain unique personal number will be brought by the Ministry of Interior , within 60 days following the day this law came into force.

Article 22

With this law coming into force, the Act on Unique Personal Number of the citizens ("Official Gazette of the Socialist Republic of Montenegro", No 14/80, 36/86, 29/89, 48/91 and 17/92).

Article 23

This Act will come into force on the eighth day following the day of its publishment in the "Official Gazette of the Republic of Montenegro".