



JUDICIAL SYSTEM ACT

Prom. SG 59/1994, Amend. SG 78/1994, Amend. 87/1994, Amend. 93/1995, Amend. 64/1996, Amend. 96/1996, Amend. 104/1996, Amend. 58/1997, Amend. 122/1997, Amend. 124/1997, Amend. 11/1998, Amend. 133/1998, Amend. 6/1999, Amend. 34/2000, Amend. 38/2000, Amend. 84/2000, Amend. 25/2001, Amend. 74/2002

Chapter One

GENERAL PROVISIONS

Article 1

- (1) The judicial system shall be the state authority administering justice in the Republic of Bulgaria.
- (2) The judicial system shall be autonomous.

Article 2

- (1) Justice shall defend the rights and the legal interests of the citizens, the legal persons, and the State.
- (2) Justice shall be administered in the name of the people.

Article 3

- (1) The courts in the Republic of Bulgaria shall be regional courts, district courts, courts-martial, courts of appeal, Supreme Administrative Court and Supreme Court of Cassation.
- (2) The structure of the prosecutor's office corresponds to the structure of the courts.
- (3) (Amended, SG No. 133/1998) At the seats of district courts, there shall be district investigation services.
- (4) The establishment of extraordinary courts shall be not allowed.
- (5) Specialized courts may be set up by an act of Parliament.

Article 4

- (1) Civil, criminal, and administrative cases shall fall within the jurisdiction of the courts.
- (2) A case, which is tried by a court, may not be reviewed by another authority.

Article 5

The courts shall apply the law accurately and equally to all.

Article 6

The courts shall ensure equality and equal conditions of contest to the parties in the proceedings.

Article 7

The citizens and the legal persons have the right to defense in court when their rights and freedoms have been violated, which shall not be denied them.

Article 8

The citizens and the legal persons have the right to counsel at all stages of the proceedings.

Article 9

(1) The courts shall exercise control over the legality of the acts and measures of administrative bodies.

(2) The citizens and the legal persons may contest before the court any administrative act, which affects their rights and legal interests, with the exception of those explicitly specified by law.

Article 10

The judges, the prosecutors, and the investigators shall be irremovable under the terms and conditions provided by this Act.

Article 11

(1) The judges, the prosecutors, and the investigators may not be detained, and criminal proceedings may not be instituted against them, except as provided by law.

(2) The judges, the prosecutors, and the investigators may not be summoned to a military muster or military training.

Article 12

(1) As long as they practice their profession, the judges, the prosecutors, and the investigators shall not be members of political parties or organizations, movements or coalitions having political ends, and shall not carry out political activities.

(2) The judges, the prosecutors, and the investigators shall be free to form and join organizations which defend their independence and professional interests and promote their professional qualifications.

(3) The professional organizations of judges, prosecutors, and investigators shall not associate with trade union organizations from another branch or sector, at a national or regional level.

Article 13

In the discharge of their functions, the judges, jurors, prosecutors, and investigators shall be independent and obey the law only. In the event that the court estimates that a law contravenes the Constitution, the court shall notify the Supreme Court of Cassation or the Supreme Administrative Court, and the prosecutors and the investigators shall notify the Chief Prosecutor, so that the Constitutional Court may be seized.

Article 14

In performing their functions and delivering their acts, the prosecutors and the investigators shall proceed from the law and the evidence collected on the case, judged according to their conscience and free inner conviction.

Article 15

(1) (Amended, SG No. 124/1997) Judicial proceedings shall be of three instances: first instance, intermediate appellate, and cassation, unless provided otherwise by the procedural law.

(2) The acts of the court, which have come into force, may be repealed only as provided by law.

Chapter Two

SUPREME JUDICIAL COUNCIL

Article 16

(1) (Amended, SG No. 133/1998) The Supreme Judicial Council shall determine the composition and shall carry out the organization of the judicial system. It shall consist of twenty-five members who shall be jurists with high professional and moral qualities, having a legal experience of at least fifteen years, of which not less than five years as a judge, prosecutor, investigator or irremovable academic of law. The Supreme Judicial Council shall be a legal person domiciled in Sofia.

(2) The Chairman of the Supreme Court of Cassation, the Chairman of the Supreme Administrative Court, and the Chief Prosecutor shall be members of the Supreme Judicial Council ex officio.

(3) The National Assembly shall appoint eleven of the members of the Supreme Judicial Council.

(4) Members of the Supreme Judicial Council may not:

1. Be members of Parliament, mayors, or municipal councilors;
2. Be members of political parties and organizations, as well as members of trade union organizations outside the judicial system;
3. (Declared unconstitutional by Judgement No. 9 of 1994 of the Constitutional Court – SG No. 87/1994).

Article 17

(1) The judicial bodies shall elect eleven of the Supreme Judicial Council members.

(2) (Amended, SG No. 133/1998) The judges shall elect six members, the prosecutors three members, and the investigators two members to the Supreme Judicial Council, each out of their own ranks. The elections shall be held at individual delegates' meetings with a representation of one delegate per ten people, no delegate being elected for a remainder of less than five people.

Article 18

(1) (Amended, SG No. 133/1998, SG No. 74/2002) The individual meetings of the judges, the prosecutors, and the investigators from the jurisdiction of the respective district court shall elect delegates. The military judges shall elect delegates at a general meeting of all courts-martial. The military prosecutors and the military investigators shall elect delegates at a general meeting of all military prosecutors and military investigators. The Supreme Court of Cassation, the Supreme Administrative Court, the Chief Prosecutor, the Supreme Prosecutor's Office of Cassation, the courts of appeal, the appellate prosecutor's offices and the National Investigation Service shall elect delegates at separate meetings.

(2) The delegates shall be elected by simple majority, by secret ballot, and the election shall be valid if at least two-thirds of those eligible to participate have taken part in it.

Article 19

(1) The delegates' meetings under Art. 17, para 2 shall be valid if they are attended by at least two-thirds of the elected delegates.

(2) The decisions on electing Supreme Judicial Council members shall be passed by simple majority of the number of all delegates, by secret ballot.

Article 20

(1) The legality of the election of a Supreme Judicial Council member may be contested before the Supreme Judicial Council, in case the complaint is signed by one-fifth of the delegates to the respective meeting and is lodged within seventeen days after the day of the election.

(2) (Amended, SG No. 74/2002) At its first session after receiving the complaint, the Supreme Judicial Council shall elect, from among its members, a five-member mandate commission, which shall prepare an opinion on the legality of the contested election within fourteen days. The Supreme Judicial Council shall rule within fourteen days after receiving the opinion of the mandate commission.

(3) (Amended, SG No. 74/2002) Until the Supreme Judicial Council has not decided on the matter, the person whose election is being contested shall participate in the sessions of the Council but shall not have the right to vote.

(4) (Amended, SG No. 74/2002) In the event that the Supreme Judicial Council establishes the illegality of the election, it shall set a date for a new election within one month after the ruling.

Article 21

The term of office of the Supreme Judicial Council elected members shall be five years. They may not be reelected for two consecutive terms of office.

Article 22

(1) Before the expiration of his term of office, an elected member may be dismissed by a decision of the body which has elected him:

1. Upon his own request;
2. In the case of an effective sentence for a premeditated crime he has committed;
3. In case of a lasting actual impossibility for him to discharge his duties for more than six months;
4. In case he is placed under full or limited judicial disability;
5. (Declared unconstitutional by Judgement No. 9 of 1994 of the Constitutional Court – SG No. 87/1994);
6. (Declared unconstitutional by Judgement No. 9 of 1994 of the Constitutional Court – SG No. 87/1994).

(2) The procedure under para 1 shall be initiated upon the proposal of the Supreme Judicial Council, upon the request of one-fifth of the members of Parliament for the quota, elected by the National Assembly, or of one-fifth of the membership of the court, the prosecutor's office or the investigation service respectively, for the members elected from the quota of the judicial system.

(3) The ex officio Supreme Judicial Council members may not be dismissed, as long as they hold the offices under Art. 16, para 2.

Article 23

The election of a new Supreme Judicial Council member shall follow the terms and procedures under which the dismissed member was elected, and shall be for the period up to the end of the latter's term.

Article 24

(Declared unconstitutional by Judgement No. 9 of 1994 of the Constitutional Court – SG No. 87/1994)

Article 25

(Declared unconstitutional by Judgement No. 17 of 1995 of the Constitutional Court – SG No. 93/1995)

Article 26

(Amended, SG No. 74/2002)

(1) The Supreme Judicial Council's sessions shall be chaired by the Minister of Justice who shall not have the right to vote.

(2) The chairperson of the Supreme Judicial Council shall organize and conduct the sessions.

(3) In the event the Minister of Justice is absent, the sessions shall be successively chaired by the persons under art. 16, para 2.

(4) In instances under para 3, the Minister of Justice shall inform in advance the substitute under art. 16, para 2, so that he/she can organize the session.

(5) The Supreme Judicial Council's sessions shall be convened at least once every three months by the chairperson or on the request of one fifth of the Council's members.

(6) The sessions shall proceed on the basis of a draft agenda, the Council's members having been informed three days in advance of the date, the agenda and the relevant materials.

(7) The Supreme Judicial Council may, by a simple majority of those present, decide to amend the agenda on the day of the session.

(8) The Supreme Judicial Council may take decisions when two thirds of its members are present, by a simple majority of those present and by public ballot, unless otherwise provided by the Constitution or the law.

(9) Those of the members who are abroad on duty as well as those who are absent because of illness shall not be taken into account in determining the composition under para 8. Under this procedure, the composition of the Supreme Judicial Council may be diminished by no more than a sixth of the total number of its members.

Article 27

(Amended, SG No. 133/1998)

(1) The Supreme Judicial Council shall:

1. (Amended, SG No. 133/1998) Propose to the President of the Republic of Bulgaria, for appointing and dismissal, the Chairman of the Supreme Court of Cassation, the Chairman of the Supreme Administrative Court, the Chief Prosecutor. In case the proposal has been repeated, the President may not refuse the appointment or the relieving from office;
 2. Determine the number, the territorial limits of jurisdiction, and the seats of the regional courts, the district courts, the courts-martial, and the courts of appeal, upon the proposal of the Minister of Justice;
 3. Determine the number of the judges, prosecutors, investigators, bailiffs, recordation judges and court clerks in all courts, prosecutor's offices, and investigation services;
 4. Appoint, promote, demote, move, and dismiss the judges, prosecutors, and investigators;
 5. Set the remuneration's of the judges, prosecutors, and investigators;
 6. (Amended, SG No. 133/1998, SG No. 74/2002) Make decisions on divesting of the immunity and on temporarily removing from office a judge, prosecutor, and investigator in the cases provided by this Act, upon the request of the Chief Prosecutor, the chairmen of the Supreme Court of Cassation and the Supreme Administrative Court and the Minister of Justice and upon the request of at least one fifth of the Members of the Supreme Judicial Council.
 7. Rule on decisions on disciplinary cases against judges, prosecutors, and investigators;
 8. Submit to the Council of Ministers the draft budget of the judicial system and shall control its execution;
 9. (Amended, SG No. 74/2002) May require and hear information from the courts, the prosecutor's offices and the investigation services.
 10. (New, SG No. 74/2002) Review and publish, including on Internet, an annual report on the activities of the courts, prosecution offices and the investigation services compiled by the Minister of Justice on the basis of the annual reports and statistical data submitted by the courts, the prosecution offices and the investigation services.
 11. (New, SG No. 74/2002) Adopt the internal rules for the organization of the work of the Council and its administration;
 12. (New, SG No. 74/2002) Elect the Director of the National Investigation Service by secret ballot and by a majority of more than half of the total number of the Supreme Judicial Council's members;
 13. (New, SG No. 74/2002) Approve a Code of Conduct for the judges, prosecutors and investigators, which shall be adopted by the respective professional organizations;
 14. (New, SG No. 74/2002) Approve a Code of Conduct for court clerks, which shall be adopted by the respective professional organizations;
 15. (New, SG No. 74/2002) Inform about its decisions on Internet and publish a monthly information note, to be internally circulated, containing the Council's decisions and other information pertaining to its activity.
- (2) (New, SG No. 133/1998, Amended, SG No. 74/2002) To make decisions on matters referred to in para 1, points 3-7 the opinion of the administrative head of the respective judicial body may be solicited; for the prosecutors - the opinion of the Chief Prosecutor respectively. The chairperson of the Supreme Judicial Council may give his/her opinion on any of the issues referred to in para 1.

Article 28

(Amended and supplemented, SG No. 74/2002)

(1) (Amended, SG No. 133/1998) The Supreme Judicial Council shall consider nominations:

1. Put forward by the Plenum of the Supreme Court of Cassation – for President of the Supreme Court of Cassation;
2. Put forward by the Plenum of the Supreme Administrative Court – for President of the Supreme Administrative Court;
3. Put forward by the General Assembly of the prosecutors from the Supreme Cassation and Supreme Administrative Prosecutors' Offices – for Chief Prosecutor;
4. Put forward by the General Assembly of the investigators from the National Investigation Service – for Director of the National Investigation Service.

(2) Nominations under para 1 may be also put forward by any member of the Supreme Judicial Council.

(3) Nominations under para 1 and para 2 shall be put forward in two successive sessions and, after that, the nominated persons shall be heard.

(4) The chairperson of the Supreme Judicial Council shall bring the nominations under para 1 and para 2 to the attention of the Council so that they can be considered at a session.

(5) The decision under para 1 shall be passed by a majority of more than one half of the total number of all Supreme Judicial Council members.

(6) In case more than half of the total number of all Supreme Judicial Council members are not collected in the first voting for the offices under para 1, the election shall be repeated for the two candidates who have received the greatest number of votes.

(7) In the event that the President of the Republic of Bulgaria refuses to appoint a candidate proposed by the Supreme Judicial Council and a new proposal is prepared, the election shall follow the terms and procedures of paragraphs 1-6.

Article 29

(1) The Chairman of the Supreme Court of Cassation, the Chairman of the Supreme Administrative Court, and the Chief Prosecutor may be dismissed before the expiration of their term of office:

1. In case they resign;
2. In case of a lasting actual impossibility to exercise their powers due to a severe illness;
3. (Declared unconstitutional by Judgement No. 9 of 1994 of the Constitutional Court – SG No. 87/1994);
4. When a sentence comes into force, imposing the penalty of imprisonment for a premeditated crime of a general nature;
5. (Declared unconstitutional by Judgement No. 9 of 1994 of the Constitutional Court – SG No. 87/1994);
6. In case of incompatibility with offices and activities under Art. 16, para 4.

(2) (Amended, SG No. 74/2002) The existence of grounds for premature dismissal of the Chairperson of the Supreme Court of Cassation, the Chairperson of the Supreme Administrative Court, and the Chief Prosecutor shall be established by the Supreme Judicial Council, through a decision adopted pursuant to art. 28, paragraphs 2-7, after which it shall propose to the President of the Republic of Bulgaria to dismiss them.

Article 30

(Amended, SG No. 133/1998; Amended and Supplemented, SG No. 74/2002)

(1) The proposals for determining the number of the judges, prosecutors, and investigators and for bailiffs and recordation judges, as well for the appointment, promotion, demotion, relocation, and dismissal of the judges, prosecutors, and investigators shall be made to the Supreme Judicial Council through the Minister of Justice who in turn shall send them to the Supreme Judicial Council with an opinion report within 7 days. The proposals shall be made by:

1. The Chairperson of the Supreme Court of Cassation:

- a. for the deputy chairpersons, chairpersons of departments and judges from the same court;
 - b. for the chairpersons of the courts-martial and the courts of appeal – on the basis of a proposal made by the General Meeting of the respective courts;
 - c. for the deputy-chairmen of the courts-martial and the courts of appeal – on the basis of a proposal made by the Chairpersons of the respective courts.
2. By the Chairman of the Supreme Administrative Court – for the deputy-chairmen, the chairmen of departments, and the judges from the same court;
3. By the Chief Prosecutor:
- a. for the Deputy Chief Prosecutors from the Supreme Procuracy of Cassation, the Supreme Administrative Procuracy and for the prosecutors therefrom;
 - b. for the Heads of the regional, district, military, and appellate procuracies - on the basis of proposals made by the General Meetings of the respective Procuracy;
 - c. for the Deputies to the Heads of the regional, district, military, and appellate procuracies - on the basis of proposals made by the Head of the respective Procuracy.
4. By the heads of the appellate procuracies - for the prosecutors from these procuracies;
5. By the heads of the military Prosecutors' Offices – for the prosecutors from these Prosecutors' Offices and the military investigators;
6. By the heads of the district prosecutor's offices - for the prosecutors from the district prosecutor's offices, as well as for the regional prosecutors – on the basis of a proposal made by the respective regional prosecutor;
7. By the presidents of the appellate courts:
- a. for judges from these courts;
 - b. for the presidents of the district courts on the proposal of the General Assembly of the respective court;
 - c. for the vice-presidents of the district courts – on the proposal of the presidents of the respective courts;
8. By the presidents of the courts-martial – for the judges from these courts;
9. By the presidents of the district courts:
- a. for the presidents of the regional courts within the area of the respective district court – on the proposal of the General Assembly of the regional court;
 - b. for the vice-presidents of the district courts;
 - c. for the vice-presidents of the regional courts – on the proposal of the president of the respective regional court;
 - d. for the judges from the district and regional courts;
10. By the Director of the National Investigation Service:
- a. for the deputy Directors of the National Investigation Service and for the investigators in this Service
 - b. for the directors of the district investigation services - on the basis of proposals made by the General Meetings of the investigators in the district investigation services.
 - c. for the deputy directors of the district investigation services – on the proposal of the director of the respective service.
11. The Chiefs of district investigation services – for the investigators from these services.

(2) No general assembly shall be formed in judicial bodies where the number of judges, prosecutors or investigators is below 5 persons. The judges, prosecutors and investigators from such bodies shall take part in and vote at the General Assembly of the superior body electing their chief.

(3) General assemblies' decisions shall be made by a simple majority of all members of the relevant general assembly with a secret ballot.

(4) The chief under para 1 shall be obliged to introduce the proposal of the general assembly in the Supreme Judicial Council through the Minister of Justice within seven days of making general assembly's decision. He may propose another candidate in addition of the proposal of the general assembly.

(5) The proposals of the general assembly and the relevant chiefs under para 1 shall be reviewed by the Supreme Judicial Council within 14 days of their submittal to the Supreme Judicial Council.

(6) The Minister of Justice may make proposals and give opinions on the legality of proposals to the Supreme Judicial Council under Art. 27, para 1, items 1, 3, and 4 for all positions of judges, prosecutors and investigators and of chiefs under Art. 125a, para 2.

(7) The decisions under Art. 27, para 1, point 4 shall be made with a majority of half plus one members of the Supreme Judicial Council by secret ballot. In the event no nominee gets the necessary number of votes, art. 28, para 6 shall apply.

(8) In implementation of the decisions of the Supreme Judicial Council under Art. 27, para 1, item 4, the chairperson of the Supreme Judicial Council shall issue orders.

Article 31

(Amended, SG No. 74/2002)

A Supreme Judicial Council member shall not participate in the vote for adoption of decisions regarding his/her personal status or the status of his/her spouse or relative in direct or in collateral lineage to the fourth degree, or an in-law to the third degree.

Article 32

(1) With regard to passing a decision on divesting of immunity and temporarily removing from office a judge, prosecutor or investigator, the Supreme Judicial Council shall rule within five days after being seized, hearing the oral or written explanations of the person with regard to whom the proposal has been made.

(2) The decision under para 1 shall be passed by a majority of two-thirds of the Supreme Judicial Council members, by secret ballot.

Article 33

The Supreme Judicial Council shall determine, by drawing lots, a five-member group from among its members, which shall hear disciplinary actions brought against judges, prosecutors, or investigators.

Article 34

(Amended, SG No. 133/1998, SG No. 74/2002)

(1) Parties concerned can appeal the decisions of the Supreme Judicial Council before the Supreme Administrative Court within 14 days of notification, the appeal against the decision per Art. 27, para 1, points 2, 4, 6 and 7 suspends execution thereof, unless the court has decided otherwise.

(2) The decisions of the disciplinary panel of the Supreme Judicial Council and of the Supreme Judicial Council on disciplinary cases shall be subject to appeal before a panel of three judges from the Supreme Court of Cassation and two judges from the Supreme Administrative Court elected by the Supreme Judicial Council, within 14 days of the notification.

Chapter Three

Minister of Justice

Section I

Coordination between the Minister of Justice and the judicial bodies

(Amended, SG No. 74/2002)

Article 35

(Amended, SG No. 133/1988, SG No. 74/2002)

(1) There shall be established with the Minister of Justice structural entities assisting him/her in the coordination with the Supreme Judicial Council and the judicial bodies in the following aspects:

1. Judicial activity;
2. Professional qualification;
3. Information technology;
4. Combating crime and conducting criminological surveys;
5. Judicial buildings;
6. Security.

(2) Structural entities under para 1 shall be governed by this Act, the respective secondary legislation implementing it, as well as the regulation relating to the structure of the MOJ.

Section II

Judicial activity. Inspectorate

Article 35a

(New, SG No. 74/2002)

(1) On the basis of the annual reports and statistical data provided by the courts, the Prosecutors' Offices and the investigation services, the Minister of Justice shall compile a summary report on the activity of the judicial bodies and shall submit it for consideration to the Supreme Judicial Council.

(2) The Minister of Justice as chairperson of the Supreme Judicial Council shall annually submit the report under para 1 to the National Assembly after it has been approved by the Supreme Judicial Council.

(3) The Minister of Justice shall annually submit to the National Assembly a report dealing with the situation, structure and dynamics of criminality, the reasons and conditions influencing them, as well as the measures that have been taken.

Article 35b

(New, SG No. 74/2002)

(1) An Inspectorate shall be set up with the Ministry of Justice to:

1. Inspect the organization of the administrative activities of the courts, the prosecutor's offices and the investigation services and summarize the work of court administrators;
2. Inspect and summarize the organization related to the institution, movement and termination of judicial, prosecutors' and investigative cases and proceedings within the time limits;
3. Inspect, summarize and analyze the practice bailiffs and recordation judges;
4. Submit to the Supreme Judicial Council through the Minister of Justice data for findings, conclusions and evaluation of the organization on initiation, processing and completion of court, prosecution and investigation cases and correspondence and for the activity of court administrators;

5. Execute, within its authority, other assignments related to the activities of the courts, the prosecution and investigation offices as ordered by the Minister of Justice or in pursuance of a decision of the Supreme Judicial Council.

(2) When inspections under para 1, points 1 and 2 have resulted in the establishment of facts, which make it possible to conclude that a judge, a prosecutor or an investigator has violated Art. 168, para 1, points 1 and 2, the Minister of Justice shall submit the Inspectorate's report to the Supreme Judicial Council for review.

(3) The Inspectorate shall carry out joint inspections related to para 1, points 1 and 2 together with a judge, prosecutor or investigator designated by the administrative head of the respective court, prosecutors' office or investigation service.

Article 35c

(New, SG No. 74/2002)

(1) The Minister of Justice shall appoint inspectors for a period of two years, upon consultations with the Supreme Judicial Council.

(2) Persons with at least 12 years of legal service may be appointed as inspectors.

(3) The inspectors' remuneration shall be equivalent to the remuneration of a judge in a district court. Persons who have been serving in a judicial body before being appointed as inspectors shall retain their previous remuneration.

(4) When removed from office, the inspector shall return to the position he/she occupied before his/her appointment to the Inspectorate, unless he/she was not serving in the judicial system. In this case, he/she shall submit a request to the Supreme Judicial Council within 14 days of his/her removal from the office of Inspector.

(5) Time served as an inspector shall count as service under art. 127, paragraphs 1 – 5.

Article 35d

(New, SG No. 74/2002)

The Minister of Justice shall organize the maintenance and storage of the professional files of the judges, prosecutors and investigators. Copies of the files shall be also stored in the respective judicial body.

Article 35e

(New, SG No. 74/2002)

The Council of Ministers, on the proposal of the Minister of Justice, shall adopt a regulation on the judicial experts and their activity.

Section III

National Institute of Justice

Article 35f

(New, SG No. 74/2002)

(1) Junior judges' and prosecutors' training as well as the improvement of the qualification of judges, prosecutors, investigators, bailiffs, recordation judges, court clerks, inspectors and other MOJ staff shall be dealt with by the NIJ.

(2) The NIJ shall be a legal entity seated in Sofia and second-tier spender of budget credits with the Minister of Justice. It shall be financed out of the republican budget and through international programs and projects, as well as donations its own activity.

(3) A Managing Board, consisting of four representatives of the Supreme Judicial Council and three representatives of the Ministry of Justice shall manage the National Institute of Justice.

(4) The time spent by a judge, prosecutor or investigator in the NIJ shall count as service under art. 127, paragraphs 1 – 5.

(5) Judges, prosecutors and investigators permanently teaching at the NIJ shall be on unpaid official leave in accordance with the Labor Code. During this period, they shall receive remuneration from the NIJ.

(6) Qualification improvement under para 1 may be also achieved by specialized non-profit public-service legal entities to be approved by the Minister of Justice in coordination with the Supreme Judicial Council.

(7) The Minister of Justice, in coordination with the Supreme Judicial Council, shall issue rules regulating the activities of the National Institute of Justice, the organization of its work, as well as criteria for determining the associations under para 6.

Article 35g

(New, SG No. 74/2002)

(1) The Supreme Judicial Council shall announce the persons having successfully passed the contest for junior judges and junior prosecutors, who shall attend the NIJ as judicial candidates for the purpose of going through a mandatory training.

(2) The duration of the training at the NIJ shall be one year. During this period, attendees shall receive a monthly stipend in the amount of 70% of the basic remuneration of a judge or prosecutor serving in the lowest office.

(3) Training at the NIJ shall count as service under art. 125, para 5, for the purpose of acquiring capacity to hold the office of judge or prosecutor in the judicial bodies.

(4) Chiefs under art. 30, para 1, items 6 and 9, shall submit to the Supreme Judicial Council a proposal for appointing the persons having successfully gone through the NIJ training as junior judges and junior prosecutors at the respective locality.

(5) Persons having gone through the training under para 2 shall engage to work in the judicial bodies during 5 years. A person, who has not successfully gone through the training or has failed to fulfill his/her obligation under the preceding sentence, shall reverse to the state the expenses related to the training.

(6) When beginning to serve in the judicial system bodies for the first time, judges, prosecutors and investigators shall go through a qualification-improvement course to be conducted in accordance with the respective qualification programs adopted by the Supreme Judicial Council.

Section IV

Unified Information System for Combating Crime

Article 35h

(New, SG No. 74/2002)

(1) Judicial bodies, the National Assembly, the Ministry of Interior, the Ministry of Defense, the Ministry of Justice and the Ministry of Finance shall establish and maintain a Unified Information System for Combating Crime (UISCC) in the Republic of Bulgaria.

(2) The UISCC shall ensure the coordination and exchange of crime-related information between institutional information systems of the judicial bodies, the Ministry of Interior, the Ministry of Defense, the Ministry of Justice and the Ministry of Finance.

(3) The UISCC shall provide:

1. Standards for information coordination and exchange of information between automated information systems of law enforcement agencies and judicial bodies;
2. Rules for a uniform use of the information related to fighting with crime;
3. Summarized information about criminal proceedings and the execution of penalties;
4. Improvement in the rate of elucidation and a contribution to crime prevention through informationally securing the criminal proceedings.

Article 35i

(New, SG No. 74/2002)

(1) The Ministry of Justice shall, in coordination with the National Institute of Statistics, develop and maintain:

1. Classifications securing compatibility of institutional databases with the UISCC;
2. Methods for statistical processing of data related to criminal proceedings.

(2) The National Institute of Statistics shall statistically process the data in the UISCC's National Database. Statistical information thus obtained shall be disseminated in accordance with the Statistics Act.

Article 35j

(New, SG No. 74/2002)

(1) The authorities under art. 35h, para 1, shall create and maintain institutional databases in accordance with the principles under art. 35h, para 3.

(2) When designing, developing and installing automated information systems in law enforcement and judicial bodies, compatibility with the UISCC's standards shall be secured.

Article 35k

(New, SG No. 74/2002)

(1) Methodical direction of the UISCC shall be assigned to an Interinstitutional Council. It shall be composed of: a Deputy Chief Prosecutor from the Supreme Cassation and Supreme Administrative Prosecutors' Office, a Vice-President of the Supreme Court of Cassation and of the Supreme Administrative Court, a Director of a Council of Ministers' Directorate, a Deputy Minister of the Ministry of Interior, the Ministry of Defense, the Ministry of Justice and the Ministry of Finance, and a Vice-President of the National Institute of Statistics.

(2) The representative of the MOJ shall be the chairman of the Interinstitutional Council.

(3) For the purpose of securing the functioning of the UISCC, the Council of Ministers shall adopt a regulation governing the activity of the Interinstitutional Council and the process of coordination between the authorities under art. 35h, para 1.

Article 35l

(New, SG No. 74/2002)

The installation, maintenance, operation and development of the UISCC shall be assigned to the Ministry of Justice.

Article 35m

(New, SG No. 74/2002)

The following persons shall have access to the data contained in the UISCC:

1. Officials who, by virtue of a law, perform some functions in criminal proceedings;
2. Persons serving in the authorities under art. 35h, para 1, who have the right to access;
3. Other persons – only after obtaining written consent from the person whose data is introduced in the UISCC's National Database

Section V

Combating crime and conducting criminological surveys

Article 35n

(New, SG No. 74/2002)

(1) A Criminological Surveys Council shall be set up with the Minister of Justice.

(2) The composition and activity of the Criminological Surveys Council shall be governed by a regulation on the organization of the Criminological Surveys Council to be adopted by the Council of Ministers

Section VI

Judicial buildings

Article 36

(New, SG No. 74/2002)

The Ministry of Justice shall provide for the material aspects of the judicial bodies' activity.

Article 36a

(New, SG No. 74/2002)

The Ministry of Justice may acquire immovable property and limited real rights on immovable property for the needs of the judicial bodies.

Article 36b

(New, SG No. 74/2002)

(1) For the purpose of building, equipping and maintaining the buildings housing the courts, prosecutors' offices, investigation services and prisons, as well as the technical equipment attached to them, there shall be set up with the Ministry of Justice a Judicial Buildings Fund and a Penitentiary Buildings Fund as second-tier expenders of budget credits.

(2) The Judicial Buildings Fund and the Penitentiary Buildings Fund shall be legal persons.

Article 36c

(New, SG No. 74/2002)

The moneys for the Judicial Buildings Fund and the Penitentiary Buildings Fund shall be raised from:

1. Five percent of all state fees collected under the Government Charges Act by the courts, recordation offices, bailiff's offices, and the Ministry of Justice;
2. Subsidies from the state budget;
3. Donations from natural and legal persons;
4. Testaments;
5. Deposit amounts paid on criminal and civil cases for witnesses, expert opinions, business trips and bails in cash and in valuables which have not been received or withdrawn in a period of three years after the termination or the completion of the case;
6. The amounts and valuables collected on bailiff's cases, which have not been received by the claimants within a period of five years after the termination of the case;
7. The physical evidence, in case it has not been established who it belongs to and it has not been reclaimed within a period of one year after the termination of the criminal proceedings;
8. The proceeds received from the exploitation of the judicial buildings;
9. Other sources of revenue.

Article 36d

(New, SG No. 74/2002)

The raising and spending of the resources from the Judicial Buildings and Penitentiary Buildings Funds shall be governed by a regulation to be adopted by the Minister of Justice and the Minister of Finance.

Section VII

Security

Article 36e

(New, SG No. 74/2002)

(1) The Ministry of Justice performs the activities related to security through a specialized security unit having the following functions:

1. To organize and conduct the security of all judicial buildings;
2. To secure the order in the judicial buildings and the security of the judicial bodies in the performance of their functions;
3. To organize and conduct the security of judges, prosecutors, investigators, and witnesses, when necessary.
4. To assist the judicial bodies in summoning people, as well as in judgment enforcement proceedings.
5. To facilitate the forceful summoning of persons ordered by a judicial body.
6. To escort indicted persons, who have been imposed detention restraint measure, or persons serving the penalty of imprisonment to the judicial bodies.
7. To provide for the security of pre-trial detention places.

(2) The security unit shall be financed out of budget of the Ministry of Justice.

(3) The provisions of Art. 20-20e from the Penalties Execution Act shall be applied to the personnel of the security unit.

(4) The structure, organization and activities of the security unit shall be governed by a regulation to be issued by the Minister of Justice in coordination with the Supreme Judicial Council.

Chapter Four

COURTS

Part One

General Provisions

Article 37

The number, the territorial limits of the courts' jurisdictions, and the seats of the regional courts, district courts, courts-martial and courts of appeal shall be determined by the Supreme Judicial Council.

Article 38

The territorial limits of the jurisdictions of the regional courts, district courts, courts-martial and courts of appeal need not necessarily coincide with the administrative and territorial division of the country.

Article 39

(1) The regional courts, district courts, and courts-martial shall hear the cases specified by law as courts of first instance.

(2) The district courts shall hear as a court of second instance the appealed rulings on cases of the regional courts, as well as

other cases assigned to them by law.

(3) The courts of appeal shall hear the appealed acts on cases of the district courts only as a court of second instance, as well as other cases assigned to them by law.

(4) The Supreme Court of Cassation shall exercise the supreme judicial supervision on the accurate and equal application of the laws by all courts.

(5) The Supreme Administrative Court shall exercise the supreme judicial supervision on the accurate and equal application of the laws in administrative cases, and shall rule on disputes as to the legality of regulations.

Article 40

(1) Disputes between courts as to jurisdiction shall be settled in accordance with the provisions of the procedural laws.

(2) Disputes between the Supreme Court of Cassation and the Supreme Administrative Court as to jurisdiction shall be settled by a group including three representatives of Supreme Court of Cassation and two representatives of the Supreme Administrative Court, their ruling being final.

Article 41

In case of contradictory court practice between the Supreme Court of Cassation and the Supreme Administrative Court interpretive rulings adopted at joint plenary sessions may be issued.

Article 42

All courts shall be budget-supported legal persons.

Part Two

Jurors

Article 43

(Amended, SG No. 58/1997) The court shall hear the first-instance criminal cases with the participation of jurors where specified by the procedural law.

Article 44

(1) Jurors shall be Bulgarian citizens, who have come of age, have a good name and authority with the public, and have not been convicted to imprisonment for premeditated crimes, irrespective of the fact if they have been rehabilitated or not.

(2) (Amended, SG No. 133/1998) Jurors in courts-martial may be generals (admirals), officers, as well as sergeants from the commissioned military service.

Article 45

(1) The jurors shall be appointed upon the proposal of municipal councils:

1. For the regional courts - by the general meetings of the judges in the respective district court;
2. For the district courts - by the general meetings of the judges in the respective court of appeal.

(2) The jurors in courts-martial shall be appointed, upon the proposal of the commanders of the military units, by the general meetings of the judges in the court-martial of appeal.

Article 46

The jurors' term of office shall be five years.

Article 47

The jurors shall take the oath under Art. 107, under the terms and conditions of Art. 110.

Article 48

The body, which has appointed a juror, shall dismisses the juror, in case:

1. The juror has been convicted to imprisonment for a premeditated crime;
2. By his actions, the juror lowers the prestige of justice;
3. The juror requests to be dismissed, for good reasons.
4. The juror does not meet the conditions under Art. 44.

Article 49

The jurors shall be summoned to participate in court hearings by the chairman of the court for 60 days in one calendar year at most, unless the trying of the case continues for longer than this period.

Article 50

(1) (Amended, SG No. 133/1998, 25/2001) For the period during which they discharge their duties under this Act, jurors shall be deemed in paid service leave, which shall be shall be recognized as record of service.

(2) In case of default under para 1, the penalty provided under Art. 201 shall be imposed.

(3) (Amended, SG 133/1998, SG No. 25/2001, SG No. 74/2002) For their participation in court hearings, jurors who are on an unpaid leave, as well as those who are not civil servants or serving under a labor contract shall receive remuneration out of the budget of the judicial system.

Article 51

The Minister of Justice, in coordination with the Supreme Judicial Council, shall issue a regulation specifying:

1. The terms and procedures under which the candidates for jurors shall be nominated;
2. The remuneration of the jurors under Art. 50, para 3;
3. Other organizational matters connected with the jurors.

Part Three

Regional Court

Article 52

The regional court shall be the basic court of first instance. Its jurisdiction shall comprise all cases with the exception of those which fall under another court's jurisdiction by law.

Article 53

(1) The regional court shall consist of judges, and shall be directed by a chairman. The regional court may have one or several deputy-chairmen.

(2) (Amended, SG No. 133/1998) There shall be a prosecutor's office with the regional court.

Article 54

The regional court shall hear the cases in a panel of a judge and two jurors, unless otherwise provided by law.

Article 55

(1) In case the office of a judge in a regional court is not filled or a judge is prevented from discharging his duties, as well for other lawful reasons, and this judge can not be substituted for by another judge in the same court, the chairman of the respective district court may commission a judge from another regional court, a judge from the district court, or a junior judge with a record of service of at least one year to substitute for him.

(2) In the event that the substitution under para 1 is not possible, the chairman of the court of appeal may commission a judge from the jurisdiction of another district court.

Article 56

(1) The chairman of the regional court shall:

1. Exercise general organizational and administrative direction, be responsible for the activities of the court, and represent it;

2. (Amended, SG No. 133/1998, SG No. 74/2002) Prepare:

a. an annual report on the activities of the court and send it to the chairman of district court for incorporation into the annual report referred to in Art. 27, para 1, point 10;

b. references and statistical data in an electronic form based on a form approved by the Supreme Judicial Council and shall send these to the Minister of Justice to be reviewed by the Supreme Judicial Council.

3. (New, SG No. 133/1998) At the end of every six months, prepare information on the initiation and movement of files and cases of judges, bailiffs and recordation judges and submit it to the Inspectorate with the Ministry of Justice;

4. (previous item 3, Amended, SG No. 133/1998) Allocate the work between the judges, and participate in court hearings;

5. (New, SG No. 74/2002) Make suggestions to the Minister of Justice for appointments of bailiffs and recordation judges.

6. (Amended, SG 104/1996; previous item 4, Amended, SG No. 133/1998, SG No. 74/2002) Direct and control the activities of the bailiffs, of the previous-conviction certificates offices under the court, and of the recordation judges;

7. (previous item 5, Amended, SG No. 133/1998, SG 74/2002) Appoint and dismiss the court staff, and organize the work of the various services.

8. (New, SG No. 74/2002) Convene and preside over the General Meeting of the court.

(2) In the absence of the regional court chairman, he shall be substituted for by a deputy-chairman or by the following most senior judge.

Article 56a

(New, SG No. 74/2002)

(1) The Regional Court shall have a General Meeting composed of all judges, bailiffs, recordation judges.

(2) The General Meeting shall:

1. nominate the Chairperson by a secret ballot;

2. analyze and summarize the court's practice;

3. review other issues as suggested by the Court's Chairperson or a member of the General Meeting.

(3) The decisions of the General Meeting shall be made with a simple majority of all of the members of the Meeting.

Part Four

District Court

Article 57

(1) The district court shall hear, as a court of first instance, civil and criminal cases specified by law.

(2) (Amended, SG No. 124/1997) The district court shall hear, as an intermediate appellate instance, cases brought on the basis of appeals and protests against judicial acts of the regional courts.

(3) The district court shall also hear cases assigned to it by law.

Article 58

(1) Civil, commercial, criminal, and administrative divisions may be set up with the district court.

(2) The chairman and the deputy-chairmen of the district courts shall direct the divisions.

(3) The district court shall consist of judges and junior judges.

(4) There shall be a prosecutor's office and an investigation service with the district court.

Article 59

(1) The district court shall have a general meeting consisting of all judges.

(2) The junior judges and the chairmen of the regional courts may participate in the general meeting with an advisory vote.

(3) (Amended and supplemented, SG No. 74/2002) The general meeting of the district court shall:

1. Determine a person that is proposed for a Chairperson.

2. Every two years, at the end of June, distribute the deputy-chairmen and the members among the divisions, in case there are two or more divisions of the court;

3. Analyze and summarize the practice of the district court and of the regional courts;

4. Periodically consider the state of crime and the other offenses against the law, summarize the prevention experience of the district court and of the regional courts, and outline measures to improve these activities;

5. Give an opinion on drafts of interpretive rulings of the Supreme Court of Cassation and the Supreme Administrative Court;

6. Pass decisions in other cases provided by law.

(4) (Amended, SG No. 74/2002) Decisions shall be passed by a simple majority of the total number of the judges and in cases under para 3, item 1 – by secret ballot.

Article 60

The district court shall direct and control the activities of the regional courts within its jurisdiction by:

1. Exercising general organizational guidance aiming at improving their activities;

2. (Amended, SG No. 104/1996) Conducting periodic audits of their activities, including the activities of the bailiffs and recordation judges;

3. Analyzing and summarizing its own and the regional courts' judicial practice;

4. Organizing the raising of the judges' qualifications.

Article 61

(1) (Amended, SG No. 133/1998) The district court shall hear the cases in a panel of three judges, unless otherwise provided by a law.

(2) In the events under para 1, one of the members of the district court may be a junior judge.

(3) The judge who is the most senior in office and rank shall chair the panel.

Article 62

In case the office of a judge in a district court is not filled or a judge is prevented from discharging his duties, as well as for other lawful reasons, and this judge can not be substituted for by another judge in the same court, the chairman of the court of appeal may commission a judge from the court of appeal, from another district court, or a judge from a regional court with the rank of a district court judge from the jurisdiction of the court of appeal, to substitute for him.

Article 63

(1) The chairman of the district court shall:

1. (Amended, SG No. 74/2002) Exercise general organizational and administrative direction of the district court and represent the district court;
 2. (New, SG No. 133/1998) At the end of every six months, prepare information on the initiation and movement of cases and submit it to the Inspectorate with the Ministry of Justice;
 3. (previous item 2, Amended, SG No. 133/1998, SG No. 74/2000) Prepare:
 - a. an annual report on the activities of the district court and the regional courts in its region and send it to the chairman of the respective appellate court for incorporation into the annual report to the Supreme Judicial Council;
 - b. references and statistical data in an electronic form based on a form approved by the Supreme Judicial Council and shall send these to the Minister of Justice to be reviewed by the Supreme Judicial Council.
 4. (previous item 3, Amended, SG No. 133/1998) Chair court panels of all departments;
 5. (previous item 4, Amended, SG No. 133/1998) Summon the judges from the district court and from the regional courts to discuss the report under item 3, the reports on the audits and inspections, the drafts of interpretive rulings and injunctions;
 6. (Amended, SG 104/1996; previous item 5, Amended SG No. 133/1998) Commission judges, bailiffs, and recordation judges within the jurisdiction of the district court, under the terms and conditions of Art. 62;
 7. (previous item 6, Amended, SG No, 133/1998) Organize the preparation of the court candidates, and be responsible for it;
 8. (previous item 7, Amended, SG No, 133/1998) Appoint and dismiss the court staff, and organizes the work of the various services;
 9. (previous item 8, Amended, SG No, 133/1998) Convene and chair the general meeting.
- (2) A deputy-chairman, in the order of seniority shall substitute for the chairman of the district court.

Article 64

In the capital city, there shall be a city court with the rights of a district court.

Part Five

Court-Martial

Article 65

The jurisdictions of the courts-martial shall be determined under Art. 27, item 2, after consultations with the Minister of Defense.

Article 66

- (1) The competence of the courts-martial shall be specified by law.
- (2) The courts-martial shall be equal to the district courts.

Article 67

- (1) The court-martial shall consist of a chairman, one or more deputy-chairmen, judges, and junior judges.
- (2) There shall be a prosecutor's office and military investigators with the court-martial.

Article 68

- (1) The court-martial shall hear the cases in a panel of one judge with jurors, unless otherwise provided by law. When the court-martial holds a hearing in a panel of three judges, one of them may be a junior judge.
- (2) The panel of the court shall be chaired by the most senior judge within the meaning of Art. 146.

Article 69

- (1) The court-martial has a general meeting, consisting of all judges. The junior judges may participate in the general meeting with an advisory vote.
- (2) (Amended, SG No. 74/2002) The general meeting of the court martial exercises the respective powers under Art. 59, para 3, items 1, 3 – 6.
- (3) Decisions shall be passed by simple majority of the total number of the judges.

Article 70

In case a military judge is prevented from discharging his duties and can not be substituted for by another judge from the same court, the chairman of the court-martial of appeal may commission a judge from another court-martial to substitute for him.

Article 71

(Amended, SG No. 133/1998) The chairman of the court martial has the rights and duties of a chairman of a district court, with the exception of the powers under Art. 63, para 1, item 6, and the powers in connection with the guidance of the regional courts.

Part Six

Court of Appeal

Article 72

- (1) The court of appeal shall hear the cases brought on the basis of appeals and protests against the first-instance acts of the district courts within its jurisdiction.
- (2) The rulings of the district courts under the Administrative Procedures Act shall not be subject to appeal before the court of appeal.
- (3) The court-martial of appeal shall hear the cases brought on the basis of appeals and protests against the acts of the courts-martial throughout the country.

Article 73

(Repealed, SG No. 133/1998)

Article 74

- (1) The court of appeal shall consist of civil, commercial, and criminal divisions.
- (2) The chairman and the deputy-chairmen of the court shall direct the divisions.
- (3) There shall be an appellate prosecutor's office with the court of appeal. There shall be a military appellate prosecutor's office with the court martial of appeal.

Article 75

(1) The court of appeal shall guide and control the activities of the district courts within its jurisdiction, by:

1. Exercising organizational guidance aiming at improving their activities;
2. Conducting periodic audits of their work;
3. Analyzing and summarizing its own and the district courts' judicial practice;
4. Organizing the raising of the judges' qualifications.

(2) The court-martial of appeal has the respective powers with regard to the courts-martial.

Article 76

(1) The court of appeal shall have a general meeting consisting of all judges. The chairmen of the district courts shall participate in it with the right to an advisory vote.

(2) (Amended, SG No. 74/2002) The general meeting of the court of appeal shall exercise respectively the powers under Art. 59, para 3, items 1, 2, 3, 5 and 6.

(3) Decisions shall be passed by simple majority of the total number of the judges.

(4) (New, SG No. 74/2002) The General Meeting of the judges from the Appellate Court shall determine with a secret ballot a person who shall be proposed to serve as Chairperson.

Article 77

The court of appeal shall sit in a panel of three judges, unless otherwise provided by law.

Article 78

(1) In case the office of a judge in the court of appeal is not filled or a judge is prevented from discharging his duties, as well as for other lawful reasons, and this judge can not be substituted for by another judge in the same court, the chairman of the court of appeal may commission a judge from the district court with the respective rank to substitute for him.

(2) The chairman of the court-martial of appeal shall commission judges from the courts-martial under the terms and conditions of para 1.

Article 79

(1) The chairman of the court of appeal shall:

1. (Amended, SG No. 74/2002) Exercise general organizational and administrative direction of the court of appeal and represent the court of appeal;
2. (Amended, SG No. 133/1998, SG No. 74/2002) Prepare:
 - a. an annual report on the activities of the appellate court and the district and regional courts in its region and send it to the President of the Supreme Court of Cassation and the Minister of Justice for incorporation into the annual report to the Supreme Judicial Council;
 - b. references and statistical data in an electronic form based on a form approved by the Supreme Judicial Council and shall send these to the Minister of Justice to be reviewed by the Supreme Judicial Council.
3. (New, SG No. 133/1998) At the end of every six months, prepare information on the initiation and movement of cases and submit it to the Inspectorate with the Ministry of Justice;
4. (previous p. 3, Amended SG No. 133/1998) Chair court panels from all departments;
5. (previous p. 4, Amended SG No. 133/1998) Summon the judges from the court of appeal and from the district courts to

discuss the report under item 2, the reports on the audits and inspections, the drafts of interpretive rulings and injunctions, as well as other matters;

6. (previous p. 5, Amended SG No. 133/1998) Convene and chair the general meeting;

7. (previous p. 6, Amended SG No. 133/1998) Commission judges under the terms and conditions of Art. 78.

(2) A deputy-chairman, in the order of seniority shall substitute for the chairman of the court of appeal.

Part Seven

Supreme Court of Cassation

Article 80

(1) The Supreme Court of Cassation shall be the supreme judicial instance on criminal and civil cases. It shall exercise the supreme judicial supervision on the precise and equal application of the laws by all courts hearing the afore-mentioned cases. Its jurisdiction shall cover the entire territory of the Republic of Bulgaria.

(2) The seat of the Supreme Court of Cassation shall be in Sofia.

Article 81

(1) The Supreme Court of Cassation shall be the cassation instance for the judicial acts, specified by law.

(2) The Supreme Court of Cassation shall settle the disputes as to jurisdiction, in case a court of appeal is a party to such disputes.

Article 82

(1) (Amended, SG No. 133/1998) The Supreme Court of Cassation shall consist of a civil, and criminal college. There shall be departments in the colleges.

(2) The chairman and the deputy chairmen shall head the colleges.

(3) (Amended, SG No. 133/1998) There shall be a Prosecutor's Office, headed by a Deputy Chief Prosecutor, with the Supreme Court of Cassation.

Article 83

(Amended, SG No. 74/2002)

In case the office of a judge in the Supreme Court of Cassation is not filled or a judge is prevented from discharging his duties, as well as for other lawful reasons, and this judge can not be substituted for by another judge of the same court, the President of the Supreme Court of Cassation may commission a judge from a court of appeal or a district court, who meets the requirements under art. 127, para 4, to substitute for him.

Article 84

(1) The Supreme Court of Cassation shall sit in a panel of:

1. Three judges - in case it hears cases as a cassation instance and disputes as to jurisdiction, unless otherwise provided by law;

2. (Amended, SG No. 133/1998, SG No. 74/2002) A general meeting of the respective college, when it is passing interpretive rulings on the application of the law in the event of incorrect or contradictory judicial practice, as well as when it has to decide whether to seize the Constitutional Court on the basis of art. 150, para 1, of the Constitution.

(2) (New, SG No. 133/1998) Where, in hearing the case, the Supreme Court of Cassation establishes that the act which should apply contravenes the Constitution, it shall cease proceedings and seize the Constitutional Court.

Article 85

(1) The general meeting of each of the colleges shall consist of the judges in the colleges.

(2) (Repealed, SG No. 133/1998)

(3) (Amended, SG No. 133/1998) The Deputy Chief Prosecutor or prosecutor with the Supreme Cassation Prosecutor's Office shall also take part in the sittings of the general meeting.

(4) The sittings of the general meeting for passing interpretive rulings shall be attended by the Chief Prosecutor or a deputy of his, as well as by the Chairman or a member of the Supreme Barristers' Council, who may express opinions.

(5) The Minister of Justice shall participate *ex officio* the proceedings of the general meetings of the Supreme Court of Cassation colleges, expressing an opinion.

(6) The Chairman of the Supreme Court of Cassation or the respective deputy-chairman may invite the chairmen of the courts of appeal, other judges, and outstanding specialists in the legal theory and practice to attend the sittings of the general meeting and to express opinions. Those invited shall not vote when decisions are passed.

Article 86

(1) Proposals for interpretive rulings shall be made by the Chairman of the Supreme Court of Cassation, by the Minister of Justice, and by the Chief Prosecutor.

(2) The interpretive rulings shall be binding on the judicial and executive authorities.

Article 87

The general meeting may sit in case at least two-thirds of the judges in the college are present. Decisions shall be passed by simple majority, and when interpretive rulings are passed -- by simple majority of the total number of the judges in the college.

Article 88

(1) The plenum shall consist of all judges in the Supreme Court of Cassation.

(2) The plenum shall sit in case two-thirds of the total number of the judges are present. Decisions shall be passed by simple majority of those present.

Article 89

The plenum of the Supreme Court of Cassation shall:

1. Determine the number and the membership of the Supreme Court of Cassation departments;
2. Discuss annually the report of the Chairman on the activities of the Supreme Court of Cassation;
3. (Repealed, SG No. 133/1998)
4. Designate, for a term of two years, those judges from among its members, who are to conduct audits of the judges in the Supreme Court of Cassation.

Article 90

(1) The Chairman of the Supreme Court of Cassation shall:

1. Exercise the organizational guidance of the Supreme Court of Cassation activities, and represent it;
2. Convene and chair the sittings of the Supreme Court of Cassation plenum;
3. Make proposals on making interpretive rulings;
4. Propose to the plenum, jointly with the deputy-chairmen, the distribution of the judges among the colleges and departments;
5. Appoint and dismiss the court staff;

6. (New, SG No. 74/2002) Draw up an annual report on the Supreme Court of Cassation's activity send it to the Minister of Justice for incorporation in the annual report referred to in art. 27, para 1, item 10.

(2) The deputy-chairman of the Supreme Court of Cassation, in the order of seniority, shall perform the functions of the Chairman, when he is not in a position to perform them, or when he delegates this performance.

Part Eight

Supreme Administrative Court

Article 91

(1) The Supreme Administrative Court shall be the supreme judicial instance in administrative justice for exercising the supreme judicial supervision for the accurate and equal application of the laws. Its jurisdiction shall cover the entire territory of the Republic of Bulgaria.

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

Article 92

(1) The Supreme Administrative Court shall be cassation instance for the judicial acts of all courts as regards the legality of administrative acts.

(2) The Supreme Administrative Court shall be the sole instance which shall rule on disputes as to the legality of the acts of the Council of Ministers and of the ministers, as well as of other acts which are specified by law as subject to appeal before the Supreme Administrative Court only.

Article 93

(1) (Amended, SG No. 122/1997) The Supreme Administrative Court shall consist of two colleges with departments thereof.

(2) (Amended, SG No. 122/1997) The Supreme Administrative Court shall have two deputy-chairmen who, together with the chairman shall direct the colleges.

(3) There shall be a prosecutor's office, headed by a Deputy- Chief Prosecutor, with the Supreme Administrative Court.

Article 94

(Amended, SG No. 74/2002)

In case the office of a judge in the Supreme Administrative Court is not filled or a judge is prevented from discharging his duties, as well as for other lawful reasons, and this judge can not be substituted for by another judge of the same court, the President of the Supreme Administrative Court may commission a judge from a court of appeal or a district court, who meets the requirements referred to in art. 127, para4, to substitute for him.

Article 95

The Supreme Administrative Court shall sit:

1. In a panel of three judges when it deals with:

a. disputes related to an application against a Minister's individual administrative act, as well as against other administrative acts determined by the law as being subject to appeal before the Supreme Administrative Court;

b. appeals against decisions of the district courts;

2. In a panel of five judges when it deals with:

a. disputes concerning the legality of secondary legislation;

b. appeals against decisions of a Supreme Administrative Court composed of three judges;

3. (Amended, SG No. 133/1998, SG No. 74/2002) As a General Assembly of the respective college – when it passes interpretive rulings on the application of the law in the event of incorrect or contradictory judicial practice, as well as when it has to decide whether to seize the Constitutional Court on the basis of art. 150, para 1, of the Constitution.

Article 96

(1) Prosecutors from the Prosecutor's Office with the Supreme Administrative Court shall also take part in the sittings of the judges' general meeting, expressing an opinion.

(2) The sittings of the general meeting for passing interpretive rulings shall be attended by a deputy of the Chief Prosecutor or another prosecutor from the Prosecutor's Office under the Supreme Administrative Court, as well as by the Chairman or a member of the Supreme Barristers' Council, who may express opinions.

(3) The Minister of Justice shall participate *ex officio* in the proceedings of the general meetings of the Supreme Administrative Court judges, expressing an opinion.

(4) The Chairman or the Deputy-Chairman of the Supreme Administrative Court may invite judges from the district courts, and outstanding specialists in the legal theory and practice to attend the sittings of the general meeting and to express opinions. Those invited shall not vote when decisions are passed.

Article 97

(1) Proposals for interpretive rulings shall be made by the Chairman of the Supreme Administrative Court, by the Minister of Justice, by the Chief Prosecutor, and by the Deputy-Chief Prosecutor of the Prosecutor's Office with the Supreme Administrative Court.

(2) The interpretive rulings shall be binding on the judicial and executive authorities.

Article 98

The general meeting of the Supreme Administrative Court judges shall sit in case at least two-thirds of them are present. Decisions shall be passed by simple majority, and when interpretive rulings are passed -- by simple majority of the total number of all the judges.

Article 98a

(New, SG No. 133/1998)

(1) The general meeting of each college shall consist of the judges therein.

(2) The general meeting shall sit in case at least two-thirds of the college judges are present. Decisions shall be passed by simple majority.

Article 99

(1) The plenum shall consist of all judges in the Supreme Administrative Court.

(2) The plenum shall sit in case two-thirds of the total number of the persons under para 1 are present. Decisions shall be passed by simple majority of those present.

(3) The plenum of the Supreme Administrative Court shall:

1. Determine the number and the membership of the Supreme Administrative Court departments;

2. Discuss annually the report of the Chairman on the activities of the Supreme Administrative Court;

3. Designate, for a term of two years, those judges from among its members, who are to conduct audits of the judges in the Supreme Administrative Court.

Article 100

(1) The Chairman of the Supreme Administrative Court shall:

1. Exercise the organizational guidance of the Supreme Administrative Court activities, and represents it;
 2. Convene and chair the sittings of the judges' general meeting and of the Supreme Administrative Court plenum;
 3. Make proposals on passing interpretive rulings;
 4. (Amended, SG No. 122/1997) Propose to the plenum, jointly with the Deputy-Chairmen, the distribution of the judges among the colleges and departments;
 5. Appoint and dismiss the court staff;
 6. (New, SG No. 74/2002) Prepare an annual report on the Supreme Administrative Court and the Chief Prosecutor's activity and send it to the Minister of Justice for incorporation in the annual report referred to in art. 27, para 1, item 10.
- (2) (Amended, SG No. 122/1997) The Deputy-Chairman of the Supreme Administrative Court by seniority shall perform the functions of the Chairman, when he is not in a position to perform them or delegates this performance.

Chapter Five

COURT HEARINGS

Article 101

- (1) The courts shall try the cases at open court hearings, except where otherwise provided by law.
- (2) The judges shall announce their acts under the terms and procedures, and within the periods established by law.

Article 102

- (1) The hearings shall be held in the courthouse at the seat of the court.
- (2) (Amended, SG No. 133/1998) Court hearings may be held outside the seat of the court. The chairman of the court shall issue the instruction for that.
- (3) The judges and the prosecutors shall sit in gowns.
- (4) The military judges, prosecutors, and investigators shall work in military uniform.
- (5) (New, SG No. 74/2002) Jurors shall sit in apparel determined by the regulation referred to in Art. 51.

Article 103

- (1) The court hearing shall be chaired by the chairman of the court panel who shall attend to the order, and his orders shall be binding upon all persons in the courtroom.
- (2) The chairman of the court panel may sanction the disturbers of the order in accordance with the procedural law.

Article 104

The chairman of the court panel shall be the most senior judge among its members, in accordance with the provisions of this Act on seniority.

Article 105

- (1) The court language shall be Bulgarian.
- (2) In case a participant in the trial does not have command of the Bulgarian language, the court shall appoint an interpreter. The costs for the interpreter for criminal cases of a public nature shall be at the expense of the court.

Article 106

The records of the proceedings shall be prepared in the Bulgarian language, and if some foreign language phrases or words are of particular importance for the case, their entering in the records of the proceedings may be allowed.

Chapter Six

OATH

Article 107

Upon initially assuming office, each judge shall take the following oath: "In the name of the people, I take my oath that I shall strictly abide by the Constitution and the laws of the Republic of Bulgaria; I shall discharge my duties according to my conscience and inner conviction; I shall be impartial, objective, and fair; I shall contribute to raising the prestige of the profession; I shall keep the secret of the deliberation, always remembering that I am responsible before the law for everything. I have taken my oath!"

Article 108

Upon initially assuming office, each prosecutor and investigator shall take the following oath: "In the name of the people, I take my oath that I shall strictly abide by the Constitution and the laws of the Republic of Bulgaria; I shall discharge my duties according to my conscience and inner conviction; I shall be impartial, objective, and fair; I shall contribute to raising the prestige of the profession; I shall keep the official secret, always remembering that I am responsible before the law for everything. I have taken my oath!"

Article 109

(Amended, SG 104/1996) Upon initially assuming office, each bailiff and recordation judge shall take the following oath: "In the name of the people, I take my oath that I shall strictly abide by the Constitution and the laws of the Republic of Bulgaria; I shall discharge my official duties honestly and in good faith; I shall keep the secret of the cases entrusted to me, always remembering that I am responsible before the law for everything. I have taken my oath!"

Article 110

(1) The oath shall be taken before the judges, prosecutors, and investigators of the respective district court. After the oath has been taken, a writ of oath shall be signed.

(2) The persons who have refused to take the oath shall not assume office.

Article 110

(1) (Amended, SG No. 74/2002) The oath shall be taken before the judges, prosecutors, and investigators of the respective judicial body. After the oath has been taken, a writ of oath shall be signed.

(2) The persons who have refused to take the oath shall not assume office.

Chapter Seven

PROSECUTOR'S OFFICE

Article 111

(Amended, SG No. 133/1998)

(1) The Prosecutor's Office in the Republic of Bulgaria shall consist of a Chief Prosecutor; Supreme Prosecutor's Office of Cassation, Supreme Administrative Prosecutor's Office, appellate prosecutor's offices; military appellate prosecutor's office; district, military district, and regional prosecutor's offices.

(2) The Chief Prosecutor shall head the prosecutor's office, assisted by the deputy chief prosecutors with the Supreme Prosecutor's Office of Cassation and the Supreme Administrative Prosecutor's Office.

(3) (Repealed, SG No. 74/2002)

Article 112

The prosecutor's office shall be unified and centralized. Each prosecutor shall be subordinated to another prosecutor immediately superior in office, and all prosecutors shall be subordinated to the Chief Prosecutor.

Article 113

(1) (Repealed, SG No. 133/1998)

(2) In discharging their duties, the military prosecutors and investigators shall be independent of the military authorities.

(3) (Repealed, SG No. 133/1998)

Article 114

(1) The Chief Prosecutor shall exercise supervision on legality, and shall provide methodological guidance of all prosecutors' activities. He may seize the Constitutional Court.

(2) (Amended, SG No. 133/1998) The Supreme Prosecutor's Office of Cassation and the Supreme Administrative Prosecutor's Office shall organize and allocate the work among the deputy-Chief Prosecutors, and shall appoint and dismiss the Chief Prosecutor's Office staff.

(3) (Amended, SG No. 133/1998) The Supreme Prosecutor's Office of Cassation and the Supreme Administrative Prosecutor's Office shall be entitled to delegate powers of his to the Deputy Chief Prosecutors of the Chief Prosecutor's Office, where so provided by law.

(4) (Amended, SG No. 133/1998) The heads of the remaining prosecutor's offices shall organize and direct their activities, and appoint and dismiss their staff.

(5) (New, SG No. 133/1998) The Prosecutor's Office shall be a legal person supported from the government budget, with a seat in Sofia.

(6) (New, SG No. 133/1998, Amended, SG No. 74/2002) The Chief Prosecutor shall prepare an annual report on the activity of the Prosecutor's Office and submit it to the Minister of Justice for incorporation into the annual report referred to in Art. 27, para 1, point 10.

Article 115

(1) The Chief Prosecutor, in person or through prosecutors designated by him, shall conduct audits and control the activities of all prosecutors.

(2) The prosecutors from the appellate and the district prosecutor's offices shall conduct audits and control the activities of the prosecutors in the immediately subordinated prosecutor's offices.

(3) (New, SG No. 74/2002) In the end of every six months regional, district and appellate prosecutors' offices shall prepare and submit to the Inspectorate with the Ministry of Justice information on the commencement and movement of cases.

Article 116

(1) (Supplemented, SG No. 133/1998) All acts and measures of the prosecutor may be appealed before the immediately superior prosecutor's office, unless subject to judicial review by a court.

(2) (Supplemented, SG No. 133/1998) The prosecutor who is superior in office may take actions included in the competencies of the prosecutors subordinated to him, and stay and rescind their injunctions in writing in the cases provided by law.

(3) The orders in writing of the prosecutor, who is superior in office, shall be binding on the prosecutors subordinated to him.

(4) (New, SG No. 133/1998, Revealed, SG No. 74/2002)

(5) (New, SG No. 133/1998, Revealed, SG No. 74/2002)

Article 117

In carrying out their activities, the prosecutors shall be independent of the court.

Article 118

The prosecutor's office shall monitor the observance of legality by:

1. (Amended, SG No. 74/2002) Indicting those persons who have committed crimes and supporting the prosecution in criminal cases of a general nature within the legally established procedure and time limits;
2. Exercising supervision on the carrying out of punitive measures and other measures of compulsion;
3. (Amended, SG No. 133/1998) Taking actions to rescind illegal acts and to restore, in urgent cases, rights arbitrarily violated;
4. Participating in civil and administrative cases in the events provided by law.

Article 119

(1) In the discharge of the functions provided by law, the prosecutor may:

1. Require documents, data, explanations, expert opinions, and other materials;
2. Conduct personal inspections;
3. In case of existence of data on crimes or illegal acts and actions, to commission relevant bodies to conduct inspections and audits in a period specified by him and submit their findings, as well as all materials, if so requested;
4. Summon citizens, and upon non-appearance without excuse to order them brought in;
5. Send the materials to the competent body, in case he establishes that there are grounds for indictment or for taking compulsive administrative measures, which he personally can not take;
6. Take all measures provided by law, if data are available that a crime of a public nature or another offense against the law may have been committed.

(2) (Amended, SG No. 133/1998) The prosecutor's orders issued in accordance with his competence and the law shall be binding on the officials and the citizens.

(3) The state bodies, organizations, and officials shall cooperate with the prosecutor in the exercise of his powers, and shall provide him access to the relevant premises and places.

(4) Within the framework of his competence, the prosecutor may give compulsory instructions to the police.

(5) The prosecutor may lodge protests and may request the repeal or amendment of illegal acts, within the period and under the terms and procedures provided by law. He can stay the implementation of the act until the review of the protest by the respective body.

(6) In exercising the control on legality on carrying out of punishment, of the other measures of compulsion, and in the places of detention, the prosecutor may:

1. Visit, without the preliminary permission of the administration, the places of detention, imprisonment, and carrying out of other measures of compulsion, and check the documents on the basis of which persons are detained;
2. Talk in private with the detained and the inmates;
3. Consider suggestions, signals, appeals, and applications in connection with the carrying out of punishment and the other measures of compulsion provided by law;
4. Instruct, in writing, the bodies in charge of the carrying out of punishment and the administration of carrying out of the other measures of compulsion to notify him of specified deeds, acts, and events.

(7) For the removal and prevention of the offenses under para 6, the prosecutor may:

1. Releases immediately everyone who has been illegally detained in the places of imprisonment and of carrying out of the other measures of compulsion;

2. Give binding instructions, in writing, for the removal of established offenses;
3. Stay the carrying out of illegal written orders and instructions of officials, and require their revocation under the relevant terms and procedures.

Article 120

(Amended, SG No. 74/2002)

If there is a professional need, the Appellate Prosecutors and District Prosecutors with regard to their respective districts and the Chief Prosecutor with respect to the entire country can transfer prosecutors to hold office elsewhere under the terms and conditions of Art. 55, 62, 70, 78, 83 and 94.

Chapter Eight

INVESTIGATION SERVICES

Article 121

- (1) The investigators shall conduct a preliminary investigation of criminal cases where provided by law.
- (2) The investigators' orders in connection with the preliminary investigation shall be binding on all state bodies, legal persons, and citizens.
- (3) In the discharge of their duties, the investigators shall provide procedural guidance to the bodies entrusted with individual procedural tasks or functions in the criminal proceedings.

Article 122

(Amended, SG No. 74/2002)

- (1) The Investigation Services in the Republic of Bulgaria shall be: the National Investigation Service and the district investigation services. In Sofia, there shall be established the Sofia Investigation Service, which shall have the authority of a district investigation service.
- (2) The National Investigation Service shall be a legal entity funded by the budget and seated in of Sofia.
- (3) There shall be established within the National Investigation Service specialized units that shall conduct investigations of cases with a particular factual or legal complexity, crimes committed abroad, requests under legal assistance treaties, as well as other cases provided for by the law.
- (4) There may be established within investigation services units for the purpose of investigating particular crimes, as well as auxiliary units providing for the investigation activity.
- (5) The National Investigation Service shall be directed by a Director who shall:
 1. Represent the National Investigation Service;
 2. Move to the Supreme Judicial Council a draft for the budget of the investigation services;
 3. Assign cases to the National Investigation Service's investigators tasks to the auxiliary units;
 4. Provide organizational, administrative and methodological guidance to the National Investigation Service's investigators and employees;
 5. Appoint and dismiss the National Investigation Service's employees;
 6. Commission, where professional need arises, investigators and employees of the National Investigation Service and district investigation services;
 7. Appoint the commission per Art. 129, para 2.

8. Coordinate investigation services' activities with regard to investigations and interaction with other state authorities;

9. Request, analyze and summarize information coming from the investigation services and units relevant to the state and efficiency of their activity and take measures aimed at improving it;

10. Prepare an annual report on the activity of all the investigation services and submit it to the Minister of Justice for incorporation into the annual report referred to in Art. 27, para 1, point 10.

(6) The National Investigation Service Director may delegate some of his/her powers to the Deputy Directors, unless otherwise provided by law.

Article 123

(Amended, SG No. 74/2002)

(1) The district investigation services shall be legal entities funded by the budget. They shall carry out preliminary proceedings in all cases, except those falling under the authority of the National Investigation Service.

(2) There may be established within the district investigation services investigation units focused on a particular territory or a particular category of crimes, as well as auxiliary units.

(3) The district investigation services shall be headed by Directors who shall:

1. Represent the investigation services be responsible for their activity;

2. Submit to the National Investigation Service a draft budget for the investigation service;

3. Provide general organizational, administrative and methodological guidance of the investigation service;

4. Assign cases to investigators and tasks to employees and shall commission them, where professional need arises;

5. Propose nominations under Art. 30, para 1, point 11;

6. Appoint and dismiss employees of the district investigation service;

7. Prepare a semestrial and an annual report on the activities of the investigation service that shall be sent to the director of the National Investigation Service.

8. Prepare and submit, at the end of each six-month period, to the MOJ Inspectorate information about the initiated and processed cases.

(4) The directors of the investigation services may delegate some of their powers to deputy-directors, unless otherwise provided by law.

Chapter Nine

STATUS OF THE JUDGES, PROSECUTORS, AND INVESTIGATORS

Section I

Appointment

Article 124

(1) (Amended, SG No. 133/1998, SG No. 74/2002) The judges, prosecutors, and investigators shall be appointed, promoted, demoted, moved, and dismissed by a decision of the Supreme Judicial Council, on the basis of which the relevant act shall be issued by the person referred to under Art. 30, para 8.

(2) (Amended, SG No. 133/1998) Those appointed to the offices under para 1 in the courts-martial shall be enlisted in commissioned military service, and officers' ranks shall be conferred upon them.

Article 125

(Amended, SG No. 133/1998, SG No. 74/2002)

The judge's, prosecutor's, and investigator's offices shall be:

1. Judge in the Supreme Court of Cassation and the Supreme Administrative Court, prosecutor in the Supreme Cassation Prosecutor's Office and in the Supreme Administrative Prosecutor's Office and an investigator in the National Investigation Service;
2. Judge in an appellate court, prosecutor in an appellate prosecutor's office;
3. Judge in a district court, prosecutor in a district prosecutor's office and investigator in a district investigation service;
4. Judge in a regional court and prosecutor in a regional prosecutor's office;
5. Junior judge and junior prosecutor.

Article 125a

(New, SG No. 74/2002)

(1) A judge, prosecutor or investigator may be appointed as an administrative head in the bodies of judicial power. Where a person, who does not hold the office of judge, prosecutor or judge, is appointed as an administrative head, the Supreme Judicial Council shall simultaneously appoint that person to the respective position.

(2) Administrative heads in the bodies of judicial power shall be:

1. President of the Supreme Court of Cassation, President of the Supreme Administrative Court, Chief Prosecutor, Director of the National Investigation Service;
2. President of an appellate court, appellate prosecutor;
3. President of a district court, district prosecutor, and director of a district investigation service;
4. President of a regional court, regional prosecutor.

(3) Deputies of the administrative heads referred to under para 2 shall be:

1. Vice-President of the Supreme Court of Cassation, Vice-President of the Supreme Administrative Court, Deputy Chief Prosecutor with the Supreme Prosecutor's Office of Cassation and Deputy Chief Prosecutor with the Supreme Administrative Prosecutor's Office, Deputy Director of the National Investigation Service;
2. President of a division in the Supreme Court of Cassation and in the Supreme Administrative Court; head of a department in the Supreme Prosecutor's Office of Cassation and in the Supreme Administrative Prosecutor's Office; head of a department in the National Investigation Service;
3. Vice-President of a court of appeal, deputy appellate prosecutor and deputy head of a department in the National Investigation Service;
4. Vice-President of a district court, deputy district prosecutor, and deputy director of a district investigation service;
5. Vice-President of a regional court, deputy regional prosecutor.

(4) The deputies shall exercise the administrative heads' functions every time the administrative head is absent, as well as those that are assigned by a mandate.

(5) The heads under para 2, items 2-4, and the National Investigation Service Director shall be appointed for a period of five years under the procedure provided for in the law.

(6) The deputies of administrative heads in the Supreme Court of Cassation, the Supreme Administrative Court, the Supreme Cassation and Supreme Administrative Prosecutor's Office shall be appointed for a period of 7 years but not longer than the period during which the respective administrative head holds office.

(7) The deputies in the remaining instances provided for under para 3 shall be appointed for a period of 5 years.

(8) Administrative heads referred to in para 2 and their deputies referred to in para 3 shall be removed from office when:

1. Their term of office has expired;
2. They resign;
3. There arises a durable actual impossibility for them to discharge their duties for more than 6 months;
4. They possess no more the requisite qualities for discharging their professional duties;
5. The person, who has been substituted for, returns;
6. A person, who has been illegally dismissed, is reinstated.

(9) Administrative heads referred to in para 2, items 2 – 4, and their deputies referred to in para 3 shall be removed from office by the Supreme Judicial Council on the request of their heads referred to in art. 30, of a fifth of the Supreme Judicial Council members or of the Supreme Judicial Council chairperson.

(10) In instances referred to in para 8, the judge, prosecutor or investigator shall retain his/her position as a judge, prosecutor or investigator and his/her irremovability status.

(11) General Assemblies convened for nominating those of the heads referred to in para 2 and deputies referred to in para 3, whose appointment is subject to an election under art. 30, shall take place not later than three months before the expiry of the terms office referred to in paragraphs 5-7.

(12) Paragraphs 8 and 11 shall not apply to the President of the Supreme Court of Cassation, the President of the Supreme Administrative Court and the Chief Prosecutor.

Article 126

(Amended and supplemented, SG No. 74/2002)

(1) Appointed as judge, prosecutor, and investigator may be only a person who has only Bulgarian citizenship and meets the following requirements:

1. To have completed higher legal education;
2. To have passed the required post-graduate training and to have acquired a legal capacity;
3. (Amended, SG No. 133/1998) Not to have been convicted to imprisonment for a premeditated crime of public nature, regardless of rehabilitation;
4. To have the required moral and professional qualities.

(2) The evaluation under para 1, item 4 shall be made in pursuance of the Code of Conduct for the Judges, Prosecutors and Investigators.

Article 127

(Amended, SG No. 133/1998, SG No. 74/2002)

(1) To the positions of judge in a regional court and prosecutor in a regional prosecutor's office shall be appointed persons who have a record of service of at least two years. As an exception, a person without the required record of service may be appointed.

(2) To the positions of judge in a district court and prosecutor in a district prosecutor's office, as well as of investigator in a district investigation service, shall be appointed persons who have a record of service of at least five years, of which three years as a judge, prosecutor, investigator, attorney, in-house lawyer, inspector under Art. 35c or as a legal scholar.

(3) To the positions of judge in an appellate court and prosecutor in an appellate prosecutor's office shall be appointed persons

who have a record of service of at least eight years, five of them served as judge, prosecutor, investigator, attorney, in-house lawyer, inspector under Art. 35c or as a legal scholar.

(4) To the positions of judge in the Supreme Court of Cassation and the Supreme Administrative Court, prosecutor in the Supreme Cassation Prosecutor's Office and the Supreme Administrative Prosecutor's Office and investigator in the National Investigation Service shall be appointed persons who have a record of service of at least twelve years, eight of them served as judge, prosecutor, investigator, attorney, in-house lawyer, inspector under Art. 35c or as a legal scholar.

(5) Record of service under paragraphs 1-4 shall include the record of service in a position or a profession requiring legal education and capacity, including the record of service of persons with a university law degree working as investigators with the Ministry of Interior.

(6) The requirements under para 3 shall apply also to the heads of district courts, prosecutor's offices and district investigation services, while the requirements under para 4 shall apply for the heads of the Supreme Court of Cassation, the Supreme Administrative Court and the Chief Prosecutor, the Supreme Cassation and Supreme Administrative Prosecutor's Office, the appellate courts, the appellate prosecutor's offices and the National Investigation Service.

(7) (Repealed, SG No. 74/2002)

Article 127a

(New, SG No. 74/2002)

(1) Junior judges and junior prosecutors shall be appointed after having passed a contest. A contest shall also take place in the event of an initial appointment to a position in a judicial body, where no candidate from the judicial bodies emerges until the announcement of the contest.

(2) The terms and procedures for conducting the contest shall be determined by a regulation to be adopted by the Supreme Judicial Council.

(3) The Supreme Judicial Council shall announce through the State Gazette a centralized contest and determine the number of vacant positions and the particular judicial body concerned.

(4) Candidates participating in the contests under para 1 must meet the requirements referred to in art. 126 and 127 relevant to the respective position.

(5) The head of the relevant unit under Art. 30 shall, within 7 days, submit to the Supreme Judicial Council a proposal for appointment of the applicant who won the contest.

Article 127b

(New, SG No. 74/2002)

(1) Every applicant may appeal the legality of the contest to the Supreme Judicial Council within seven days of the announcement of the results.

(2) The resolution of the Supreme Judicial Council for the legality of the contest can be appealed to the Supreme Administrative Court within 14 days of notification.

(3) Upon an effective judgment invalidating the contest, a new contest shall be scheduled within one month.

Article 128

(Amended, SG No. 133/1998) The Chairman of the Supreme Court of Cassation, the Chairman of the Supreme Administrative Court, the Chief Prosecutor shall be appointed and dismissed by the President of the Republic of Bulgaria, upon the proposal of the Supreme Judicial Council.

Section II

Irremovability and Incompatibility

Article 129

(Amended, SG No. 74/2002)

(1) Initially appointed judges, prosecutors, and investigators shall become irremovable upon completing three years of service in the respective office they hold. This term shall not include the time served as junior judge or junior prosecutor.

(2) No later than three months before the completion of the three-year period under para 1 the performance of the judges, prosecutors and investigators shall be evaluated by a commission appointed by the respective administrative head under art. 125a, para 2.

(3) The following shall be taken into account in the course of the evaluation:

1. The opinion of the respective supervisor;
2. The number, complexity and gravity of reviewed proceedings;
3. The compliance with compulsory or recommended time limits;
4. The quality of conducting the relevant proceedings and of the acts issued;
5. The motivation for working in the judicial system and the level of team integration;
6. Encouragement and penalties for the relevant time period;
7. The assessment under art. 126, para 2, in conjunction with para 1, item 4.

(4) The Supreme Judicial Council shall set the procedure for carrying out the evaluation.

(5) Persons concerned shall be notified of the evaluation outcome.

Article 130

(Amended, SG No. 74/2002)

(1) Judges, prosecutors, and investigators may not be transferred for a period exceeding three months during the same calendar year without their written consent.

(2) Pregnant women and mothers whose children are under three years of age cannot be transferred without their written consent.

(3) For the time a judge, prosecutor, or investigator is transferred to occupy a higher office than his/her own, a correspondingly higher remuneration shall be attributed to him/her.

Article 131

(1) Judges, prosecutors, and investigators shall be dismissed in case of:

1. Retirement;
2. Resignation;
3. (Amended, SG No. 133/1998) Conviction to imprisonment for a committed premeditated crime of public nature;
4. Durable actual impossibility of discharging their official duties for more than a year, established under the relevant terms and procedures;
5. Absence of qualities to discharge their professional duties;
6. Disciplinary dismissal;
7. Return of the person who has been substituted for;

8. Reinstatement of a person who has been illegally dismissed.

(2) (New, SG No. 74/2002) The evaluation referred to in Art. 129, para 2, shall be submitted to the Supreme Judicial Council through the respective authority referred to in article 30 no later than two months before the expiry of the three-year period referred to in Art. 129, para 1.

(3) (New, SG No. 74/2002) When the evaluation shows that the judge, prosecutor, or investigator does not have the qualities to fulfill his/her professional duties, the evaluation shall be considered a proposal for dismissal under para 1, point 5.

(4) (New, SG No. 74/2002) The Supreme Judicial Council shall issue an opinion on the negative evaluation within one month of its submission, after having heard the judge, prosecutor or investigator concerned.

(5) (New, SG No. 74/2002) The Supreme Judicial Council shall issue a decision that can be appealed to the Supreme Administrative Court.

(6) (New, SG No. 74/2002) The proposal for dismissal of an irremovable judge, prosecutor or investigator on the grounds of para 1, items 1-4, shall be made by the respective authority referred to in Art. 30, by one fifth of the members of the Supreme Judicial Council or the Supreme Judicial Council chairperson.

(7) (previous para 2, SG No. 74/2002) The irremovable judges, prosecutors, and investigators shall be dismissed on the grounds, specified under items 1 - 4 of para 1.

Article 131a

(New, SG No. 74/2002)

(1) When the respective authority under Art. 30 or the Supreme Judicial Council chairperson establishes that a irremovable judge, prosecutor or investigator does not possess anymore the necessary professional qualities to fulfill his/her professional duties, they shall submit to the Supreme Judicial Council a proposal to demote this irremovable judge, prosecutor or investigator to another position in the same town for a period of 6 months to 3 years. This position may not be more than two ranks lower than the currently occupied position. Such proposal may also be made by one fifth plus one of the members of the Supreme Judicial Council.

(2) From among its members the Supreme Judicial Council shall appoint a committee to conduct a check under para 1 to clarify specific circumstances connected to the evaluation of the qualities for performance of professional duties.

(3) The rules specified in Articles 173, 176, 177, 181 shall apply to the proceedings under paragraphs 1 and 2.

(4) The Supreme Judicial Council shall take a decision to demote an irremovable judge, prosecutor or investigator with a majority of half plus one votes of the Supreme Judicial Council members with a secret ballot.

(5) The decision can be appealed to the Supreme Administrative Court by the demoted judge, prosecutor or investigator, by the person who made the proposal, by any Supreme Judicial Council member, and by the Supreme Judicial Council chairperson within 14 days of the Supreme Judicial Council session on which the decision was announced – for parties who attended the session; for parties that did not attend the session, the appeal term shall start from the date of notification of the decision.

(6) The Supreme Administrative Court Act and Art. 181 and 182 of the JSA shall apply to the proceedings before the Supreme Administrative Court.

(7) The upheld Supreme Judicial Council decision shall be enforced within 14 days of the notification of the decision of the Supreme Administrative Court.

(8) The non-performance of the upheld Supreme Judicial Council decision within the period specified in para 7, due to a reason for which the person demoted is responsible, shall be considered as a resignation under Art. 131, para 1, item 2.

(9) When the decision appealed is set aside and the court's decision has become effective, the judge, prosecutor or investigator shall be reinstated in his/her position within 14 days of filing an application for reinstatement with the Supreme Judicial Council.

Article 132

(1) As long as they hold their office, the judges, prosecutors, and investigators may not:

1. Be members of Parliament, ministers, deputy ministers, mayors, and municipal councilors;

2. (Amended, SG No. 133/1998) Practice the barrister profession and perform lawyer activity;

3. Hold elected or appointed office in state, municipal, or economic bodies;

4. (Amended, SG No. 74/2002) Carry out commercial activities as sole traders, partners in commercial entities bearing unlimited responsibility for the entity's liabilities, be managers or participate in supervisory, managing boards, controlling bodies of companies and cooperatives or non-profit legal entities carrying out a business activity;

5. (Amended, SG No. 133/1998, SG No. 74/2002) Provide services under civil contract with state or public organizations, companies, cooperatives, natural persons and sole traders, with the exception of scholarly and training activity, participation in the preparation of legislative drafts and for the exercise of copyrights.

(2) (Amended, SG No. 133/1998, SG No. 74/2002) When discontinuing their term in office, the persons referred to in para 1, item 1, having filed a request for reinstatement with the Supreme Judicial Council within 14 days of the date of removal from office, shall be reinstated in the judicial office they have held previously, and the time served under para 1, item 1, shall be recognized as record of service under Art. 127, paragraphs 1-5.

Section III

Rights and Duties

Article 133

In exercising their powers, the judges, prosecutors, and investigators may require cooperation from all state bodies, officials, organizations, and citizens who shall provide it.

Article 134

(1) The judges, prosecutors, and investigators shall enjoy the immunity of members of Parliament. The Supreme Judicial Council shall divest a judge, prosecutor, or investigator of immunity in case sufficient data are available of the commitment of a crime of a public nature.

(2) The judges, prosecutors, and investigators may not be detained, except for a severe crime, and then with the permission of the Supreme Judicial Council. A permission for detaining a judge, prosecutor or investigator shall not be required in case he is found at the scene of a committed by him severe crime, but in this case the Supreme Judicial Council shall be immediately notified, and in the event that it is not in session, the Minister of Justice shall be notified.

(3) (Amended, SG No. 74/2002) With regard to divesting of immunity and detaining of a judge, prosecutor or investigator, the Chief Prosecutor or at least one fifth of the members of the Supreme Judicial Council shall make a request stating reasons to the Supreme Judicial Council.

(4) (New, SG No. 74/2002) With regard to divesting of immunity and detaining of the Chief Prosecutor, at least one fifth of the Supreme Judicial Council members shall make a request stating reasons to the Supreme Judicial Council. In case of divesting of immunity of the Chief Prosecutor, he shall be temporarily removed from office until the end of the criminal prosecution against him.

Article 135

(Amended, SG No. 74/2002)

(1) The judges, prosecutors, and investigators shall not bear civil liability for damages they have inflicted while discharging their official duties, unless their actions constitute a crime.

(2) Judges, prosecutors and investigators shall report their property and income at the time of their appointment and annually until May 31st before the National Audit Office under the terms and procedures of the Law for Publicity of the Property of Persons Occupying High State Positions.

Article 136

(1) The judges and jurors shall keep the secret of the deliberation when cases are settled.

(2) The judges, prosecutors, and investigators shall keep as official secret the data which they have come to know by way of their office and which affects the interests of citizens, legal persons, and the State.

Article 137

The judges, jurors, prosecutors, and investigators shall not be entitled to express preliminary opinions on the cases entrusted to them, as well as opinions on cases which have not been entrusted to them.

Article 138

The judges, prosecutors, and investigators shall not be entitled to give legal advice.

Article 139

(1) (Amended, SG No. 133/1998, SG No. 74/2002) The Chairmen of the Supreme Court of Cassation and the Supreme Administrative Court, the Chief Prosecutor, and the Director of the National Investigation Service shall receive a base monthly salary equal to 90 per cent of the remuneration of the Chairman of the Constitutional Court.

(2) (New, SG No. 133/1998) The base monthly salary for the starting level positions in the judge, prosecutor and investigator ranks shall be determined at the double amount of the average monthly salary for employees in the government budget sector, in accordance with the data provided by the National Statistics Institute.

(3) (New, SG No. 74/2002) The Supreme Judicial Council shall set remuneration at other positions with the bodies of the judiciary.

(4) (New, SG No. 74/2002) When upon an order by their direct superiors, judges, prosecutors or investigators perform their professional duties on weekends and official holidays, they shall be paid an additional remuneration as determined by the Supreme Judicial Council.

Article 139a

(New, SG No. 133/1998; Amended, SG No. 74/2002)

Judges, prosecutors and investigators shall be paid an annual amount for a gown or clothing, equal to two average monthly salaries of employees in the government budget sector, which shall be tax deductible.

Article 139b

(Amended, SG No. 74/2002)

(1) Annually, the judicial system budget shall make provisions for the construction of institutionally owned housing.

(2) The judges, prosecutors and investigators shall be provided with health care services and recreation conditions under terms and conditions set by the Council of Ministers.

Article 139c

(Amended, SG No. 74/2002)

(1) Obligatory social and health insurance for the judges, prosecutors, investigators and court clerks shall be covered by the budget of the judiciary branch.

(2) Judges, prosecutors and investigators must take out insurance accident policies at the expense of the budget of the judiciary branch.

Article 139d

(Amended, SG No. 74/2002)

(1) Judge, prosecutor or investigator who has 10 years record of service as a judge, prosecutor or investigator upon termination of the employment, irrespective of the reason for termination with the exception of a disciplinary dismissal, shall be paid a single-amount pecuniary compensation to the amount of as many gross monthly remunerations as many years he/she has served within the judicial system but no more than twenty, multiplied by 1.45.

(2) Upon a subsequent dismissal from office, the compensation amount received on the occasion of the last dismissal shall be deducted from the compensation due under para 1.

(3) In the case of death of a judge, prosecutor or investigator, compensation under para 1 shall be paid to his/her survivors.

Article 139e

(New, SG No. 74/2002)

Any illegally dismissed judge, prosecutor or investigator shall be entitled, upon reinstatement, to compensation equaling his/her gross monthly remuneration for the time he/she was not working but for no more than ten months. The amount of the compensation shall be determined on the basis of the remuneration payable at the time the dismissal has been ascertained illegal, with an effective judicial decision.

Article 139f

(New, SG No. 74/2002)

(1) Any judge, prosecutor, or investigator assigned to a new position which requires relocation in another town shall be paid from the budget of the corresponding judiciary body the following:

1. travel costs - personal and for their families;
2. costs for relocation of household;
3. compensation due for the days of travel and for two additional days.

(2) Paragraph 1 shall not be applied to cases of re-assignment as a disciplinary measure.

Section IV

Temporary Removal from Office

Article 140

The Supreme Judicial Council shall remove from office a judge, prosecutor or investigator who has been divested of immunity, up to the completion of the criminal proceedings.

Article 141

In case the criminal proceedings are terminated or end with a verdict of acquittal, the removed official shall be reinstated and his remuneration for the period when he was removed shall be paid to him.

Section V

On-the-job Promotion

Article 142

(1) (Amended, SG No. 133/1998) Judges, prosecutors, and investigators, bailiffs and recordation judges may be promoted on the job with regard to rank and salary, in case they have proved their high qualifications and an exemplary performance of their official duties, provided they have served in the office in question or an equal office for at least three years.

(2) (Amended, SG No. 74/2002) A judge, prosecutor, investigator meeting the requirements under para 1 may request promotion with regard to rank and salary through the persons under Art. 30 or directly from the Supreme Judicial Council.

(3) (New, SG No. 74/2002) The promotion in rank and salary of judges, prosecutors and investigators shall be done following an evaluation under the procedures and conditions of Art. 129.

(4) (Amended, SG No. 74/2002) The same evaluation shall be conducted in the event of promotion under art. 125 and 125a.

Article 143

(Amended, SG No. 133/1998, SG No. 74/2002)

(1) The following ranks for the judges, prosecutors, and investigators shall be established:

1. For a judge in the Supreme Court of Cassation and the Supreme Administrative Court, a prosecutor in the Supreme Cassation Prosecutor's Office and the Supreme Administrative Prosecutor's Office and an investigator in the National Investigation Service:

a. first rank – having no less than 17 years of record of service under Art. 127, para 5 of which at least six as a judge, prosecutor or investigator;

b. second rank - having no less than 14 years of record of service under Art. 127, para 5 of which at least 3 as a judge, prosecutor or investigator;

2. For a judge at an appellate court and a prosecutor at an appellate prosecutor's office:

a. first rank – having no less than 14 years of record of service under Art. 127, para 5 of which at least six as a judge, prosecutor or investigator;

b. second rank - having no less than 11 years of record of service under Art. 127, para 5 of which at least 3 as a judge, prosecutor or investigator;

3. For a judge at a district court, a prosecutor in a district prosecutor's office and an investigator in a district investigation service:

a. first rank – having no less than 11 years of record of service under Art. 127, para 5 of which at least six as a judge, prosecutor or investigator;

b. Second rank - having no less than 8 years of record of service under Art. 127, para 5 of which at least 3 as a judge, prosecutor or investigator;

4. For a judge in a regional court and a prosecutor in a regional prosecutor's office:

a. first rank – having no less than 8 years of record of service under Art. 127, para 5;

b. Second rank - having no less than 5 years of record of service under Art. 127, para 5;

(2) The record of service for the acquisition of rank under para 1 shall not be inclusive of the record of service for the acquisition of an irremovability status for judges, prosecutors and investigators under Art. 129, para 1.

(3) Judges, prosecutors and investigators shall acquire higher rank and salary following an evaluation to be conducted under the terms and procedure referred to in art. 129.

Article 144

(Amended, SG No. 133/1998, SG No. 74/2002)

The one-time on-the-job promotion shall be done in accordance with the ranks of judges, prosecutors, and investigators under Art. 143, up to two higher ranks included.

Article 145

The judges, prosecutors, and investigators who have been dismissed, with the exception of the cases due to a sentence of imprisonment for a premeditated crime, shall retain the rank they had before leaving office, when they are subsequently reappointed.

Article 146

(Amended, SG No. 74/2002)

The seniority of the judges, prosecutors, and investigators shall be determined:

1. By the managing function held in the respective court, prosecutor's office, or investigation service;

2. In case of an equal rank - by the duration of the record of service under Art. 127, para 5, and for military magistrates - by

the military rank;

3. In case of equal managing function, rank and military rank - by the duration of the record of service at the same position.

Chapter Ten

JUNIOR JUDGES, JUNIOR PROSECUTORS AND ASSISTANT JUDGES

(Amended, SG No. 74/2002)

Article 147

(1) A person, who meets the requirements under Art. 126, may be appointed junior judge and junior prosecutor.

(2) The junior judges and the junior prosecutors shall be appointed by the Supreme Judicial Council for a term of two years, which may be prolonged by six months.

(3) The junior judges shall be appointed in a district court or a court-martial. The junior prosecutors shall be appointed in a regional, district, or military prosecutor's office.

(4) When assuming office, the junior judges shall take the oath under Art. 107, and the junior prosecutors shall take the oath under Art. 108.

Article 148

(1) The junior judges shall participate as members in the hearing of cases in a panel of judges. Only one junior judge may participate in the panel.

(2) After serving for a year, the junior judges and the junior prosecutors may be commissioned to hold a judge's or prosecutor's office in a regional court or prosecutor's office respectively.

(3) (New, SG No. 74/2002) Upon the expiry of the period referred to in art. 147, para 2, junior judges and junior prosecutors shall be appointed as regional judges or prosecutors at a regional prosecutor's office.

Article 148a

(Amended, SG No. 74/2002)

(1) Persons meeting the requirements referred to in art. 126 may be appointed as assistant judges at the Supreme Court of Cassation and the Supreme Administrative Court and the Chief Prosecutor. The respective administrative head shall appoint assistant judges.

(2) After completing six months of training at the National Institute of Justice, judicial candidates may be appointed for the remaining part of the period referred to in Art. 35g, para 1, as assistant judges.

(3) Assistant judges shall assist judges in performing their duties.

Chapter Eleven

BAILIFFS

Article 149

(1) There shall be bailiffs in the regional courts.

(2) (Amended, SG No. 74/2002) In regional courts with no bailiffs, a regional judge designated by the President of the respective court shall assume these functions.

Article 150

(1) A person who meets the conditions under Art. 126 may become bailiff.

(2) (Amended, SG No. 133/1998, SG No. 38/2000, SG 74/2002) The Minister of Justice shall appoint the bailiff, upon the proposal of the President of the respective regional court.

(3) (New, SG No. 74/2002) When there are two or more candidates, the Minister of Justice shall schedule a competition for bailiff with an order determining the conditions for the competition. The order shall be published in the State Gazette.

Article 151

Upon assuming office, the bailiff shall take the oath under Art. 109. The provision of Art. 110 shall apply.

Article 152

(1) The Minister of Justice shall dismiss the bailiff:

1. (New, SG No. 133/1998) Upon retirement;
2. (previous item 1, SG No. 133/1998) Upon his own request;
3. (previous item 2, SG No. 133/1998) In case of a disciplinary offense;
4. (previous item 3, SG No. 133/1998) In case of being convicted for the commitment of a crime of a general nature;
5. (previous item 4, SG No. 133/1998) In case of a durable impossibility of discharging his official duties;
6. (New, SG No. 74/2002) When he/she does not possess anymore the requisite qualities for performing his/her professional duties.

(2) The Minister of Justice may dismiss a bailiff against whom criminal proceedings for a crime of a public nature have been instituted. In the event that the dismissal has been unjustified, the provisions of Art. 141 apply.

(3) The consequences of para 2, sentence two shall not occur if the criminal liability has been dropped on the grounds of Art. 9, para 2 of the Criminal Code and because of the statute of limitations or an amnesty, if and when it has been established that the bailiff temporarily removed has committed a disciplinary offence, for which he has been removed from office.

Article 153

(Amended, SG No. 74/2002)

(1) In the bailiff's jurisdictions with two or more bailiffs, one of them shall be appointed by the Minister of Justice to be the head and he/she shall receive an additional remuneration for that.

(2) In the absence of the head, a bailiff designated by the chairman of the regional court shall substitute him for.

Article 154

(1) In case the office is vacant or the bailiff appointed is prevented from discharging it and can not be substituted for by another bailiff from the same court, the chairman of the respective district court may commission a bailiff from another court region to substitute for him.

(2) If necessary, the Minister of Justice may commission a bailiff outside the jurisdiction of the district court.

Article 155

(1) When discharging his duties, the bailiff shall wear a special badge specified by the Minister of Justice.

(2) The state bodies and officials shall cooperate with the bailiffs in the discharge of his official duties.

(3) In case the discharge of his official duties is illegally impeded, the bailiff may require assistance, and the police authorities shall immediately render such assistance.

Article 156

(Amended, SG No. 74/2002)

The Minister of Justice may, upon a proposal of the President of the respective court, determine a salary as high as that of a district judge, where a bailiff has manifested high qualifications and exemplary performance of his/her professional duties and has served for at least six years.

Article 157

The bailiffs shall not be detained, and criminal proceedings shall not be instituted against them without the permission of the Minister of Justice. Permission for detaining shall not be required when the bailiff is found on the scene of a committed by him severe crime.

Article 157a

(New, SG No. 74/2002)

(1) Bailiffs shall be paid an annual clothes allowance amounting to two average monthly salaries of the employed in budget-funded institutions.

(2) Bailiffs' obligatory social and health insurance and insurance against accidents shall be covered by the budget of the judiciary.

(3) Upon termination of the employment, the bailiff shall be paid compensation under article art. 139d.

Chapter Twelve

(Amended, SG 104/1996)

RECORDATION JUDGES

Article 158

(1) There shall be a recordation judge in the regional courts.

(2) (Amended, SG No. 34/2002) A recordation judge shall effect all recordings in the real estate register and notarial actions related to recordations, written accounts or notes or the expunction thereof, to making and rendering inquiries from recordation books, as well as other actions specified by the law.

(3) In such regional courts where there is no recordation judge, the regional judge shall perform his functions.

(4) The Minister of Justice may commission a bailiff from the same court to perform the recordation judge's functions.

Article 159

A recordation judge shall take actions only within his region.

Article 160

(1) A recordation judge may become any person, who meets the requirements under Art. 126.

(2) (Amended, 133/1998, SG No. 38/2000, SG No. 74/2002) The Minister of Justice shall appoint recordation judges, upon the proposal of the President of the respective regional court.

(3) (New, SG No. 74/2002) When there are two or more candidates, the Minister of Justice shall schedule a competition for recordation judge by an order determining the conditions for the competition. The order shall be published in the State Gazette.

(4) (previous para 3; Amended, SG No. 74/2002) In recordation offices with more than one recordation judge, the Minister of Justice shall appoint one of them as head.

Article 161

Upon assuming office, a recordation judge shall take the oath under Art. 109, the provision of Art. 110 being complied with.

Article 162

(Amended, SG No. 74/2002)

The provisions of Art. 152, 154, 156, 157 and 157a shall apply to the recordation judges as well.

Chapter Thirteen

ACQUISITION OF THE RIGHT TO PRACTICE LAW

(Amended, SG No. 74/2002)

Article 163

(Amended, SG No. 74/2002)

Persons with a university law degree shall acquire the right to practice law after going through a three-month internship and sitting an examination under the terms and procedures to be determined by a regulation of the Minister of Justice.

Article 164

(Repealed, SG No. 74/2002)

Article 165

(Repealed, SG No. 74/2002)

Article 166

(Repealed, SG No. 74/2002)

Article 167

The judicial candidates and intern-attorneys, who have sat for a theoretical and practical examination under Art. 165, para 2, shall receive a certificate of legal capacity.

Chapter Fourteen

ENCOURAGEMENT AND DISCIPLINARY RESPONSIBILITY

(Amended, SG No. 74/2002)

Section I

Encouragement

Article 167a

(New, SG No. 74/2002)

(1) Judges, prosecutors and investigators may receive encouragement by a decision of the Supreme Judicial Council for qualitative performance of judicial duties and demonstration of high professional and moral qualities such as:

1. Official thanks and an honorary diploma;
2. Personal honorary token – silver or golden;
3. An early promotion in position under the conditions of Art. 142 – 144;

(2) The awards shall be given during a ceremony setting by the Supreme Judicial Council chairperson.

(3) Suggestions for encouragement may be made by the Supreme Judicial Council chairperson, the President of the Supreme Court of Cassation, the President of the Supreme Administrative Court, the Chief Prosecutor, the National Investigation Service Director, the presidents of appellate and district courts, appellate and district prosecutors and directors of district investigation services, and the respective professional organizations of judges, prosecutors and investigators.

(4) The names of judges, prosecutors and investigators that have been encouraged under shall be publicized in the media.

Article 167b

(New, SG No. 74/2002)

The Supreme Judicial Council may propose to the President of the Republic to award judges, prosecutors and investigators for special merit to the judicial power.

Section II

Disciplinary Responsibility

Article 168

(1) The judges, prosecutors, and investigators shall bear disciplinary responsibility:

1. For offenses and omissions in the discharge of their official duties;
2. For an unjustified delay in the discharge of an official duty;
3. (New, SG No. 74/2002) For actions, within or outside the range of their office, which violate the Ethics Code for judges, prosecutors and investigators;
4. (New, SG No. 133/1998) For breaking the oath taken.

(2) In cases other than those under para 1, the military judges, prosecutors, and investigators shall bear disciplinary responsibility also pursuant to the special laws and regulations, under the terms and procedures established therein.

(3) The judges shall bear responsibility for default in their official duties under Art. 101, para 2, and the prosecutors -- under Art. 118, items 1 and 2.

Article 169

(Amended, SG No. 133/1998)

(1) The disciplinary sanctions shall be:

1. Reprimand;
2. Cut in salary to an amount not less than the minimum salary for the country for a period of two months, with the obligation to complete any files and cases overdue;
3. Deprivation of the possibility for promotion in rank in office for a period from one year to three years;
4. Demotion in rank or in office for a period from six months to three years;
5. Relocation to another territorial jurisdiction for a period of up to three years;
6. Dismissal.

(2) The disciplinary sanction of dismissal shall not be imposed on the irremovable judges, prosecutors, and investigators.

(3) Where the disciplinary proceedings establish that the violations or actions under Art. 168 have the qualifications of a gross premeditated crime of public nature, the Supreme Judicial Council shall divest the judge, prosecutor, or investigator who has committed the offense of their immunity and remove them from office under Art. 27 para 1 item 6, until the final ruling on the case by the court. In such a case, the disciplinary case shall be referred to a prosecutor assigned by the Supreme Judicial

Council.

Article 170

The disciplinary proceedings may be instituted up to one year after the commission of the offense, and not later than six months after it has been discovered.

Article 171

(1) (Amended, SG No. 133/1998, SG No. 38/2000) Disciplinary proceedings shall be instituted upon the proposal of:

1. (Amended, SG No. 38/2000, SG No. 74/2002) The chairperson of the Supreme Court of Cassation - for the judges in this court and the judges in the courts of appeal; the Chief Prosecutor – for all prosecutors; the Director of the National Investigation Service – for all investigators;

2. The chairman of the district court - for the judges of the respective regional courts;

3. The chairman of a court of appeal - for the judges in the respective district courts;

4. The district prosecutor – for the prosecutors of the respective regional prosecutor’s offices;

5. The appellate prosecutor – for the prosecutors of the respective district prosecutor’s offices;

6. The director of the district investigation service - for the investigators in the district investigation service;

(2) (Amended, SG No. 74/2002) The Director of the National Investigation Service – for the investigators of that service.

(3) (Amended, SG No. 74/2002) The Supreme Judicial Council chairperson or one fifth of the members of the Supreme Judicial Council may make proposals to institute disciplinary proceedings against any judge, prosecutor and investigator.

Article 172

(Amended, SG No. 133/1998)

The Minister of Justice may draw the attention of judges from regional, district and appellate courts, prosecutors from regional, district and appellate prosecutor’s offices, investigators from the National Investigation Service and the district investigation services on any violations on their part in the initiation and movement of cases, and shall advise the Supreme Judicial Council of any such notices.

Article 173

(Amended, SG No. 133/1998)

Before submitting the proposals under Art. 171, an explanation in writing of the person who is charged shall be required and attached.

Article 174

(Amended, SG No. 133/1998)

(1) A disciplinary case against a judge, prosecutor, and investigator shall be heard by a disciplinary panel of the Supreme Judicial Council formed as provided for in Art. 33. The members of the disciplinary panel shall elect a chairman by simple majority.

(2) The chairman of the disciplinary panel shall assign one or several rapporteurs and schedule the case for a hearing within two weeks.

Article 175

(Repealed, SG No. 133/1998)

Article 176

A transcript of the proposal for instituting disciplinary proceedings shall be served on the person who, within two weeks after receipt, may enter objections in writing and cite his evidence. Prior to the sitting of the disciplinary panel the person making the proposal may withdraw it, and such withdrawal shall terminate the disciplinary proceedings.

Article 177

(1) (Repealed, SG No. 133/1998)

(2) The person charged for the disciplinary responsibility shall be summoned to the sitting, and this person shall be entitled to counsel for the defense.

(3) (Supplemented, SG No. 133/1998) The proposal shall be supported by the person making the proposal or a person authorized thereby.

(4) (Amended, SG No. 133/1998) The hearing of a disciplinary case shall provide open access for judges, prosecutors and investigators.

(5) (Supplemented, SG No. 133/1998) The disciplinary panel may question witnesses, hear experts, and collect written and physical evidence. When it deems necessary, the disciplinary panel may collect evidence also through a duly authorized member.

(6) Records of proceedings shall be kept for the hearing.

Article 178

(Amended, SG No. 133/1998)

The disciplinary panel shall rule to impose a disciplinary sanction, to acquit the person, or to propose to the Supreme Judicial Council to impose a sanction under Art. 169 para 1 items 4, 5 and 6. The Supreme Judicial Council shall decide whether to rule a penalty under Art. 169, para 1, items 4, 5 and 6, or under Art. 169 para 1 items 1, 2 and 3.

Article 179

(Amended, SG No. 133/1998, SG No. 74/2002)

The ruling of the disciplinary panel of the Supreme Judicial Council for the imposition of a disciplinary sanction, and the rulings of the Supreme Judicial Council on disciplinary cases may be appealed before the Supreme Administrative Court by the person held liable for disciplinary charges and by the person making the proposal, within 14 days of the session in which the ruling was announced, for the party which has attended the session. For the party which has not attended the session, the appeal term shall be effective as of the date of the notice stating that the ruling has been made.

Article 180

(1) (Amended, SG No. 133/1998, SG No. 74/2002) Appeals shall be reviewed under the procedure laid down in the Supreme Administrative Court Act.

(2) (Repealed, SG No. 133/1998)

Article 181

In the course of the appeal proceedings, only written and physical evidence shall be collected.

Article 182

(1) (Amended, SG No. 133/1998, SG No. 74/2002) The court shall rule within 14 days, affirming or rescinding the ruling appealed.

(2) The ruling shall be final.

Article 183

(1) (Amended, SG No. 133/1998) A transcript of the disciplinary panel ruling, imposing a sanction under Art. 169, para 1, items 1, 2 and 3, shall be sent for carrying out:

1. To the Minister of Justice - for a judge in a regional court, district court, and court of appeal;
2. To the Chairman of the Supreme Court of Cassation - for a judge in the Supreme Court of Cassation;
3. To the Chairman of the Supreme Administrative Court - for a judge in the Supreme Administrative Court;
4. To the Chief Prosecutor - for a prosecutor;
5. (Amended, SG No. 133/1998) To the Director of the respective investigation service - for an investigator.

(2) (New, SG No. 74/2002) The ruling under para 1 shall be subject to enforcement within fourteen days of the receipt of the notification.

(3) (New, SG No. 74/2002) Non-performance of the ruling under Art. 169, para 1, points 4 and 5, within the time limit under para 2 for reasons caused by the person liable shall be considered as a resignation under Art. 131, para 1, point 2.

(4) (New, SG No. 74/2002) When the ruling appealed is set aside, the judge, prosecutor or investigator shall be reinstated in the previously held position within a period of 14 days.

Article 183a

(New, SG No. 74/2002)

(1) The disciplinary penalty shall be expunged one year after the expiry of the time period, for which it has been imposed.

(2) The disciplinary penalty, with the exception of disciplinary dismissal, may be expunged before the expiry of the period under para 1, where the punished judge, prosecutor or investigator has not committed other violations.

(3) The expunging shall not have retroactive effect.

Article 184

(Repealed, SG No. 133/1998)

Article 185

(Amended, SG 104/1996) The Minister of Justice, pursuant to the Labor Code shall impose a disciplinary sanction on a bailiff and recordation judge.

Article 186

(Repealed, SG No. 133/1998)

Chapter Fifteen

ADMINISTRATION OF THE ORGANS OF THE JUDICIARY

(Amended, SG No. 74/2002)

Article 187

(Amended, SG No. 133/1998, SG No. 74/2002)

(1) In exercising their powers the judiciary bodies shall be assisted by an administration.

(2) The administration of the Judiciary shall comprise the administration of the Supreme Judicial Council, the administration of the Supreme Court of Cassation and Supreme Administrative Court, the administration of the Chief Prosecutor, the administration of the Supreme Prosecution of Cassation and Supreme Administrative Prosecution, the administration of the National Investigation Service, the administration of the courts, prosecution offices and investigation services.

(3) Employees of the judicial bodies' administration shall be referred to as judicial clerks.

Article 188

(Amended, SG No. 74/2002)

(1) The Presidents of the Supreme Court of Cassation and the Supreme Administrative Court, the Chief Prosecutor and the Director of the National Investigation Service shall prepare statutes determining the appointing bodies, units of the administration, their functional characteristics, organization of work of the administration of the judicial bodies, position listings, judicial clerks' job descriptions, as well as the judicial bodies to be assisted by information offices. (2) The Supreme Judicial Council shall approve the statutes with a decision.

The Supreme Judicial Council shall issue a Unified Classifier of the Positions in the Judicial System Bodies' Administration dealing with the positions' denominations, the minimal education requirements and other requirements relevant to any particular position, the salary corresponding to any particular position and the remuneration corresponding to any particular rank.

(3) The Minister of Justice shall, in coordination with the Supreme Judicial Council, issue statutes governing the organization of the judicial administration, the functions of the different services attached to the regional, district, military and appellate courts, and the status of judicial clerks.

Article 188a

(New, SG No. 74/2002)

(1) Judicial clerks shall be appointed after a contest.

(2) No contest shall be conducted where judicial clerks are reappointed.

Article 188b

(New, SG No. 74/2002)

The appointing body shall provide judicial clerks with the conditions necessary for the performance of their official duties, as well as for the improvement of their qualification.

Article 188c

(New, SG No. 74/2002)

Judicial clerks shall perform their duties with impartiality and in accordance with their job description.

Article 188d

(New, SG No. 74/2002)

Judicial clerks may be temporarily assigned additional duties – during no more than 45 days in the year, where professional needs arise.

Article 188e

(New, SG No. 74/2002)

Where professional needs arise, judicial clerks perform their official duties out of the working time.

Article 188f

(New, SG No. 74/2002)

Judicial clerks shall keep confidential information that they have come to have knowledge of while performing their official duties and that affects the interests of citizens, legal persons and the state.

Article 188g

(New, SG No. 74/2002)

Judicial clerks shall behave, while performing their official duties and public life, in manner which does not affect adversely the prestige of the judiciary.

Article 188h

(New, SG No. 74/2002)

Judicial clerks shall be entitled, depending on the position held, to a salary not exceeding 80% of the judicial administrator's remuneration.

Article 188i

(New, SG No. 74/2002)

When upon an order by the respective superior, judicial clerks perform their professional duties on weekends and official holidays, they shall be paid an additional remuneration as determined by the Supreme Judicial Council.

Article 188j

(New, SG No. 74/2002)

Judicial clerks shall be entitled to vacation and additional paid annual vacation with regard to the work accomplished out of the working time and to the performance of additional official duties, as determined by the Supreme Judicial Council.

Article 188k

(New, SG No. 74/2002)

When performing their official duties, judicial clerks shall show their official card.

Article 188l

(New, SG No. 74/2002)

(1) Judicial clerks' rank shall demonstrate their level of professional qualification.

(2) Judicial clerks' ranks shall start from the fifth rank and climb to the first rank. Initially appointed judicial clerks shall obtain the fifth rank.

(3) The terms and conditions relevant to the acquisition of a higher rank shall be governed by the regulation referred to in art. 188, para 3.

Article 188m

(New, SG No. 74/2002)

Judicial clerks shall be annually paid a clothing allowance not exceeding two average monthly salaries of employees in the government budget sector.

Article 188n

(New, SG No. 74/2002)

A judicial clerk, who has acquired a right to pension for insurance record and age, shall be entitled to, upon leaving office, compensation amounting to as many gross monthly salaries as the years served by him in the bodies of judicial power, but no more than 10 gross monthly salaries.

Article 188o

(New, SG No. 74/2002)

Judicial clerks shall be insured against accidents at the expense of the judiciary's budget.

Article 188p

(New, SG No. 74/2002)

(1) The Supreme Judicial Council administration shall be directed by a Secretary General.

(2) A person meeting the requirements referred to in art. 127, para 2, shall be appointed as Secretary General. The Supreme Judicial Council shall appoint the Secretary General.

(3) The Supreme Judicial Council shall adopt a regulation dealing with the units within the Supreme Judicial Council administration, the denominations of the positions and the number of employees.

Article 188q

(New, SG No. 74/2002)

(1) There shall be judicial administrators attached to the courts and prosecutor's offices. Judicial administrators shall plan, organize and direct judicial clerks, be responsible for the management of the court's administrative activity, resolve issues related to long-term planning, budgetary policy, finance, automation and procurement.

(2) The regulation referred to in art. 188, para 1, shall govern the requirements for the office of judicial administrator, as well as the terms and procedures relevant to the appointment of judicial administrators.

(3) Judicial administrators shall be remunerated at a rate not exceeding 80% of the base salary of a judge in a regional court.

(4) Judicial administrators shall be politically neutral in the performance of their duties.

Article 188s

(New, SG No. 74/2002)

The Labor Code shall apply to instances not provided for under this Act.

Chapter Sixteen

JUDICIAL STATISTICS

Article 189

(Amended, SG No. 133/1998)

The Ministry of Justice and Legal Euro-integration, the Chief Prosecutor, the Supreme Court of Cassation, and the Supreme Administrative Court shall provide statistical data, pursuant to the Statistics Act, to the National Institute of Statistics for publication. Data on investigation services shall be provided by their directors.

Chapter Seventeen

LEAVES AND COURT HOLIDAY

Article 190

(1) (Amended, SG No. 104/1996, SG No. 74/2002) The judges, prosecutors, investigators, bailiffs, and recordation judges shall be entitled to a regular paid annual leave of 30 working days, and an additional leave of 1 working day per every two years of legal service.

(2) (New, SG No. 104/1996; Amended and supplemented, SG No. 74/2002) Taking leave, except for temporary labor disability, shall be endorsed:

1. (New, SG No. 74/2002) By the chairperson of the regional court – for bailiffs and recordation judges;

2. (previous item 1, SG No. 74/2002) By the chairman of the district court – for the judges in the district court and the respective regional courts;
 3. (previous item 2, SG No. 74/2002) By the district prosecutor - for the prosecutors from the district and the regional prosecutor's offices;
 4. (previous item 3, SG No. 74/2002) By the Director of the investigation service - for the respective investigators;
 5. (previous item 4, SG No. 74/2002) By the chairpersons of the respective appellate courts – for the judges at these courts and the chairpersons of district courts; by the chairperson of the Supreme Court of Cassation – for the chairpersons of appellate courts;
 6. (previous item 5, SG No. 74/2002) By the Chairman of the Supreme Court of Cassation and the Chairman of the Supreme Administrative Court – for the judges from the respective Supreme Court;
 7. (previous item 6, SG No. 74/2002) By the Chief Prosecutor – for the heads of the Supreme Prosecutor's Office of Cassation, the Supreme Administrative Prosecutor's Office, for the prosecutors at these offices, and for the appellate and district prosecutors.
 8. (New, SG No. 74/2002) By the Director of the National Investigation Service – for the investigators from this service and the directors of the district investigation services.
- (3) (New, SG No. 74/2002) The persons who give leave permissions to heads under Art. 125a shall inform about that the person chairing the Supreme Judicial Council.

Article 191

- (1) The court holiday shall be from July 15 to September 1.
- (2) (Amended, SG 104/1996) The investigators, bailiffs, and recordation judges shall not enjoy the court holiday.

Article 192

- (1) During the court holiday, the courts shall hear:
 1. Criminal cases, where the measure of "detention in custody" has been taken;
 2. Civil cases for support and for incorrect dismissal;
 3. Cases on which they are obliged by law to give a ruling within a period shorter than a month;
 4. Requests for securing actions and evidence, for granting permits and orders under the Family Code and for appointing special representatives;
 5. Other types of cases, upon the discretion of the head of the court, of the prosecutor's office, or of the Minister of Justice;
 6. (New, SG 84/2000) Bankruptcy cases.
- (2) The court and the prosecutor's office shall ensure a sufficient number of court panels and prosecutors for hearing the cases and the requests during the court holiday.

Article 193

The judges, prosecutors, and court staff, who cannot use their regular paid annual leave during the court holiday, shall be entitled to use it in another period.

Article 194

- (1) (Amended, SG No. 133/1998) The judges, prosecutors, and investigators who have been sent abroad to improve their qualifications by the bodies of the judiciary power or the Ministry of Justice for more than three months, shall work in the court, the prosecutor's office or the investigation service for not less than three years after their return.

(2) If, before the expiry of the period under para 1, the person leaves at his own free will, he shall reimburse in full the received grant money.

Article 195

(1) The judges and the prosecutors may not go on leave before they have prepared their acts and returned the cases entrusted to them, except in cases of temporary disability to work.

(2) (Amended, SG 104/1996) The provisions under para 1 above shall also apply to the bailiffs, recordation judges, and court staff.

Chapter Eighteen

JUDICIARY'S BUDGET

(Amended, SG No. 74/2002)

Article 196

(Amended, SG No. 133/1996, SG No. 74/2002)

(1) The judiciary shall have a separate budget, forming part of the state budget of the Republic of Bulgaria.

(2) The Supreme Judicial Council shall draw up a draft annual budget, which shall be submitted to the Council of Ministers for incorporation into the Draft State Budget Act for the respective year.

(3) The Council of Ministers may not amend the draft judiciary's budget, but shall only express an opinion on it before the National Assembly.

(4) The National Assembly shall pass the judiciary's budget, with separate expenditures for individual judicial bodies, as a separate part of the state budget.

(5) The Supreme Judicial Council shall be a first-tier expender of the judiciary's budget, whereas judicial bodies, that are legal persons, shall be second-tier exponents of budget credits.

(6) Every year, the Council of Ministers shall submit to the National Assembly, together with the report on the execution of the republican budget, the report on the execution of the judiciary's budget proposed by the Supreme Judicial Council along with detailed explanatory notes.

Articles 197

(Repealed, SG No. 74/2002)

Article 198

(Repealed, SG No. 74/2002)

Article 199

(Repealed, SG No. 74/2002)

Article 200

(Repealed, SG No. 74/2002)

Chapter Nineteen

ADMINISTRATIVE PENAL PROVISION

Article 201

(1) (Amended, SG Nos. 11 & 133/1998) A person who does not comply with an order issued by a body under the relevant

procedures pursuant to this Act shall be fined from 20,000 to 200,000 BG Leva, unless such a person is liable to a heavier penalty.

(2) The fine shall be imposed by an order or decree of a judge, prosecutor, or investigator, after the person has been given the opportunity to give explanations in connection with the offense

(3) The body that has imposed the penalty may revoke or reduce the fine, upon the appeal of the sanctioned person, filed within one month after the notification.

Additional provisions

§ 1. (1) (Amended, SG No. 58/1997) The first-instance civil cases under the jurisdiction of the regional court shall be tried without the participation of jurors.

(2) (Repealed, SG No. 58/1997)

Transitional and concluding provisions

§ 2. The existing court jurisdictions and the seats of courts, determined before this Act has come into force, shall remain.

§ 3. (1) The existing judges, prosecutors, and investigators shall continue discharging their duties.

(2) The judges in the Supreme Court, in case they meet the conditions of this Act, shall be reappointed judges in the Supreme Court of Cassation and the Supreme Administrative Court, after taking their opinion.

§ 4. (1) (Repealed, SG No. 133/1998)

(2) The investigators and the other employees of the National Investigation Service shall retain their former rights with regard to the category of labor, the cash benefits for years of service record and ranks, entitlement to a pension, as well as the amount, and the terms and procedures of receiving the employment relations termination indemnities.

§ 5. Within six months after this Act is passed, the Council of Ministers shall endorse, by order, a separation protocol between the Ministry of Internal Affairs and the National Investigation Service, upon the proposal of the Minister of Internal Affairs and the Director of the National Investigation Service, for the purpose of regulating all legal relations, connected with the separation of the National Investigation Service from the Ministry of Internal Affairs.

§ 6. The existing trainee lawyers shall carry out and complete their internship under the terms and procedures, which have been in force at the beginning of the internship.

§ 7. The existing judges, prosecutors, and investigators shall retain their ranks, which shall be brought into line with the requirements of Art. 143, unless the ranks have been acquired in violation of this Act.

§ 8. Repealed by Judgement No. 8 of 1994 of the Constitutional Court - SG No. 78/1994.

§ 9. The inspectors in the Inspectorate Department of the Ministry of Justice shall retain the amount of the remuneration they have been receiving for the offices they have held in the prosecutor's office and the investigation service, and the judicial inspectors shall receive remuneration in accordance with the rank required for their appointment under Art. 36.

§ 10. (1) The pending disciplinary files upon entry into force of this Act shall be considered under the terms and procedures of chapter fourteen.

(2) The judges, prosecutors, and investigators who have been dismissed, moved against their will or demoted in office by the Supreme Judicial Council before the entry into force of this Act, may appeal the decision before the Supreme Administrative Court, within three months after this Act comes into force.

§ 11. Repealed by Judgement No. 8 of 1994 of the Constitutional Court - SG No. 78/1994.

§ 12. The term of office of the appointed jurors shall be prolonged up to the designation of jurors under this Act.

§ 13. (Amended, SG No. 74/2002) Time served as arbitrator under the repealed State Arbitrage Act shall be considered as service as a judge under Art. 127, paragraphs 2, 3 and 4.

§ 14. This Act is passed pursuant to Art. 133 of the Constitution of the Republic of Bulgaria, and it hereby repeals:

1. The Court Systems Act (promulgated, the State Gazette, No. 23/1976; amended, Nos. 36/1979, 91/1982, 27 & 29/1986, 91/1988, 31/1990, 46/1991, 100/1992).

2. The Prosecutor's Office Act (promulgated, State Gazette, No. 87/1980; amended, Nos. 27/1986, 91/1988, 46/1991, 100/1992);

3. Decree No. 1138 of 1979 on the Formation of a Unified Investigation Apparatus under the Ministry of Internal Affairs (promulgated, the State Gazette, No. 57/1979; amended, Nos. 26 & 91/1988, 46 & 106/1991, 110/1993);

4. The Supreme Judicial Council Act (promulgated SG NO. 74/1991; amended No. 106/1991).

§ 15. Until the Supreme Court of Cassation and the Supreme Administrative Court have been appointed, the Supreme Court shall exercise their competencies.

§ 15a. Declared unconstitutional by Judgement No 19 of 1996 – SG No. 64/1996.

§ 16. The enactment of this Act is assigned to the Minister of Justice.