

## Law on Courts

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I hereby promulgate the Law on Courts, adopted by the the Parliament of Montenegro of the 25th Convocation, at the Sitting of the First Extraordinary Session in 2015, of 26 February 2015

### LAW ON COURTS<sup>1</sup>

#### I BASIC PROVISIONS

##### Subject Matter

##### Article 1

This Law shall regulate the establishment, organisation and competence of courts, organisation of work in courts and judicial administration and other issues relevant to the orderly and timely functioning of courts.

##### Judicial power

##### Article 2

Judicial power shall be exercised by courts established by this law.  
Court shall be obliged to decide legally, objectively and timely on the legal matter that falls under its competence.

##### Accessibility of Courts and Equality of Parties

##### Article 3

Everyone shall have the right of access to court for the purpose of exercising his rights.  
Everyone shall be equal before the court.

##### Transparency

##### Article 4

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<sup>1</sup> "Official Gazette of Montenegro" 011/15 as of 12 March 2015, 076/20 as of 28 July 2020.

Transparency of the work of the court shall be provided in accordance with the law.

### **Impartiality Article 5**

Everyone shall be entitled to an impartial trial within a reasonable time and everyone shall have the right to have his legal matter heard and determined by random case allocation, regardless of the parties to the case and the nature of the case.

### **Funds for the Functioning of Courts Article 6**

Funds for the functioning of courts shall be provided from the budget of Montenegro. Courts shall independently use the funds referred to in paragraph 1 of this Article.

### **Use of Gender Sensitive Language Article 7**

All terms used in this law for natural persons in the masculine gender shall mean the same terms for the feminine gender.

## **II ESTABLISHMENT, ORGANISATION AND COMPETENCES OF COURTS**

### **1. Establishing the Courts Courts Article 8**

The courts shall be:

- 1) misdemeanour court;
- 2) High Misdemeanour Court of Montenegro (hereinafter referred to as: the High Misdemeanour Court);
- 3) basic courts;
- 4) high courts;
- 5) Commercial Court of Montenegro (hereinafter referred to as: the Commercial Court);
- 6) Administrative Court of Montenegro (hereinafter referred to as: the "Administrative Court);
- 7) Appellate Court of Montenegro (hereinafter referred to as: the Appellate Court);
- 8) Supreme Court of Montenegro (hereinafter referred to as: the Supreme Court).

### **2. Misdemeanour Courts**

#### **Establishment Article 9**

*(Law Amending the Law on Courts, Official Gazette of Montenegro No. 076/20 of 28 July 2020, Article 1)*

Courts shall be established as:

- 1) Misdemeanour Court in Bijelo Polje, for the territory of the municipalities of: Bijelo Polje, Andrijevića, Berane, Gusinje, Žabljak, Kolašin, Mojkovac, Petnjica, Plav, Pljevlja and Rožaje, with divisions in:
  - Berane – for the territory of the municipalities of Berane, Andrijevića and Petnjica;
  - Žabljak - for the territory of the municipality of Žabljak;
  - Plav – for the territory of the municipalities of Plav and Gusinje;
  - Pljevlja - for the territory of the municipality of Pljevlja;
  - Rožaje - for the territory of the municipality of Rožaje;
  - Kolašin - for the territory of the municipality of Kolašin;
  - Mojkovac - for the territory of the municipality of Mojkovac;
- 2) Misdemeanour Court in Budva, for the territory of the municipalities of: Budva, Bar, Kotor, Tivat, Herceg Novi and Ulcinj, with divisions in:
  - Bar - for the territory of the municipality of Bar;
  - Kotor - for the territory of the municipalities of Kotor and Tivat;
  - Herceg Novi – for the territory of the municipality of Herceg Novi;
  - Ulcinj - for the territory of the municipality of Ulcinj
- 3) Misdemeanour Court in Podgorica - for the territory of the Capital of Podgorica, Old Royal Capital Cetinje and the following municipalities: Danilovgrad, Nikšić, Plužine, Tuzi and Šavnik, with divisions in:
  - the Old Royal Capital Cetinje - for the territory of the Old Royal Capital Cetinje;
  - Danilovgrad - for the territory of the municipality of Danilovgrad;
  - Nikšić - for the territory of the municipalities Nikšić, Plužine and Šavnik.

### **Competence**

#### **Article 10**

*(Law Amending the Law on Courts, Official Gazette of Montenegro No. 076/20 of 28 July 2020, Article 2)*

Misdemeanour court shall have the competence to decide on requests for initiation of misdemeanour proceedings and motions for court decision-making.

Misdemeanour court shall perform other affairs prescribed by law.

### **3. High Misdemeanour Court**

#### **Establishment**

##### **Article 11**

High Misdemeanour Court shall be established for the territory of Montenegro and its seat shall be in Podgorica.

#### **Competence**

##### **Article 12**

High Misdemeanour Court shall decide on appeals lodged against decisions of misdemeanour courts, on the conflict of competence between misdemeanour courts and perform other duties prescribed by law.

### **4. Basic Court**

## **Establishment**

### **Article 13**

*(Law Amending the Law on Courts, Official Gazette of Montenegro No. 076/20 of 28 July 2020, Article 3)*

Basic courts shall be:

- 1) Basic Court in Bar – for the territory of the municipality of Bar;
- 2) Basic Court in Berane – for the territory of the municipalities of Berane, Andrijevića and Petnjica;
- 3) Basic Court in Bijelo Polje – for the territory of the municipalities of Bijelo Polje and Mojkovac;
- 4) Basic Court in Danilovgrad – for the territory of the municipality of Danilovgrad;
- 5) Basic Court in Žabljak – for the territory of the municipalities of Žabljak and Šavnik;
- 6) Basic Court in Kolašin – for the territory of the municipality of Kolašin;
- 7) Basic Court in Kotor – for the territory of the municipalities of Kotor, Budva and Tivat;
- 8) Basic Court in Nikšić – for the territory of the municipalities of Nikšić and Plužine;
- 9) Basic Court in Plav – for the territory of the municipality of Plav and Gusinje;
- 10) Basic Court in Pljevlja – for the territory of the municipality of Pljevlja;
- 11) Basic Court in Podgorica – for the territory of the Capital of Podgorica and municipality of Tuzi;
- 12) Basic Court in Rožaje – for the territory of the municipality of Rožaje;
- 13) Basic Court in Ulcinj – for the territory of the municipality of Ulcinj;
- 14) Basic Court in Herceg Novi – for the territory of the municipality of Herceg Novi;
- 15) Basic Court in Cetinje – for the territory of the municipality of Cetinje.

## **Competence**

### **Article 14**

*(Law Amending the Law on Courts, Official Gazette of Montenegro No. 076/20 of 28 July 2020, Article 4)*

Basic court shall be competent:

- 1) in criminal cases:
  - a) in first instance, to decide in criminal offences for which a principal punishment prescribed by law is a fine or imprisonment of up to 10 years, regardless of the characteristics, profession and position of the person against whom the proceedings are conducted and regardless of whether the criminal offence was committed in peace, state of emergency, in a state of imminent war danger or in a state of war, unless the competence of another court is determined for specific types of these criminal offences;
  - b) in first instance, to decide in criminal offence for which a separate law prescribes to fall within the competence of a basic court;
  - c) to conduct proceedings and decide on requests for expunging of sentence, termination of security measures or legal consequences of sentence and decide in those matters when basic court has pronounced such sentence or measures;
- 2) in civil cases, to decide in first instance:
  - a) disputes relating to property, matrimony, family, personal and legal and other relations, except in those disputes where the law prescribes the competence of another court;

- b) disputes relating to correction or reply to information provided by the media and motions relating to violation of personal rights through the media;
  - 3) in labour law cases to decide in first instance disputes relating to:
    - a) employment;
    - b) conclusion and implementation of collective bargaining agreements, as well as all disputes between employers and trade unions;
    - c) application of the rules on strike;
  - 4) in other legal matters:
    - a) to resolve in first instance non-contentious cases, unless otherwise prescribed by this Law;
    - b) to resolve cases of enforcement and security in accordance with the law governing enforcement and security;
    - c) to decide on recognition and enforcement of foreign judgements when so prescribed by law, except for those falling within the competence of the Commercial Court;
  - 5) to perform duties concerning legal assistance;
  - 6) to perform tasks of international criminal legal assistance in criminal matters under a letter rogatory for servicing documents;
  - 7) confirm settlements concluded before a mediator, in line with the law governing alternative dispute resolution, in disputes under the competence of a basic court.
- Basic courts shall be competent to decide in first instance in other matters as well, unless the competence of another court is prescribed by law.
- Basic courts shall perform other duties laid down by law.

## **5. High Court**

### **Establishment Article 15**

High courts shall be:

- 1) High court in Bijelo Polje – for the territories of basic courts in Bijelo Polje, Berane, Žabljak, Kolašin, Plav, Pljevlja and Rožaje; and
- 2) High Court in Podgorica – for the territories of basic courts in Podgorica, Bar, Danilovgrad, Kotor, Nikšić, Ulcinj, Herceg Novi and Cetinje.

### **Competence Article 16**

High courts shall be competent in the following:

- a) to decide, in first instance, in criminal proceedings for criminal offences punishable by law by imprisonment of over 10 years as principal punishment, regardless of the characteristics, profession and position of the person against whom the proceedings are conducted and regardless of whether the criminal offence was committed in peace, state of emergency, in a state of imminent war danger or in a state of war, and for criminal offences of:
  - manslaughter,
  - rape,
  - endangering air traffic safety,
  - unauthorised production, possession and release into circulation of narcotic drugs,
  - calling for violent change of constitutional order,

- disclosure of confidential data,
  - causing national, racial and religious hatred, discord and intolerance,
  - violation of territorial sovereignty,
  - associating for anti-constitutional activity,
  - preparing acts against the constitutional order and security of Montenegro,
  - against humanity and other values guaranteed by international law;
- 2)to decide, in first instance, for those criminal offences which are by special legislation prescribed to fall within the competence of high court;
  - 3)to decide in second instance on appeals against decisions rendered by the basic courts;
  - 4)to conduct a procedure of determining the circumstances regarding the request for extradition of accused and convicted persons and the procedure of recognition and enforcement of foreign judgements in criminal matters;
  - 5)to resolve conflict of competences between basic courts from their territory;
  - 6)to decide on requests for expunging of sentence based on judicial decision and on requests for termination of security measures or legal consequences of sentence regarding the prohibition to acquire certain rights, when high court has pronounced such sentence or measure;
  - 7)to perform duties of international criminal legal assistance in criminal matters under a letter rogatory for hearing a person, conducting special evidentiary actions, as well as other forms of international criminal legal assistance;
  - 8)to perform other duties laid down by law.

Regardless of the rules on the territorial competence, the High Court in Podgorica shall decide the criminal proceedings conducted for the following criminal offences:

- 1)organised crime regardless of the severity of prescribed punishment;
- 2)high-level corruption:
  - a) If a public official committed the following criminal offences:
    - abuse of official position,
    - fraud in the conduct of official duty,
    - trading in influence,
    - incitement to trading in influence,
    - passive bribery,
    - active bribery.
  - b) If the proceeds of crime exceeding the amount of forty thousand euros have been obtained through the commission of the following criminal offences:
    - abuse of position in business operations,
    - abuse of powers in economy.
- 3)money laundering;
- 4)terrorism; and
- 5)war crimes.

For the purpose of conducting trials for the criminal offences referred to in paragraph 2 of this Article, a special division shall be established in the High Court in Podgorica.

## **6. Commercial Court**

### **Establishment Article 17**

The Commercial Court shall be established for the territory of Montenegro, and its seat shall be in Podgorica.

## **Competence**

### **Article 18**

*(Law Amending the Law on Courts, Official Gazette of Montenegro No. 076/20 of 28 July 2020, Article 5)*

The Commercial Court shall decide in first instance in disputes:

- 1) between companies, entrepreneurs and other legal persons performing economic activity (commercial entities), which arise from their commercial-legal relationships and in the disputes arising between commercial entities and other legal persons in the performance of the activity of commercial entities, as well as in the case where one party in those disputes is a natural person, if he is in relation of substantive joint litigant to one of the parties;
- 2) relating to registration of commercial entities as well as disputes arising from relationships governed by company law;
- 3) relating to bankruptcy and liquidation of commercial entities, regardless of the capacity of the other party and irrespective of the time when the dispute was initiated, unless otherwise provided by law;
- 4) relating to copyrights and related rights, industrial property rights and trademark protection and other rights arising from intellectual property regardless of the capacity of the parties;
- 5) relating to rights of artists, rights concerning the multiplication, duplication and putting into circulation of audio-visual works, as well as disputes relating to computer programmes and their use and transfer between the parties referred to in item 1 of this paragraph;
- 6) relating to disturbance of possession between the parties referred to in item 1 of this paragraph;
- 7) relating to distortion of competition, abuse of monopolistic or dominant position on the market and entering into monopolistic agreements;
- 8) relating to ships and navigation at sea and in internal waters as well as disputes governed by navigation law, except for disputes relating to the transport of passengers;
- 9) relating to aircrafts and disputes governed by air law, except for disputes relating to the transport of passengers;
- 10) in other legal matters which the law prescribes as falling within the competence of commercial courts.

The Commercial Court shall, at first instance:

- 1) conduct the proceedings of bankruptcy and liquidation;
- 2) decide on and conduct enforcement when the enforceable instrument has been issued by the Commercial Court or arbitration when so defined by a separate law, decide on enforcement between the parties referred to in paragraph 1, item 1 and decide on and conduct enforcement and security on board ships and aircrafts, regardless of the capacity of parties;
- 3) decide in non-contentious proceedings concerning ships and aircrafts;
- 4) decide on the recognition and enforcement of foreign judicial decisions rendered by commercial courts as well as of foreign arbitral awards.
- 5) confirm settlements concluded before a mediator, in line with the law governing alternative dispute resolution, in disputes under the competence of the Commercial Court.

The Commercial Court shall provide international legal assistance for matters under its competence and shall perform other tasks prescribed by law.

## **7. Appellate Court**

### **Establishment Article 19**

The Appellate Court shall be established for the territory of Montenegro and its seat shall be in Podgorica.

### **Competence Article 20**

Appellate Court shall:

- 1) decide on appeals against first-instance decisions of high courts, as well as appeals against decisions of commercial courts;
- 2) resolve the conflict of competence:
  - of basic courts from the territories of different high courts;
  - between basic and high courts;
  - between high courts;
- 3) perform other duties laid down by law.

## **8. Administrative Court**

### **Establishment Article 21**

The Administrative Court shall be established for the territory of Montenegro and its seat shall be in Podgorica.

### **Competence Article 22**

The Administrative Court shall decide in administrative disputes and shall also perform other duties laid down by law.

## **9. Supreme Court**

### **Establishment Article 23**

The Supreme Court shall be the highest instance court in Montenegro and its seat shall be in Podgorica.

### **Competence Article 24**



Supreme Court shall:

- 1) decide in third instance as provided by law;
- 2) decide on extraordinary legal remedies against decisions of the courts in Montenegro;
- 3) decide on legal remedies against decisions of its panel of judges, as provided by law;
- 4) decide on the transfer of territorial competence when it is obvious that another court that has material competence will be able to conduct proceedings more efficiently or for other important reasons;
- 5) decide which court shall have territorial competence when the competence of the courts in Montenegro is not excluded, and when, in accordance with the rules on territorial competence, it is not possible to reliably determine which court has territorial competence in a particular legal matter;
- 6) resolve conflict of competence between different types of courts in the territory of Montenegro, except when the competence of another court has been established to resolve the conflict of competence;
- 7) perform other duties laid down by law.

The Supreme Court shall decide on the matters relating to the transfer of territorial competence, determining the court having territorial competence and conflict of competence in a panel of three judges, without conducting a hearing.

### **General Session of the Supreme Court Article 25**

General Session of the Supreme Court shall:

- 1) determine legal positions of principle;
- 2) consider issues in relation to the functioning of courts, application of laws and other regulations and exercise of judicial power and inform the Parliament thereof when it deems necessary;
- 3) adopt Rules of Procedure of the General Session of the Supreme Court;
- 4) propose candidates for the President of the Supreme Court, issue the proposal for establishing the termination of office, disciplinary liability and dismissal of the President of the Supreme Court and issue opinions on candidates for judges of the Supreme Court;
- 5) perform other duties laid down by law.

### **Legal Position of Principle Article 26**

*(Law Amending the Law on Courts, Official Gazette of Montenegro No. 076/20 of 28 July 2020, Article 6)*

Legal opinion of principle shall be taken in relation to a contentious legal issue which has arisen from the case law for the purpose of providing uniform application of the of laws by the courts.

Legal position of principle may be taken ex officio or upon the request by the court.

Legal position of principle can be taken also upon the request of the Notary Chamber of Montenegro in relation to contentious legal issues which have arisen from the probate proceedings conducted by notaries or the Chamber of Public Enforcement Officers in relation to contentious legal issues which have arisen from the enforcement and security proceedings conducted by public enforcement officers for the purpose of ensuring uniform application of the law by notaries and public enforcement officers.

The manner of maintaining records and publication of legal positions of principle shall be regulated by the Rules of Procedure of the Supreme Court Bench.

### **Extended Session of the Supreme Court Article 27**

The extended session of the Supreme Court shall include the General Session of the Supreme Court and presidents of the Appellate Court, Administrative Court, Commercial Court and High Courts.

The extended session of the Supreme Court shall perform duties prescribed by law.

## **III ORGANISATION OF THE WORK OF THE COURT**

### **1. Organisational Activities Article 28**

The organisation of work of the court shall include managing the court, organisation of court divisions and session of all judges, organisation of trials and internal operation of courts.

Internal operation of courts referred to in paragraph 1 of this Article shall include judicial administration activities and administrative and technical activities as well as activities related to use of the judicial information system.

Judicial Information System is a unique information system for case management, where the data from court registers are entered, stored, and transmitted to.

Organisation and internal operation of courts shall be regulated by the Court Rules of Procedure adopted by ministry in charge of the judiciary (hereinafter referred to as the "Ministry"), with previously obtained opinion of the Judicial Council.

### **Framework Criteria Article 29**

Required number of judges and state employees and civil servants shall be determined in accordance with the framework criteria, prescribed by the Ministry, upon the proposal of the Judicial Council.

### **2. President of the Court**

#### **Management Article 30**

President of the court shall manage the work of the court.

The president of court shall organise the work in the court, allocate tasks and take measures for orderly and timely performance of tasks in the court.

The president of court whose office terminated due to expiry of term for which he was appointed shall continue to perform his duty with all rights and obligations appertaining to the president of court, until the new president of court is appointed and no longer than 6 months.

The president of court shall be substituted by the judge of that court designated by the annual allocation of tasks in court.

The president of court (hereinafter referred to as the “deputy president of court“) shall designate a judge who substitutes the president of court when he is absent or indisposed, by annual allocation of tasks.

### **3. Allocation of Tasks in Court**

#### **Adoption of the Annual Allocation of Tasks**

##### **Article 31**

The president of court shall adopt the Annual Allocation of Tasks of the court not later than 15 January for the current year.

In the process of adoption of proposal for the Annual Allocation of Tasks, the president of the court shall:

- take account of balanced allocation of tasks in the court and specialisation of judges;
- provide opportunity to each judge to express his opinion concerning the proposal.

The president of court shall determine a person authorised for public relations by the annual allocation of tasks.

The proposal for the annual allocation of tasks shall be considered by the session of judges.

The president of court shall provide a written response concerning the proposal made by the judge or the session of judges which he has rejected no later than eight days after the date of their submission.

The judges or the session of judges may notify the president of immediately superior court about their disagreement with the annual allocation of tasks.

#### **Amendments to the Annual Allocation of Tasks**

##### **Article 32**

The president of court may amend the annual allocation of tasks in the court if:

- 1) the number of judges or positions of judges in the court decreases or increases;
- 2) the number or a type of cases in the court considerably decreases or increases.

Annual allocation of tasks shall be amended in such manner as to interfere as little as possible with the annual allocation of tasks in the court already established.

The amendments to annual allocation of tasks in the court shall be made in line with Article 31 of this Law.

#### **Delivery and Publication of Annual Allocation of Tasks**

##### **Article 33**

The president of court shall deliver the annual allocation of tasks and amendments thereto to all the judges and shall post it on the notice board of the court

### **4. Random Case Allocation**

#### **Case Allocation**

##### **Article 34**

The cases shall be allocated for work without delay according to the annual allocation of tasks and according to a method of random case allocation.

In line with paragraph 1 of this Article, cases shall be allocated for work to other judges if:

- 1) they were allocated for work to a judge who no longer exercises judicial office in that court; and
- 2) they were withdrawn in line with Article 36 of this Law.

### **Method of Random Case Allocation Article 35**

The cases shall be allocated to judges for work by a method of random allocation of cases, after the basic data on a case is uploaded to the judicial-information system, in the manner regulated precisely by the Court Rules of Procedure.

### **Withdrawal of the Allocated Case Article 36**

The allocated case shall be withdrawn from the judge or panel of judges if it has been established that they are unjustifiably proceeding in the case, due to recusal of the judge or if the judge is prevented from discharging duties for longer than three months.

The cases the urgent nature of which is stipulated in the law can be withdrawn from the judge if the judge, due to their absence or inability to attend to his duties, is unable to proceed in such cases in a timely manner and within the time-limit set by the law.

The president of court shall withdraw a case by way of decision.

The decision on withdrawal of the case shall be delivered to the judge or the panel of judges the case has been withdrawn from.

The decision to withdraw the case may be appealed against with the president of immediate superior court and the decision of the President of the Supreme Court may be appealed against with the General Session of the Supreme Court, within three days from the day of receipt of decision.

The decision on appeal shall be made within two days from the day of receipt of appeal.

The appeal shall not stay the enforcement of decision in detention cases.

Should the appeal be upheld, the case shall remain with the judge or the panel of judges it has been withdrawn from.

### **Right to Insight into a Court Case Article 37**

The president of the court shall have the right to insight into the cases of a judge when there are objective circumstances which indicate that the judge does not perform his duty lawfully, on the basis of:

- 1) an application of a party relating to judge's failure to act or his untimely action;
- 2) a request of the Protector of Human Rights and Freedoms of Montenegro;
- 3) reasons for initiating the procedure for determining disciplinary responsibility;
- 4) motion for disqualification of a judge;
- 5) request for expediting the proceedings (control request);
- 6) withdrawal of the case allocated for work.

In the cases referred to in paragraph 1 of this Article, the president of the court may request the judge to submit to him in writing information or report about the cases and

reasons for not completing the cases within the time limits prescribed by law or within a reasonable time.

## **5. General Session, Session of Judges and Court Divisions**

### **Work of the General Session of the Supreme Court Article 38**

The General Session of the Supreme Court shall be convened and chaired by the President of the Supreme Court, on his own initiative, on a proposal from the president of division or on a proposal from the court requesting adoption of or amendment to the legal position of principle.

The judge of the Supreme Court who substitutes the President of the Supreme Court shall convene and chair the General Session of the Supreme Court that establishes a proposal of candidates for the President of the Supreme Court, and decides on a submission of the proposal for termination of office, determination of disciplinary responsibility and dismissal of the President of the Supreme Court.

The General Session of the Supreme Court shall decide if more than half of the judges of the Supreme Court is present, and decisions shall be made by a majority of votes of total number of judges of the Supreme Court.

Exempt from Article 3 of this Article, the proposal of candidates for the President of the Supreme Court shall be determined by a two-third majority of total number of the judges of the Supreme Court, by secret ballot.

If none of the applicants referred to paragraph 4 of this Article acquire the requested majority in the first voting, the voting shall be repeated between the two candidates who have the largest number of votes.

If none of the candidates acquire two-third majority in the repeated voting, the General Session of the Supreme Court shall state that candidates proposed for the position of the President of the Supreme Court is not determined and the Judicial Council shall be informed thereof.

The manner of work of the General Session of the Supreme Court shall be regulated by the Rules of Procedure.

### **Session of judges Article 39**

The session of judges shall comprise all judges of the respective court.

The session of judges shall be convened and chaired by the president of the court.

The president of the court shall convene the session of judges upon the request of a judicial division or from at least one third of all judges.

The session of judges shall work and make decisions if at least two thirds of all judges of the court are present and decision shall be valid if supported by a majority of all judges.

The manner of work of court divisions and the sessions of judges shall be regulated in more detail by the Court Rules of Procedure.

### **Scope of Work of the Session of Judges Article 40**

Session of judges shall:

- 1) consider the issue of application of law if there is a difference in understanding among some panels or judges of the court;
- 2) propose taking or amending the legal position of principle;
- 3) consider performance reports of the court;
- 4) consider issues relevant to case law, professional training, organisation of work of the court;
- 5) perform other tasks prescribed by this law.

In the courts where court divisions have not been organised, additionally to the duties prescribed by this Law, the session of judges shall perform the duties of the session of division.

### **Court divisions Article 41**

Court divisions shall be established within courts, depending on the number of judges, scope and type of cases:

- 1) in a basic court – civil, criminal and enforcement divisions;
- 2) in a high court – civil division and criminal division;
- 3) in the Commercial Court – division for commercial disputes, bankruptcy division and division for enforcement and security;
- 4) in the Appellate Court – criminal division and commercial division;
- 5) in the Administrative Court – administrative division;
- 6) in the Supreme Court – civil, criminal, administrative and case-law divisions

A division for case law may be established in the court, as well as other divisions depending on the needs of specialisation for certain type of tasks.

The court divisions shall be established by the annual allocation of tasks in the court, determining the number, type and composition of court divisions.

### **Composition and Scope of Work of Court Divisions Article 42**

The court division shall comprise judges and panels of judges assigned by way of the annual allocation of tasks.

The president of court shall determine one or more judges for following and studying the case law by the annual allocation of tasks, unless a judicial division is determined for exercising those duties.

Sessions of court division shall be convened and chaired by the president of division, designated by the annual allocation of tasks.

The court division shall consider legal issues falling within its scope of work, take legal positions concerning issues falling within its competence and perform other duties prescribed by this Law.

The court division shall work and make decisions if at least two thirds of all judges of the court are present and decision shall be valid if supported by a majority of all judges.

## **6. Days of Courts and Case Law Records**

### **Days of Court Article 43**

Judicial office shall be exercised in the seat of the court.

Judicial office may be exercised outside the seat of the court (Days of Courts) for the purpose of faster and more direct proceedings and decision-making.

### **Case Law Records Article 44**

Courts shall maintain case law records.

The manner of maintaining case law records and publication of decisions shall be laid down by the Court Rules of Procedure.

## **7. Administration of the Court**

### **Court Administration Affairs Article 45**

The administration of the court shall include the affairs ensuring orderly and timely work and operations of the court and in particular: internal allocation of tasks in the court; allocation of lay judges; activities related to expert witnesses and registered court interpreters; considering complaints and applications; managing information system; maintaining prescribed records and reports; the work of registry office and archive office; financial and material operations; handling deposits and notarisation of documents to be used abroad.

### **Work Reports Article 46**

The president of court shall submit the work report of the court to the Judicial Council and the Ministry no later than 10 February of the current year for the previous year.

On the request from the Judicial Council, the president of court shall submit special and/or interim reports within time limit determined by the Judicial Council.

The courts shall submit special reports needed for reporting to the European Union and international organisations as well as for monitoring the appliance of regulations.

The president of court shall be responsible for the accuracy of data mentioned in the report.

### **Court files Article 47**

The court files are made up of case documents related to judicial proceedings and included in the list of files.

Designation of the court files must be uniform for all the courts of a certain type and level in Montenegro.

The method of designating of the court files shall be regulated by the Court Rules of Procedure.

### **Restoring Court Files Article 48**

If the court files have been totally or partially lost, destroyed or damaged so that they can no longer be used, the procedure for restoring the files shall be initiated.

Restoring of the court files shall be conducted according to the rules of non-contentious proceedings, in line with the provisions governing the annulment of documents in a non-contentious proceeding.

The procedure for restoring court files shall be initiated by the court ex officio when the files relate to the proceeding which have not been completed by a final and enforceable decision.

If the proceedings the files relate to have been completed by a final and enforceable decision, the procedure for restoring the court files shall be initiated by the party or other person who has a legal interest to have the court files restored.

This procedure referred to in Article 4 may not be initiated upon the expiry of the time period set for keeping the court files in the archives.

The procedure for restoring the court files shall be conducted by a single judge or the president of the panel who conducted the first instance proceedings these files relate to, and if that judge is no longer a judge of that court, the president of court shall designate a judge who shall conduct the procedure for restoring the court files.

The procedure for restoring the court files shall be governed by the rules of evidence prescribed by the rules of such judicial proceedings as were conducted concerning the case the files of which need to be restored, but at all times the court shall have the power to, for the purpose of the restoring the files, use the transcripts of the files in possession of the parties, the court or third persons, the data from the registers and statements of witnesses, expert witnesses and other participants in the proceedings the files of which are being restored.

When restoring the files of pending proceedings the court shall endeavour to restore all the files, and when restoring the files of the case which was completed by a final and enforceable decision, the court shall limit itself to the files which are of considerable significance to the proceedings and legal interests of parties or other persons.

## **Supervision over the Court Administration**

### **Article 49**

Supervision over the performance of administration activities in courts shall be exercised by the Ministry.

When carrying out supervision, the Ministry may not undertake actions which would influence decision-making of the court in court cases.

## **Inspection Supervision**

### **Article 50**

*(Law Amending the Law on Courts, Official Gazette of Montenegro No. 076/20 of 28 July 2020, Article 7)*

The Ministry, through the judicial inspector, shall perform inspection supervision of courts in relation to the organisation of work of courts in accordance with this Law and of the application of the Court Rules of Procedure in the area of judicial administration, especially in relation to:

- 1) random case allocation;
- 2) the work of registry office and archive office;
- 3) keeping official records as prescribed;
- 4) other tasks related to proper work and operation of judicial administration.



## **Judicial Inspection**

### **Article 51**

*(Law Amending the Law on Courts, Official Gazette of Montenegro No. 076/20 of 28 July 2020, Article 8)*

A person who meets the requirements for a judge of the Administrative Court may be appointed as a judicial inspector.

A person who has passed the bar exam and having at least eight years of work experience in legal affairs, out of which five years at least after passing the bar exam, may be appointed Chief Judicial Inspector.

A person who has passed the bar exam and having at least six years of work experience in legal affairs, out of which at least three years after passing the bar exam, may be appointed as a judicial inspector.

The Chief Judicial Inspector is classified in the category of expert-managerial staff level 1 in terms of the law governing the rights, obligations and responsibilities of civil servants and employees.

The Judicial Inspector is classified in the category of expert staff level 1, the title of Inspector I in terms of the law governing the rights, obligations and responsibilities of civil servants and employees.

## **Exercising Inspection Supervision**

### **Article 52**

Inspection supervision shall be exercised in line with annual supervision plan adopted by the minister of justice by the end of the calendar year for the next year (regular inspection supervision).

Annual supervision plan shall include the courts in which, according to the results of the supervision conducted during a calendar year, supervision (control inspection supervision) has to be repeated in the next calendar year.

Annual supervision plan shall be submitted to courts in which supervision shall be conducted, no later than 31 January of the current year.

Extraordinary inspection supervision shall be determined by the decision of the Minister of Justice on the proposal of the President of the High Court, president of the immediately superior court or present of the Judicial Council.

The decision on the extraordinary inspection supervision shall be submitted to the court in which the supervision is to be conducted, at the latest a day before the beginning of the supervision.

The Ministry shall exercise inspection supervision in relation to the citizens' complaints and applications filed with regard to the activities of judicial administration.

## **Carrying out Inspection Supervision**

### **Article 53**

The inspection supervision shall be conducted by gaining direct insight into the documentation, data and the manner of work of the court or by gaining insight into the submitted documentation and data of the court.

President of the court shall facilitate smooth implementation of inspection supervision in the court or provide the required documents and information.

## **Minutes**

### **Article 54**

Minutes on conducted inspection supervision shall be taken containing data on established facts, irregularities and measures to be taken in order to eliminate the established irregularities and deadlines for taking these measures.

Minutes of inspection supervision shall be submitted to the president of the court.

If any irregularities are established by inspection supervision, the president of the court in which the supervision has been carried out may provide written comments to the minutes, at the latest within eight days of their receipt.

Minutes on the conducted inspection supervision and comments of the president of the court referred to in paragraph 3 of this Article shall be submitted to the president of the immediately superior court, President of the Supreme Court and Judicial Council.

President of the court shall remove the irregularities found in the work of judicial administration within the time limits specified in the minutes on the conducted inspection supervision.

President of the court shall inform in writing about the measures taken under paragraph 5 of this Article the Ministry, president of the immediately superior court, President of the Supreme Court and Judicial Council.

## **8. Internal Organisation and Job Descriptions**

### **Officers Article 55**

The required number of advisors, other civil servants and state employees in courts shall be established by the Act on Internal Organisation and Job Descriptions, in line with general criteria referred to in Article 29 of this Law.

Act on Internal Organisation and Job Descriptions shall be issued by the president of the court, upon approval by the Government of Montenegro, and prior opinion of the Judicial Council, Ministry and competent authorities, in accordance with the law regulating the rights and responsibilities of civil servants and state employees.

### **Secretary Article 56**

The Supreme Court shall have a secretary to assist the President of the Supreme Court in the performance of judicial administration.

The court with at least ten judges shall have a secretary of the court to assist the president of the court in the performance of judicial administration.

The Secretary shall meet the requirements specified for advisors in the court.

### **Advisors Article 57**

A person who meets general requirements for admission to employment in state bodies, graduated from the law faculty VII1 level of education qualification, passed bar exam, and meets specific requirements established by the Act on Internal Organisation and Job Descriptions of the court, shall be eligible for the position of an advisor.

Advisors shall assist the judge in his work, make draft decisions and perform other specialised tasks prescribed by law or regulations adopted on the basis of the law, independently or under the supervision of and on the instructions of the judge.

### **Head of the Court Registry Office**

## **Article 58**

A person who meets general requirements for admission to employment in state bodies, graduated from the law faculty VI level of education qualification, and meets specific requirements established by the Act on Internal Organisation and Job Descriptions, shall be eligible for the position of a head of court registry office.

## **Expert Assistance Article 59**

If necessary, the president of court may, for the purpose of obtaining the expert assistance in the work of court, engage a judge whose terms of office expired due to fulfilment of conditions for retirement pension.

The persons referred to in paragraph 1 of this Article shall be entitled to a fee in the amount determined by the president of court, at maximum 80% of the average gross salary in Montenegro in the previous year.

## **Trainee Article 60**

Trainee in court can be a person who graduated from the faculty of law with the VII1 level of educational qualification and who meets general requirements for employment in public authorities.

A separate law shall be applicable to the specific requirements and procedure for employment, duration of the traineeship and training during the traineeship.

## **Application of Other Laws Article 61**

Entering into employment and termination of employment of advisors and other administrative staff, their salaries and other rights, obligations and responsibilities, requirements for entering into employment and requirements for taking professional examination, shall be governed by legislation relating to civil servants and state employees, unless otherwise provided by this Law.

# **IV. RELATIONS BETWEEN COURTS, COURTS AND OTHER BODIES AND COURTS AND THE PARTIES**

## **Relations between Courts Article 62**

Lower courts shall have a duty to provide the courts of higher instance, upon their request, with data and information, and to enable them a direct insight into the work of the court, for the purpose of monitoring and studying the case law and conducting control over the work of the court.

At the session of court division of immediately superior court, the issues of common interest shall be discussed for courts of lower rank from the area of that court.

## **Respect of Dignity of Parties Article 63**

Court employees shall be obliged to treat with respect all parties to judicial proceedings and other citizens who are in the court building or are present when certain actions are taken in the course of judicial proceedings.

The parties and other citizens whose dignity has been injured by persons referred to in paragraph 1 of this Article shall be entitled to address the president of court by way of written petition.

#### **Right to Inspect Files Article 64**

The court shall have a duty to enable the parties and their representatives to inspect, transcribe and copy court files immediately after a request to that effect has been submitted and not later than three days.

The party or any other person who has been denied the right to inspect files shall be entitled to address the president of court by way of written petition and the president of court shall have a duty to rule that the files be made available for inspection within time limit specified in paragraph 1 of this Article.

The rules concerning the premises where the files are to be inspected, concerning the costs of transcribing and copying of files as well as the duties of the court employees shall be prescribed by the Court Rules of Procedure.

#### **Relations of the Court with the Public Article 65**

The information about the work of the court shall be disclosed by the president of court, person referred to in Article 31, paragraph 3 of this Law, or person authorised by the president of court.

The information shall be disclosed in line with this Law, Court Rules of Procedure and the law governing free access to information.

Information that could affect the conduct of judicial proceedings may not be made available to media.

For the purpose of informing the public, a separate public relations department may be established in courts.

#### **Judicial Robe Article 66**

A judge shall hear and determine cases wearing judicial robe.

The appearance of the judicial robe and the rules for wearing the robe shall be prescribed by the Court Rules of Procedure.

#### **Relations between the Court and Parties Article 67**

The relations between the court and the parties shall be prescribed in more detail by the Court Rules of Procedure.

### **V. SECURITY SERVICES**

#### **Organisation of Security Services**

## **Article 68**

Services of securing persons, property and objects of courts shall include prevention of illegal actions directed towards persons, objects and property of court, maintenance of order, prevention of bringing in stabbing weapons and firearms, explosive devices and other dangerous items or substances into the courtroom, as well as prevention of destroying or disposing the assets.

Services referred to in paragraph 1 of this Article shall be provided by court employees in charge of providing security, or by legal entities authorised for providing protection and security services.

The Supreme Court may establish a service for providing court security for all courts.

## **Conditions for Providing Security Services**

### **Article 69**

A person shall be eligible for providing security services in courts if they meet general requirements prescribed for admission to employment in state bodies, and also the following conditions:

- 1) possesses III or IV level of education qualification and meets conditions for possessing and carrying weapons, in accordance with the law regulating weapons;
- 2) completed training program for execution of protection tasks;
- 3) in the year that precedes the year of entering into employment, they were not punished for breaching public order with elements of violence for which a prison sentence has been prescribed, the offence prescribed by the law regulating weapons or offence prescribed by law regulating protection of persons and property.
- 4) there are no other circumstances indicating to misuse and/or illegal performance of protection tasks (frequent or excessive use of alcohol, psychoactive substances, conflict or incident behaviour).

Previous check of fulfilment of the requirements referred to in paragraph 1 of this Article shall be conducted by the body in charge of police affairs, and if needed, in cooperation with the National Security Agency, with the previous consent of the person who is being assessed.

## **Security and Authorisation Services**

### **Article 70**

Security services shall be performed by using means of coercion, namely: physical force, baton, restraint devices, chemical substances and firearms (pistol).

In performing security duties, a person performing security duties shall be authorised to:

- 1) establish the identity of persons entering and leaving the court;
- 2) search persons entering and leaving the court and their belongings,
- 3) give warnings or issue orders;
- 4) prohibit the entrance to persons carrying stabbing weapons or firearms, or those who are reasonably suspected to carry hazardous substances, except for officers who come to court for executing work orders and who need weapons or other dangerous things for performing the ordered tasks,
- 5) detain a person caught in committing a crime until handling him over to the body in charge of police affairs;
- 6) remove from the court persons obstructing the work of the court;

7) perform other tasks, and execute orders by the president of the court relating to securing persons, property and building of the court;

Security and authorisation services referred to in paragraphs 1 and 2 of this Article shall be performed in accordance with the law regulating the protection of persons and property.

### **Procurement of Weapons Article 71**

If security services are performed by security officer referred to in paragraph 69 of this Article, permission for the acquisition of weapons for that person shall be obtained by the court, in accordance with provisions of the law regulating weapons, relating to granting a permission for the acquisition of weapons to a legal entity.

Provisions of the regulations governing the maintenance, preservation and registration of weapons shall be applied for maintenance, preservation and registration of weapons acquired in accordance with paragraph 1 of this Article.

### **Official Identity Card and Uniform Article 72**

Security officer referred to in Article 69 of this Law shall have an official identity card issued by the court and an official uniform.

Method of issuing and form of the official identification card as well as appearance of the uniform referred to in paragraph 1 of this Article shall be prescribed by the Ministry.

### **Shared Security Article 73**

For services of securing persons, property and objects referred to in Article 68, paragraph 1 of this Law, for courts placed in the same building, as well as for courts and public prosecution offices placed in the same building, a shared performance of these services may be organised.

## **VI. FINANCING THE WORK OF COURTS AND FINANCIAL AND MATERIAL OPERATIONS IN COURTS**

### **Financial Resources for the Work of Courts Article 74**

The funds for the work of courts shall be provided from a special section of the Budget of Montenegro, as a separate programme for each court.

The Judicial Council shall submit the proposal for the section of the budget referred to in paragraph 1 of this Article to the Government of Montenegro.

### **Financial Principal of the Court Article 75**

The president of court shall be the financial principal in the court.

### **Court Deposit**

## **Article 76**

The following items shall be kept in the court deposit box: cash; valuables; securities; savings and deposit books; documents; other items on the basis of a special order of the court (hereinafter referred to as the "money and items").

The method of accepting, keeping, handling, issuing, as well as proceeding in case when the time limit has expired, of money and items referred to in paragraph 1 of this Article shall be prescribed by the Court Rules of Procedure.

## **VII. TRANSITIONAL AND FINAL PROVISIONS**

### **Article 77**

Framework criteria referred to in Article 29 of this Law shall be adopted within 15 days from the day of entry into force of this Law.

### **Article 78**

The Judicial Council shall, in accordance with the law, adopt a decision on a number of judges in courts, within 15 days from the day of adopting the general framework referred to in Article 77 of this Law.

### **Article 79**

Acts on Internal Organisation and Job Descriptions of misdemeanour courts and High Misdemeanour Court shall be adopted within 30 days from the day of election of presidents of misdemeanour courts and president of the High Misdemeanour Court.

### **Article 80**

Acts on Internal Organisation and Job Descriptions of the Commercial Court of Montenegro, Higher Court in Bijelo Polje and Higher Court in Podgorica shall be adopted within 30 days from the day of adoption of a decision on the number of judges referred to in Article 78 of this Law.

### **Article 81**

Public announcement for the election of judges of misdemeanour courts and High Misdemeanour Court shall be issued within 15 days from the day of adoption of a decision referred to in Article 78 of this Law.

### **Article 82**

A person shall be eligible for the position of a judge of misdemeanour court, and/or the position of a judge and president of the High Misdemeanour Court, who are to be elected until 1 January 2016, if, in addition to general requirements prescribed for admission to employment in state bodies, meets the following requirements:

- 1) misdemeanour court - a graduate of the law faculty, VII1 level of education qualification, passed bar exam and four years of work experience in legal services, of which at least two years after passing the bar exam;

2) High Misdemeanour Court - a graduate of the law faculty, VII1 level of education qualification, passed bar exam and seven years of work experience in legal services, of which at least four years after passing the bar exam;

### **Article 83**

The election of president and judges referred to in Article 82 of this Law shall be conducted according to the provisions prescribed by the procedure of the Law on Judicial Council (Official Gazette of Montenegro 13/08, 39/11, 31/12, 46/13 and 51/13), relating to the election of judges of basic courts.

Exempt from paragraph 1 of this Article, for candidates who have already performed a duty of the president and judge of regional misdemeanour body and/or a judge and president of the Council for Misdemeanours, the election shall be conducted by the application of criteria referred to Article 32 of the Law on Judicial Council (Official Gazette of Montenegro 13/08, 39/11, 31/12, 46/13 and 51/13), and evaluation of practical paper which consists of drafting a decision within competence of misdemeanour court.

Scoring of candidates referred to in paragraph 2 of this Article shall be done in the following manner: candidates referred to paragraph 2 of this Article may score a total of 100 points, based on: acquired knowledge - up to 20 points, capability to exercise judicial office - 30 points, dignity for exercising judicial office - 20 points and practical paper - 30 points.

Notwithstanding paragraph 2 of this Article, judges and presidents of misdemeanour courts and/or judges and president of the Council for Misdemeanours, who performed a duty of a basic court judge during their career, shall not draft a practical paper.

Scoring of candidates referred to in paragraph 4 of this Article shall be done in accordance with paragraph 3 of this Article, provided that their work experience shall be scored instead of practical paper.

### **Article 84**

In line with articles 82 and 83 of this Law, the function of misdemeanour judges and presidents of the regional misdemeanour bodies, appointed in line with the Law on Misdemeanours (Official Gazette of Montenegro 1/11, 39/11 and 32/14 ), shall cease on the day of election of the president of the court and one half of judges of the total judge positions in the misdemeanour court or its division, established by the decision on a number of judges referred to in Article 78 of this Law .

In line with articles 82 and 83 of this Law, the function of misdemeanour judges and President of the Council for Misdemeanours, appointed in line with the Law on Misdemeanours (Official Gazette of Montenegro 1/11, 39/11 and 32/14 ), shall cease on the day of election of the president of the court and one half of judges of the total judge positions in the High Misdemeanour Court, established by the decision on a number of judges referred to in Article 78 of this Law .

A judge and president of the regional misdemeanour bodies, respectively a judge and president of the Council for Misdemeanours, whose office terminated in terms of paragraphs 1 and 2 of this Article, shall be entitled to a wage prescribed by Article 23 of the Law on Salaries of Civil Servants and State Employees (Official Gazette of Montenegro 14/12) within one year upon the termination of office.

### **Article 85**



Before the law governing the wages in public sector starts to apply, judges and presidents of misdemeanour courts shall be entitled to a wage in the amount of 80% of the wage of judges of the basic courts respectively presidents of the basic courts, established by the Law on Salaries and Other Income of Holders of Judicial and Constitutional Court Offices (Official Gazette of Montenegro 36/07).

Before the law governing the wages in public sector starts to apply, judges and president of the High Misdemeanour Court shall be entitled to a wage in the amount of 100% of the wage of judges of the basic courts respectively president of the basic courts, established by the Law on Salaries and Other Income of Holders of Judicial and Constitutional Court Offices (Official Gazette of Montenegro 36/07).

### **Article 86**

Misdemeanour courts and High Misdemeanour Court shall take over pending caseload of the regional misdemeanour bodies and the Council for Misdemeanours respectively, within 15 days from the day of election of presidents of courts and judges of the misdemeanour courts and president of the court and judges of the High Misdemeanour Court in line with Article 84, paragraph 1 and 2 of this Law.

If for a misdemeanour court or its division a number of judges have not been elected in accordance with Article 84 paragraph 1 of this Law, the regional bodies with territorial and subject matter competence shall continue working on pending caseload of the regional misdemeanour bodies, until the necessary number of judges have been elected in misdemeanour courts and its divisions.

If a necessary number of judges have not been elected in the High Misdemeanour Court in accordance with Article 84 paragraph 2 of this Law, the Council for Misdemeanours shall continue working on pending caseload of the Council for Misdemeanours as well as on the cases falling within the competence of the Council for Misdemeanours until the necessary number of judges has been elected in the High Misdemeanour Court.

### **Article 87**

Civil servants and state employees employed in the regional misdemeanour bodies or Council for Misdemeanours shall be taken over by misdemeanour courts and High Misdemeanour Court respectively, which, in line with prescribed competence, shall take over conduction of misdemeanour proceeding, and they shall have the status of employees in that court until their reassignment in accordance with the Act on Internal Organisation and Job Descriptions of those courts.

A civil servant or state employee who cannot be reassigned in accordance paragraph 1 of this Article, because of no available job positions that they are meeting the requirements for, shall be made available, and on those grounds they shall exercise rights and obligation in accordance with regulations on civil servants or state employees.

### **Article 88**

On the day of election of presidents and judges of misdemeanour courts, in accordance with Articles 82, 83 and 84 of this Law, equipment and premises of the regional misdemeanour bodies shall be taken over by misdemeanour courts, in accordance with territorial and subject matter competence prescribed by Article 9 of this Law, as well as in accordance with the identified needs of these courts.

On the day of election of the president and judges of the High Misdemeanour Court, in accordance with articles 82, 83 and 84 of this Law, equipment and premises of the Council for Misdemeanours shall be taken over by the High Misdemeanour Court.

#### **Article 89**

The Judicial Council shall reach a decision on transfer of judges of the Commercial Court in Bijelo Polje to vacant judge positions in another court within 30 days from the day of adopting a decision on the number of judges referred to in Article 78 of this Law.

#### **Article 90**

Civil servants and state employees employed in the Commercial Court in Bijelo Polje shall be taken over by the Commercial Court of Montenegro and they shall have the status of an employee in that court until their reassignment in accordance with the Act on Internal Organisation and Job Descriptions.

A civil servant or state employee who cannot be reassigned in accordance paragraph 1 of this Article, because of no available job positions that they are meeting the requirements for, shall be made available, and on those grounds they shall exercise rights and obligation in accordance with regulations on civil servants or state employees.

#### **Article 91**

The cases which, until the day of entry into force of this Law, are a part of workload of the Commercial Court in Bijelo Polje shall be taken over by the Commercial Court of Montenegro, within 30 days from the day of entering into force of this Law.

#### **Article 92**

Premises and equipment of the Commercial Court in Bijelo Polje shall be taken over by the Basic Court in Bijelo Polje and High Court in Bijelo Polje, in accordance with the identified needs of these courts.

#### **Article 93**

The cases received by basic courts until the day of entry into force of this Law shall be completed by the courts having competence according to the previous legislation, until the procedure is completed by a final and enforceable court decision.

#### **Article 94**

Cases received by the Special Division of the High Court in Bijelo Polje until the day of entry into force of this Law shall be completed by that division until the adoption of the first instance decision.

If after the entry into force of this Law, the first instance decision referred to in paragraph 1 of this Article is overturned, such cases shall be handed over to the Special Division of the High Court in Podgorica.

#### **Article 95**

Performance of tasks that involve securing of persons, property and facilities in accordance with Articles 68 through 73 of this Law shall start on 1 July 2015.

#### **Article 96**

Secondary legislation in accordance with this Law shall be adopted within six months period from the day of entering into force of this law.

#### **Article 97**

Provision of Article 99 para. 3 and 4 of the Law on Courts (Official Gazette of the Republic of Montenegro 5/02 and 49/04 and Official Gazette of Montenegro 22/08, 39/11 and 46/13), shall be applied until the beginning of application of the law regulating wages in public sector.

#### **Article 97a**

*(Law Amending the Law on Courts, Official Gazette of Montenegro No. 076/20 of 28 July 2020, Article 9)*

Provisions of Article 14 paragraph 1 item 7 and Article 18 paragraph 2 item 5 of this Law shall apply on the day the law regulating alternative dispute resolution begins to apply.

#### **Article 98**

On the day this Law enters into force the Law on Courts (Official Gazette of the Republic of Montenegro 5/02 and 49/04 and Official Gazette of Montenegro 22/08, 39/11 i 46/13) shall cease to apply apart from the provisions referred to in Art. 31 and 32 which will cease to apply on the 1 January 2016.

#### **Article 99**

This Law shall enter into force on the eighth day following that of its publication in the Official Gazette of Montenegro.